LEGISLATIVE COUNCIL

Thursday 22 May 2003

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

The President offered the Prayers.

VICTIMS LEGISLATION AMENDMENT BILL

Bill received and read a first time.

Motion by the Hon. Tony Kelly agreed to:

That standing orders be suspended to allow the passing of the bill through all its remaining stages during the present or any one sitting of the House.

Second reading to stand as an order of the day.

PETITIONS

Age of Consent

Petition supporting a uniform age of consent of 18 for males and females, stronger criminal penalties to protect children, and the removal of a statutory defence, opposing legislative retrospectivity and praying that these issues, if presented, be dealt with in separate bills, received from **Reverend the Hon. Fred Nile**.

Family Impact Commission Bill

Petition praying that the integrity of the family unit be encouraged by support for the Family Impact Commission Bill in its current form, received from **Reverend the Hon. Fred Nile**.

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (JOINT PARLIAMENTARY COMMITTEE) BILL

Second Reading

Debate resumed from 8 May.

Reverend the Hon. FRED NILE [11.08 a.m.]: The Christian Democratic Party supports the bill, which was introduced by the Deputy Leader of the Opposition. Everyone is aware of the importance of the role of the State Electoral Office. The committee, which the bill will establish, will give support and assistance to the Electoral Commissioner to carry out his heavy duties. The object of the bill is to amend the Parliamentary Electorates and Elections Act 1912 to establish a joint parliamentary committee to be known as the Committee on the State Electoral Office, which will have the power to veto the proposed appointment of persons as Electoral Commissioner, and monitor and review the exercise by the Electoral Commission of the commissioner's functions under the Parliamentary Electorates and Elections Act 1912 and any other Act. The functions of the committee will not extend to the monitoring or reviewing of a decision made by an electoral officer or officials in the scrutiny of votes in a particular election.

The bill will insist that the person appointed as Electoral Commissioner be someone above criticism and able to carry out that very important role without any political bias or prejudice. I do not know of any electoral commissioner who has been criticised. Normally in those circumstances a veto would be applied. It is important for that power to be available, if required. I do not believe that would ever be necessary because the availability of the power would be further insurance that, irrespective of which political party was in power, the person who was appointed would always be above criticism.

The Electoral Commissioner indicated that budget restrictions have limited certain activities that some members of the House would like carried out by the State Electoral Commission, for example, investigations.

Over the years I have requested that investigations be carried out, and it has been pointed out to me that it is difficult to do that without an investigations staff. There are no staff at the State Electoral Commission whose role is to investigate whether a party has made misrepresentations in its application for registration. I am aware that the commission writes to members of Parliament, but that is more of a clerical approach.

There are no field investigators whose role is to interview people and conduct investigations. I believe that if a joint parliamentary committee were established, the Electoral Commissioner could give evidence about inquiries conducted by the commission and various other matters. Moreover, the committee would be able to ascertain the areas of responsibility of the Electoral Commissioner that need more support and provide backup for the commissioner in carrying out his very important duties. The Christian Democratic Party supports the bill.

The Hon. PATRICIA FORSYTHE [11.11 a.m.]: I strongly support the bill introduced by the Deputy Leader of the Opposition. I wish to put a brief perspective on this issue, but in doing so I mean no personal criticism of any particular returning officer. I have been involved in the very close scrutiny of election results for two seats during the years I have been a member of Parliament, and I have been closely involved in Federal elections. I wish to contrast the conduct of electoral office processes in the 1995 election for the seat of Manly with the 2003 election for the seat of Willoughby. In both cases I closely watched the scrutiny of every vote for every day of the count. In 1995 in Manly we had an outstanding returning officer who was well briefed, and we had most adequate rooms in which to conduct the count. Moreover, the returning officer ensured that all polling clerks were briefed and he was able to give clear instructions to the staff and keep representatives of each of the political parties informed. In my view that person was appropriately trained and adequately resourced.

I contrast that with what I saw in the electorate of Willoughby during the recent State election. The accommodation that was provided for the returning officers was not as it should be, namely, a large room and perhaps some small offices; rather, it was a series of small offices. Except for on the Sunday recount, which was done in small groups and extended well into the evening—I returned home at approximately 9.30 p.m.—there was not a single room that would permit a sufficient number of tables and people to count the significant number of votes. We were using the former offices of some business in the Willoughby electorate and, as offices go, the space was totally inadequate for the task of counting votes.

I suspect that premises in the Willoughby electorate would have low vacancy rates and high rents, and that the State Electoral Commission was probably constrained in its choice of available premises. The issue of resources becomes very relevant. The sheer physical nature of the premises certainly impacted on the work of the polling officials and the capacity of all party representatives to conduct adequate scrutiny. If a joint parliamentary committee were established it would be appropriate for it to examine the adequacy of resources to enable the work of the State Electoral Commission to be carried out appropriately. The resources for the task in Willoughby were most inadequate.

Over and above that—and I reiterate that I do not want this to be construed as personal criticism—the level of training of the staff, from the returning officer through to the polling clerks, was woeful; it was totally inadequate. The clerks showed a total lack of understanding of the role of scrutineers. The comment was frequently made that scrutineers were present because they thought the polling clerks were doing something dishonest. They had no appreciation of the need for scrutineers to obtain an understanding of the result, forecast the result, and look at preference flows. They even did their best to make sure the scrutineers could not make a preference determination. It was an absolute shambles. In the counting for the Manly electorate in 1995 I can only assume that the staff had been adequately trained, that adequate resources had been provided and that there was a very well briefed and efficient returning officer.

The absurd lack of training of the people at Willoughby came to a point on the last Monday of the count before the requested recount took place. The returning officer instructed his polling clerks as to how the distribution of preferences was to be conducted. He advised them to eliminate the last candidate at each booth to achieve an outcome. That advice was simply wrong. I see the Hon. Amanda Fazio smiling because she was there on a number of occasions and realises how wrong that instruction was. The protests from all the scrutineers were loud and strong. I was fortunate to have with me on that occasion a former member for Wakehurst, John Booth, who is a well experienced scrutineer. He borrowed my mobile phone and contacted the State Electoral Commission.

A stop was put to the process, but three booths had already been counted. They had to be re-sorted and the State Electoral Commission felt it was necessary to send out the Deputy Electoral Commissioner and others to supervise the remainder of the process. I again point out that I do not make these remarks as personal

criticism of any individual, but there was a clear lack of understanding of the process and a lack of proper training of the staff. At the end of the day, that comes down to the selection and training of polling clerks, and the training that is given to the returning officers.

The Hon. Duncan Gay: And the resources.

The Hon. PATRICIA FORSYTHE: As the Deputy Leader of the Opposition says, at the end of the day it is a question of resources. One wonders what would happen if the government of this State should depend on the result of polling in one electorate. In Willoughby we could not conduct an accurate count of votes for days because on many occasions we were denied the opportunity of seeing the preference flows, despite our best efforts and protests. If the Government of this State had depended on that standard of process, the State would have been inadequately served owing to the inadequate offices and the inadequate training of staff. I cite that as an example and entreat members of the House to think about examples they might have seen. It was totally inappropriate and inadequate. The only way to ensure that it does not happen again is to establish a proper oversight committee, as is the case with other commissions in this State. I strongly urge the House to support this legislation.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [11.20 a.m.]: I support the bill, although I have some misgivings about it. No doubt the problems identified with the State Electoral Office [SEO] are real and something needs to be done about them. That office, which is small by national standards, obviously does not have enough funding to do its job. It has a poor computer program that experienced problems during the election, but eventually it ran properly. Surely some money could have been spent on entering data in a dummy run to allow the processing to go ahead. The Government has been dishonest in allowing this to happen; I believe it massively changed the voting system in the upper House and did not give the SEO a sufficient budget to advertise the fact. As all the preferences from the minor party candidates were exhausted the Government gained the result it wanted, which was far more seats than the percentage of its vote warranted.

That attack on democracy by the Government was compounded by the Just Vote 1 campaign. The Government used that campaign extensively in the Auburn by-election, where on every road approaching the polling booths there were Just Vote 1 notices. To say that the Government is not to blame for what the Labor Party does is to draw a very long bow. One could not seriously consider that idea. The idea that the Government cannot control its party when it wants to control everyone else in the State is an absurd notion. The party contesting the election was quite happy to put up posters, which made certain that the Liberals, who had tied up a lot of preferences funnelled to them, would not succeed in their tactics. Most people assumed the posters were put there by the SEO for the information of the public. The Liberals, having criticised that process, did exactly the same thing in the recent State election with their Just Vote 1 posters.

Those two groups, which are well funded by developers and others, undertook disinformation campaigns, but the State Electoral Office had no significant funding to run any electoral information campaign at all. The solution suggested in this bill is that a parliamentary committee supervise the functions of the State Electoral Office. That is all very well, but having seen the way in which the major parties have succeeded in increasing their percentages of the seats relative to the votes, thus rendering that electoral system in this State less democratic than it was by mutual agreement, I have some doubt that a parliamentary committee is the way to solve the problem. The power should go back to the people.

The Hon. Duncan Gay: The committee is to supervise the election.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: No, the committee is to supervise the State Electoral Office, which obviously may well influence the way it works. We have not gone to the farcical situations of the Indonesian or American systems. The Americans have hanging chads, pregnant chads, different voting systems in each State, deliberate non-enrolments in specific areas, and Supreme Court voting exactly in proportion to those who appointed it as if the separation of powers does not exist. And, surprise, surprise, America has ended up with a President who did not attract the majority of votes, and he then took the world to war by making major foreign policy decisions. This State has not quite reached that farcical stage, but we need to have an electoral system that works. Disregarding the ribald interjections, it must be acknowledged that changes to the State Electoral Office have delivered to the major parties a greater percentage of the seats than they had before. Effectively, that was a structural gerrymander.

Additionally, as the SEO is not funded it cannot sufficiently explain the electoral system to the public. As election advertising begins—funded by developers and other vested interests to the major parties—there is

increasing management by the media and increasing spending on election campaigns to the point where we follow the American route. According to the psephological journals everyone follows the American system so that money can be turned into votes. Of course, what is needed in a democracy is the will of the people to be turned into policy, not money to be turned into a conning system. The Government has gone one step further: it has more minders and more control at a Cabinet level than has ever been achieved in the history of government in New South Wales. Certainly there needs to be some restriction on election advertising and on the almost endless budget for minders and spin doctors. At the recent election that process resulted in taxpayers effectively funding the Government's propaganda machine in a way that has not happened since Goebbels's time.

A lot needs to be done to make New South Wales a purely democratic State. Personally I regard the only proper democracy to be one that has a proportional representation system under which the number of votes corresponds to the number of seats in Parliament and that there be a spectrum of opinions in the Parliament as there is a spectrum of opinions in the committee. Legislation should not go through in a pure form which just one section of the Parliament, the Government, wants. In business and industry every proposal is modified in an attempt to achieve a consensus, rather than have a winner-take-all or first-past-the-post distorted voting system. Those problems with democracy need to be addressed. Control of the SEO and a lot more effort in checking the registration of voters are needed; it is critical to avoid gerrymanders.

The Hon. Duncan Gay: This is not control of the SEO.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I acknowledge the interjection by the Deputy Leader of the Opposition. I am merely talking about the problems with the workings of democracy in New South Wales. Admittedly the workings of the SEO and the committee overseeing it will not solve all these problems. However, if we do not define the problems we will not go very far to solve them. The conservatives have taken more interest in the rorting of voting systems, and established a strong case that that has occurred. That problem needs to be given more attention than has been given in the Australian political consciousness to date. Obviously strengthening the SEO is a start along that road. Bringing the office under the review of a parliamentary committee at least means that it will have more scrutiny than it has hitherto. Therefore, I support the bill. However, as I have outlined previously I have various other problems with democracy in Australia, particularly in New South Wales, which I will address at another time and possibly with other legislation.

The Hon. JENNIFER GARDINER [11.27 a.m.]: I support the initiative of the National Party and the Opposition in introducing a bill to amend the Parliamentary Electorates and Elections Act so that in New South Wales we have a committee of both Houses of the Parliament to oversight some aspects of the administration of the electoral laws by the State Electoral Office. The committee would monitor and review the exercise by the Electoral Commissioner of the commissioner's functions under the electoral laws of New South Wales. Although honourable members have made it clear, it is important to note that a parliamentary committee would not interfere with the electoral process. Of course, that would replicate the operations of the parliamentary oversight committee in relation to the Independent Commission Against Corruption and the parliamentary committee which oversights the NSW Ombudsman and the Police Integrity Commission. The Australian Electoral Commission, through a process of interrogation, was able to educate people. Some of its operations, such as scanning and its computerised analyses of votes, were not well understood by the general public.

The Hon. John Della Bosca: Through a process of inquisition.

The Hon. JENNIFER GARDINER: In those early stages it could have been seen as a bit of an inquisition. It helps professionals in electoral offices if they are able to put their case in the public domain. They are better able to explain the processes. It also keeps them on their guard and it ensures that they account for their activities in any election campaign. So a report is regularly presented to the Parliament on the conduct of each general election.

The Hon. Duncan Gay: It is better to be accountable to the Parliament rather than just to the Premier or a Minister.

The Hon. JENNIFER GARDINER: I think it is essential. Even if it is wrongly based there is always a suspicion that some deal might be done behind the scenes. Other honourable members have referred to the resources of the State Electoral Office. I reinforce some of the comments that were made earlier by the Hon. Patricia Forsythe. In 1995 counting for the seat of Bathurst was conducted in a function room while kitchen preparations were going on—a totally undesirable venue for that important process. Of course, that was a close seat.

The Hon. Duncan Gay: A very small number of votes.

The Hon. JENNIFER GARDINER: In the end, just a handful of votes determined the seat. In 1999 the same thing occurred. The venue, which was Dubbo courthouse, should have been seen as a reasonably secure venue. However, I do not think I have ever seen a less secure venue. Garbage bags full of ballot papers were left for days in the main entrance of Dubbo courthouse. While the court was not necessarily in session, people were going about their daily business.

The Hon. John Della Bosca: We have reason to be paranoid too.

The Hon. JENNIFER GARDINER: I am not suggesting that the Minister does not have good reason to be paranoid. That is why the Coalition believes there should be some scrutiny. We should be helping the State Electoral Office to put its case for resources more strongly in the Parliament.

The Hon. Duncan Gay: What about Bathurst?

The Hon. JENNIFER GARDINER: Vote counting in Bathurst in 1978 was one of the all-time classics. A ballot box was found under a whole pile of stuff in a counting room at Bathurst. The National Party, which was very disturbed about it—and I do not doubt that the Labor Party was disturbed about it—issued an injunction as to the declaration of the poll at that point. It was obvious that the place was in complete chaos. That was one of the most famous cases. During counting it was decided that the ballot boxes had to be locked up in the police cells. So every night the ballot boxes were sealed, taken to Bathurst police station and locked in the gaol. Every morning David Simmons, Mick Clough's wife and I would go to the gaol and release the ballot boxes so that they could be counted.

The Hon. Duncan Gay: In 1984 Murrumbidgee was similar.

The Hon. JENNIFER GARDINER: Murrumbidgee was an all-time classic. State district returning officers are not appointed for the full life of a parliament; they are appointed only for a particular general election, unlike the full-time officers of the Australian Electoral Commission. The seat of Murrumbidgee was held by the Australian Labor Party for 43 years. Adrian Cruickshank was the National Party candidate. In that election the seat was determined on preferences.

The Hon. John Della Bosca: Peggy Delves was the Labor candidate.

The Hon. JENNIFER GARDINER: Peggy Delves was the Labor candidate. The district returning officer [DRO], who was counting the ballot, was about to announce that the Labor Party had won the seat. However, that was because the Labor Party had always won the seat of Murrumbidgee. The district returning officers, who had never had to count preferences before, did not know how to do it. The National Party received a phone call from a district returning officer who said that the seat was about to be won by the Labor Party, but the numbers just did not stack up. The National Party put Sir Adrian Solomons on the next plane and he ascertained that the DRO simply did not understand that he had to count preferences if the Labor Party had not received 50 per cent, plus one. That was an extraordinary event. In the end Adrian Cruickshank, and not Mrs Delves, was rightly elected. That is another classic example of why some of these things must be exposed. In the case of the Australian Electoral Commission—

The Hon. John Della Bosca: There were other great by-elections.

The Hon. JENNIFER GARDINER: Gwabegar, Gosford, Coogee and The Entrance come to mind. I could go on. Perhaps I should write a book about it. The most famous by-election that I know about is the one in Tenterfield—Tim Bruxner could tell honourable members about this by-election—where the district returning officers used to ring in the votes. When there are really close seats the Prime Minister might not know whether the Government is going to be returned. Throughout the 1990s the Australian Electoral Commission held what might be called close seat seminars, which involved professionals from various political parties. Members of political parties and candidates who attended those seminars were able to establish how to make things flow a little better so that there were fewer misunderstandings.

As a result, the Australian Electoral Commission became more professional and it was seen to be less controversial. It is less stressful for everyone if they have a better understanding of the processes. It is good that the Australian Electoral Commission has been able to take into account the views of other people. I support the

Parliamentary Electorates and Elections Amendment (Joint Parliamentary Committee) Bill. It would be in the interests of the public if the State Electoral Office were to become more professional. It might also help the Parliament to better understand some of the electoral processes. The committee's terms of reference include a provision that requires the Parliament to refer particular matters of interest to it. Some specific issues, such as counting processes and constitutional provisions relating to the upper House could at some stage be referred to the committee for further analysis. Some aspects probably need updating. The Parliament in its wisdom could refer those matters to this committee. I commend the bill.

The Hon JOHN DELLA BOSCA (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [11.38 a.m.]: The Government does not support the Parliamentary Electorates and Elections Amendment (Joint Parliamentary Committee) Bill in its present form. As has already been stated in debate on the second reading, the Commonwealth Parliament established a joint standing committee that can inquire into the holding of each election and other broad subjects relating to electoral matters and electoral reform.

The Commonwealth committee examines and reviews electoral policy based upon the experience of each election. The Government accepts the notion that there is some merit in establishing a joint committee in similar terms to that established by the Commonwealth Parliament. A committee of this type would also provide a useful forum in which to consider broad electoral reform in an open and consultative manner. In that sense, we are committed to discussing the bill of the Deputy Leader of the Opposition in its current form but we will not support the legislation as drafted. The bill seeks to establish a joint parliamentary committee that differs from the Commonwealth Parliament's joint standing committee in some significant respects. The bill is not sufficiently focused on broad electoral reform but seeks specific oversight, targeting—I do not use that word in an offensive manner—the activities of the Electoral Commissioner and the operations of the State Electoral Office.

The Hon. Duncan Gay: It is based on your legislation for ICAC so that is a criticism of your legislation.

The Hon. JOHN DELLA BOSCA: There are horses for courses, and the administrative arrangements that apply to the Independent Commission Against Corruption would clearly not apply to the State Electoral Office. Apart from anything else, there is consensus even in this Chamber that the office operates efficiently and professionally. The Deputy Leader of the Opposition seems to be particularly concerned about the count in the recent Legislative Council elections. The Government recognises that the public, and indeed candidates standing for election to this Chamber, would like to see election writs returned as soon as possible so that the electorate and the candidates might know the result. Therefore, the Government immediately sought advice from the Electoral Commissioner as to the causes of the recent problems and delays and questioned whether practices could or should be changed to improve the process in the future. The Electoral Commissioner advised that the problems that delayed the count were the result of a configuration problem with the computer software and a subsequent data entry problem. These technical problems have now been identified and resolved and the Electoral Commissioner has advised that they will not occur again in the future.

However, notwithstanding the technical problems that were the subject of considerable media comment during the counting of votes in the recent election, I note that the final Legislative Council result was still made known earlier than in any previous elections. The result was declared only 24 days after polling day, which is almost 30 per cent quicker than in 1995 and four days quicker than in 1999. The result was declared despite a 31 per cent increase in the number of postal votes admitted to the count compared with 1999. If the technical faults with the computer had not occurred the result would have been declared even earlier. On the surface, there is no evidence of any problems with the systems and associated procedures for vote counting or with the administration of the State Electoral Office. In fact, like other honourable members who have spoken in this debate, I take this opportunity to congratulate the senior officers of the State Electoral Office, the Electoral Commissioner and the Deputy Electoral Commissioner on their efficiency and professionalism. It is generally agreed that they displayed great integrity in carrying out the onerous tasks of preparing for and conducting the election and of scrutinising and counting the votes.

I am pleased to note that on election night a new computer system was introduced that allowed results to be displayed on the tally board and on the Internet within three minutes of their being entered by returning officers in the electoral districts. This improvement made information available sooner, and the Government looks forward to its continued use in future elections.

The Hon. Don Harwin: There's still no two-party preferred voting results on the web.

The Hon. JOHN DELLA BOSCA: I think the Hon. Don Harwin will be sad the day that happens because it seems to me that all the fun has gone out of Commonwealth election nights. The priestly esteem in which party officials were held because they were the only ones who could interpret the bizarre statistics and make early, reasonably reliable guesses about the likely winners has evaporated quickly. The computer has displaced their unique insight at Commonwealth elections. The game of chess has been similarly affected by technology. First they invented a computer that could beat an average human chess player but not a good player. They then invented a computer that could beat everyone except the top 100 chess players and the 40 grandmasters. They then invented a computer that could beat the grandmasters apart from the world chess champion. Now I think a computer has beaten the world champion more times than he has beaten it. That is sad, but the march of technology is irrevocable.

The Hon. Duncan Gay: In the past, conservatives doing ABC commentary were confronted with the old computer system that assumed a Labor win and worked back from there. That was always disconcerting on election night. Technology has now gone beyond that.

The Hon. JOHN DELLA BOSCA: The Australian Electoral Commission has a rather dastardly piece of software nicknamed the Grim Reaper—that may even be its official name—that calculates alignments of swings by polling booths in each electorate infinitely faster than any human being could. I had the misfortune to be in Bankstown on the evening that the Keating Government was defeated and the Grim Reaper knew before anyone else exactly what had happened. I do not know whether it calculated the result from the platform of a Labor win or a Labor defeat, but the outcome was the same.

Although the jurisdiction of the proposed committee is to be limited so that it cannot monitor or review a decision made by an electoral official in scrutinising votes, there is some anxiety—we would have to resolve this problem before adopting the model—that it could undermine the authority or integrity of the electoral process. Furthermore, the Electoral Commissioner could spend much of his or her time appearing before the committee answering questions and responding to complaints. We would not want to compromise either the resources of the State Electoral Office or the commissioner's integrity. The proposal could place unnecessary and inappropriate strains on the resources of the State Electoral Office so before the framework of any committee of review is established we will need to be satisfied, as a responsible Parliament, that that will not occur. I think we are lucky that our electoral process and our officers are respected widely for their competence and integrity. There is a valid role for the Electoral Commissioner in advising Parliament on electoral reform generally. However, it would obviously not be appropriate for the Electoral Commissioner to deal with complaints and appear before an oversight committee—

The Hon. Duncan Gay: The commissioner doesn't have a vehicle.

The Hon. JOHN DELLA BOSCA: That is conceded in the substance of my remarks. I am simply highlighting those areas where the Government believes caution would have to be exercised. I think all honourable members should ask: Should a body such as this function as an oversight committee or as a committee of review? The Government believes it should be a committee of review designed to improve the framework of parliamentary scrutiny, and there is support for that view. The problem with this bill as it is currently devised is that it crosses the line between review and control. We do not want to put another check on the commissioner as that would compromise both his real and notional independence.

A number of checks and balances are already built into the process, which I think all political parties and candidates have found to be satisfactory. As a final resort there is an entitlement to apply to the Court of Disputed Returns to challenge a result in a particular election. However, every petition to the Court of Disputed Returns must be filed with the court within 40 days of the return of the writ. This ensures that such matters are dealt with in a timely manner. We would not want a dispute about the integrity of an election result to drag on for months or years as it would affect the perception of Parliament and of any government elected under such a cloud.

The Hon. Duncan Gay: This committee is not going to change the result.

The Hon. JOHN DELLA BOSCA: I appreciate that. However, we want to make sure that the framework does not allow an election result to become a feature of any review. We would not want to create uncertainty about results, although we accept that any review of the process must be seen to have integrity.

Parliament gives the commissioner the capacity to critique the work of the office, and the Government accepts the validity of that aspect of the bill. Other decisions of the Electoral Commissioner are already subject to review in the Supreme Court, as highlighted by the recent cases involving the registration of particular parties.

I also note that individuals can appeal to the Local Court if they disagree with a decision of the Electoral Commissioner. There is provision for powers for the Local Court to make decisions concerning enrolments on the electoral roll. Further, the Electoral Commissioner is empowered to investigate any irregularities brought to his or her attention. It is important that the irregularity process also be independently examined by the commissioner as a returning officer. The commissioner may well be subject to Parliamentary review about his processes and systems for doing that but we do not want to convert that role into one that would be supervised or controlled by the Parliamentary committee. I think that would be to the detriment of the electoral process.

The Hon. Duncan Gay: Exactly the same thing applies to the ICAC commissioner.

The Hon. JOHN DELLA BOSCA: That concern requires further discussion. We do not want the committee to be turned into a vigilance authority with an Ombudsman-type focus on the carriage of the commissioner's role, but to be viewed rather as a review body that is used as a tool by this Parliament to give assistance and advice to the commissioner on behalf of members of the public and to enable the commissioner to have an ongoing review of his or her work.

Reverend the Hon. Fred Nile: A supportive body.

The Hon. JOHN DELLA BOSCA: Yes, that is a very caring and sensitive way to put it. I could tell a few war stories but I know the time of the House is marching on. The Government understands that the Opposition will agree to adjourn the debate today to the next sitting day. The Government looks forward to the balance of the debate.

The Hon. DON HARWIN [11.51 a.m.]: The Parliamentary Electorates and Elections Act has been my constant companion through most of my working life in one form or another so it is a great pleasure to speak very briefly to the bill. The establishment of a committee has been one of my strongly held views and beliefs. In fact, it is something I called for when I delivered my inaugural speech in this place. I am delighted to support the Parliamentary Electorates and Elections Amendment (Joint Parliamentary Committee) Bill introduced by the Deputy Leader of the Opposition. I am sure that he will not mind me saying that a number of my suggestions to him have been incorporated in this bill so I almost feel a sense of the joint stewardship with it. I am gravely disappointed with the Government's response. The Government effectively says that the model of committees in this House which monitor and review the exercise of important statutory officeholders—the Ombudsman, the ICAC commissioner, the Commissioner for Children and Young People and the Police Integrity Commissioner, all creatures of statute in this State—is not good enough for the Electoral Commissioner. That is absolutely extraordinary.

I refer honourable members particularly to the proposed changes to section 190. It is quite clear that the committee will only monitor and review the exercise of the Electoral Commissioner's functions. Yet the Minister suggested control of and interference in how the Electoral Commissioner could carry out those statutory responsibilities, and that is complete nonsense. To characterise the bill in that way is extraordinary. The Minister suggested that the Electoral Commissioner could be monitored and reviewed through the Local Court or the Supreme Court. The electoral system is the very basis of government and of how society is governed. All our democratic institutions and electoral processes are incredibly important in terms of their effect on government, on the way we elect our governments, and through that on how we live our lives. The Minister suggested that, unlike the ICAC commissioner, the Ombudsman and the Police Integrity Commissioner, the Electoral Commissioner cannot be monitored and reviewed in exactly the same way. That is an extraordinary suggestion and I am extremely disappointed.

The Minister compared the proposed committee to a committee in the Federal Parliament, but I am surprised that he did compare it to the existing committees that are creatures of statute and are appropriate models in this Parliament. The Minister made one valid point in relation to the structure of the functions of the joint committee with which I agree. There has been an oversight in not making sufficiently clear that review of the Act, and of electoral legislation generally, needs to be made a stronger focus of the proposed committee. However, that could easily be dealt with by way of amendment at the Committee stage.

The Hon. Duncan Gay: The ICAC Commissioner attends only once a year. It is not as if the Electoral Commissioner will be at every meeting.

The Hon. DON HARWIN: Indeed. I note the valid interjection of the Deputy Leader of the Opposition. A small widening of the brief to include electoral reform could be taken care of in Committee and need not be a reason to frustrate passage of the bill. The bill offers an appropriate model. It only replicates statutory arrangements that apply to the ICAC commissioner, the Police Integrity Commissioner, the Ombudsman and the Commissioner for Children and Young People. Over the past four years I have had the great pleasure of serving on the committee that monitored and reviewed the work of the Commissioner for Children and Young People. That tremendous committee has helped to add value to the work of the commission, but it has not tried to do what the Minister said would happen with the Electoral Commissioner. This bill tries to make useful and helpful suggestions to the Electoral Commission so that it does its job better and thus makes our electoral system more effective. The Minister correctly said that the Opposition is happy for this bill to be adjourned.

Debate adjourned on motion by the Hon. Don Harwin.

QUARANTINE STATION PRESERVATION TRUST BILL

Second Reading

Debate resumed from 8 May.

The Hon. GREG PEARCE [11.59 a.m.]: In the short time available to me before question time today I indicate that the Opposition is seriously concerned about the future of North Head and the buildings located on North Head. The Opposition wants to ensure that the North Head Quarantine Station is appropriately preserved and made available for use by the public. However, having considered the bill that has been put forward by the Australian Democrats, the Opposition—

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

CITYRAIL SECURITY GUARDS

The Hon. MICHAEL GALLACHER: My question without notice is directed to the Minister for Transport Services. The Minister made this statement, as reported in today's *Daily Telegraph,* in relation to maintaining two security guards on each city rail train after 7.00 p.m.:

> There's no point just deploying across the system if there isn't a necessity. We want to make sure that the transit officers are on those lines that require policing and security.

Will the Minister now give an undertaking to all rail passengers that two transit officers will provide security on each and every CityRail train after 7.00 p.m.?

The Hon. MICHAEL COSTA: I do not know whether the quotation from the *Daily Telegraph* is accurate. If it is, it reflects the position I took yesterday, and I stand by that.

The Hon. MICHAEL GALLACHER: I ask a supplementary question. In light of the Minister's answer, can he indicate which rail lines will have a security presence of two transit officers after 7.00 p.m.?

The Hon. MICHAEL COSTA: So that there is absolutely no confusion—which there appears to be in the Leader of the Opposition—at no point have I indicated there would be two transit officers on every single train after 7.00 p.m. I have indicated that the people who manage that area will make the decision on the deployment of transit officers. That is the only sensible way to do that. Unfortunately, the Leader of the Opposition clearly has forgotten his policing background. If he cared to delve into the past, he would recognise that the appropriate way to deploy scarce resources—resources that cost the community significant amounts of money, in this case millions of dollars—is to do that based on intelligence and—

The Hon. Michael Gallacher: On which lines are they? That is why I asked the question.

The Hon. MICHAEL COSTA: Clearly, that is a matter for the people managing the area.

The Hon. Michael Gallacher: But you are the one doing away with it. You are the one making the decision.

The Hon. MICHAEL COSTA: I might remind the Leader of the Opposition that while I am the Minister responsible for overall policy, I do not manage State Rail on a day-to-day basis. We have a chief executive officer who does that. We have a board that provides corporate governance structure, and we have line managers. They will make the decision on how our transit officers are deployed, not I. It would be absurd for a Minister to be making day-to-day operational decisions in any area.

The Hon. Michael Gallacher: You got rid of the guards.

The Hon. MICHAEL COSTA: The Leader of the Opposition interjects to make the point that we got rid of the security guards. As I indicated yesterday, we are suspending the tender process because I believe the public is not getting value for the $24 million it is paying for security. The reason it is not getting value is that the security guards do not have the powers of the newly created transit officers. The public will get better value with transit officers. [*Time expired.*]

ICT CENTRE OF EXCELLENCE

The Hon. AMANDA FAZIO: My question without notice is directed to the Treasurer, and Minister for State Development. Could the Minister please inform the House about the benefits to New South Wales of the national ICT Centre of Excellence?

The Hon. MICHAEL EGAN: Almost a year ago National ICT Australia was chosen to establish Australia's $130 million ICT Centre of Excellence. One of the most important research initiatives Australia has undertaken, the centre will be on a par with leading international research centres such as MIT and Stanford in the United State of America—centres which gave birth to some of the world's most innovative and productive high technology firms. The centre was officially launched on 27 February this year at its headquarters at the Australian Technology Park. Indeed, I understand that my ministerial colleague the Minister for Community Services, representing the Minister responsible for information technology, spoke at that launch. The centre will have additional locations at the University of New South Wales and the Australian National University in Canberra.

It is estimated that the centre will generate more than 500 PhD graduates Australia-wide over the next decade. The centre will also have significant commercialisation linkages with Australian small and medium-size enterprises and larger ICT companies through collaborative research, incubator development, staff changes and information sharing. The centre is expected to attract both domestic and international investment, injecting an estimated $700 million into the New South Wales economy over the next 15 years. The ICT Centre of Excellence is already attracting overseas interest. At the end of April, for example, IBM Australia announced the establishment of a Centre for Advanced Studies to consolidate the more than $40 million that that company invests in national research each year.

The first new project under this initiative will be collaboration on open-source software with the ICT Centre of Excellence. IBM's Centre for Advanced Studies, the first outside North America, will provide Australian-based researchers with access to the company's worldwide research resources and help support Australia to remain at the forefront of ICT innovation. The New South Wales Government is pleased to be one of the core partners in the Centre of Excellence, with a commitment of $20 million to the centre over the next five years. I am confident that, through its integrated approach to innovation, education and ICT industry development, the centre will boost the capability of our ICT industry and deliver substantial productivity gains across all sectors of the New South Wales economy.

LOCAL GOVERNMENT BOUNDARIES COMMISSION

The Hon. DUNCAN GAY: My question is to the Minister for Local Government. How can councils and ratepayers have confidence in the ability of the Minister's Local Government Boundaries Commission to properly consider a large number of proposals for council boundary changes when this is the same Boundaries Commission that has previously been strongly criticised by Justice Talbot in the Land and Environment Court for failing to do its job properly in the consideration of the recent inner city boundary changes?

The Hon. TONY KELLY: There is only one proposal before the Boundaries Commission at the moment. As there are not "a large number of proposals before the Boundaries Commission, the rest of the question is irrelevant.

The Hon. DUNCAN GAY: I ask a supplementary question. Can the Minister elucidate his answer and inform the House whether the councils that were invited to make boundary change submissions were chosen on a practical or a political basis? How were they chosen?

The Hon. TONY KELLY: They were chosen on the basis of their previous correspondence.

REDBANK POWER PLANT EMISSIONS

Mr IAN COHEN: I ask the Minister representing the Minister for Infrastructure and Planning, and Minister for Natural Resources a question without notice. Following revelations in the *Sydney Morning Herald* on Tuesday 20 May that the Redbank 1 coal-tailings fired power plant near Singleton in the Hunter Valley produces more carbon dioxide emissions than any other form of energy in New South Wales, will the Minister reject the current proposal received for the next stage of the development, Redbank 2? If not, why not? Does the Minister concede that approval of this project would be completely inconsistent with the Government's programs to reduce greenhouse gas emissions? Will the Minister ensure that additional information and materials included in the Redbank 2 proposal, and submitted to PlanningNSW, that have not already been made available for public consultation are placed on public exhibition and that a reasonable amount of time is given to ensure the public is able to comment within time?

The Hon. MICHAEL COSTA: The Greens will be happy to know, given my views on greenhouse and my scepticism about some of these things, that this is not an issue for me but for the Minister for Infrastructure and Planning, and I will refer it to him.

SYDNEY ROCK OYSTERS

The Hon. CHRISTINE ROBERTSON: My question without notice is directed to the Minister for Agriculture and Fisheries. Will the Minister please inform the House of recent progress in the hatchery production of Sydney rock oysters?

The Hon. IAN MACDONALD: I am sure the Opposition will be suitably entranced by my contribution. I am very excited about recent developments in the Sydney rock oyster industry, which is worth $30 million per year. For years we have been searching for a way to boost the potential of the industry through commercial production. The New South Wales Government and the industry have worked together successfully to research and select faster-growing and more disease resistant Sydney rock oysters. As part of that research an experienced shellfish hatchery operator in Queensland was contracted to grow Sydney rock oysters, oyster larvae and spat. It is worth noting that the oysters used for the research were sourced from Port Stephens. The aim was to test whether the larvae of Sydney rock oysters could be produced at commercial levels. I am pleased to inform the House that three commercial batches of the larvae have now been produced. This is terrific news for the oyster industry.

The Hon. Malcolm Jones: In Queensland.

The Hon. IAN MACDONALD: No, not in Queensland**.** This breakthrough means that faster-growing Sydney rock oysters should be commercially produced in a hatchery for the first time during the next spring and summer. It can take up to a full year off the production cycle for Sydney rock oysters, which normally take 3½years to grow. It will provide significant savings for growers and help to reinvigorate this century-old industry. The hatchery technology will help the industry compete against interstate oysters. It could also help our producers to enter overseas markets. Most important, it could be a valuable income earner for coastal communities in New South Wales. NSW Fisheries alone has contributed $85,000 over the past six months to this research.

I am also pleased to advise the House that the New South Wales Oyster Research Advisory Committee has now secured almost $700,000 in research grants over the next three years from the Fisheries Research and Development Corporation. These funds will support the commercialisation of the hatchery production of Sydney rock oysters. This is a shot in the arm for the Sydney rock oyster industry. It will complement other work under way to ensure that we meet specific requirements to expand into export markets, particularly the United States. In answer to the interjection of the Hon. Malcolm Jones, the oyster seed stock was from Port Stephens.

CHILD PORNOGRAPHY

The Hon. MALCOLM JONES: I address my question without notice to the Minister for Justice, presenting the Attorney General. Is the Minister satisfied with the decision of magistrate Pat O'Shane to hand down to child pornographer Gary Featherstone a mere two-year suspended sentence? Although sentenced under Federal law, is this a suitable sentence for a magistrate to hand down, and is it in line with public expectation and protection?

The Hon. JOHN HATZISTERGOS: An almost identical question was asked of me yesterday by Reverend the Hon. Fred Nile. I refer the honourable member to the answer I gave on that occasion.

WAGGA WAGGA COURT ESCORT SECURITY UNIT PROTECTED DISCLOSURES

The Hon. JOHN RYAN: My question without notice is directed to the Minister for Justice. Will he elucidate on the statement in his answer yesterday in relation to protected disclosures made by officers at the Wagga Wagga court cells, in particular who assessed the statements and determined that they were not protected disclosures and when? Is it a fact that these statements included claims of physical intimidation, verbal humiliation and routine homophobic ridicule? Before these obviously sensitive statements were faxed back, less than 24 hours afterwards, to the manager who was the subject of these complaints, were any of the six officers consulted or warned beforehand? Is it a fact that four of the six officers involved are now on workers compensation stress leave? What action will he take to direct the department to handle complaints of this nature with appropriate sensitivity? Is there any chance of the manager involved in this matter being removed or transferred from his position if the claims are substantiated?

The Hon. JOHN HATZISTERGOS: A similar question was asked of me yesterday by the Hon. Catherine Cusack, but I resisted the temptation to launch into a full answer. As Ministers know, much of the information in these questions that purports to be fact is not fact. The Hon. Catherine Cusack is a very intelligent member of the shadow Cabinet. She would be well advised not to put questions in future that are incorrect. One of the things she said yesterday was that the facsimile was sent from the Wollongong regional office. There is no regional office in Wollongong.

The Hon. John Ryan: Here are the faxes.

The Hon. JOHN HATZISTERGOS: The second thing she said was that there were six protected disclosures, when in fact there were four.

The Hon. John Ryan: All the officers involved.

The Hon. JOHN HATZISTERGOS: There were actually four.

The Hon. John Ryan: There were six.

The Hon. JOHN HATZISTERGOS: Six officers were involved, two of whom had put in protected disclosures, but not on 26 April. On 26 April, which was the date identified in the question, the protected disclosures did not amount to protected disclosures. The reason that they did not amount to protected disclosures is that they dealt with management issues.

The Hon. John Ryan: What? Such as bullying, harassment, victimisation and homophobic ridicule? That is the management style, is it?

The PRESIDENT: Order! I call the Hon. John Ryan to order for the first time.

The Hon. JOHN HATZISTERGOS: The Coalition, when it was in office, sponsored this Act of Parliament. Honourable members opposite should read some of the statements their colleagues made about it. At the time the Hon. Chris Hartcher, who was a Minister in the Government, said on 15 April 1994 that the protection afforded under this particular legislation needs to be limited. He said that the protection of those who engage in this type of conduct must be limited.

The Hon. John Ryan: The truth is that they were faxed back to intimidate.

The PRESIDENT: Order!

The Hon. JOHN HATZISTERGOS: He asked me the questions and I have answered them.

[*Interruption*]

The PRESIDENT: Order! I call the Hon. John Ryan to order for the second time.

The Hon. JOHN HATZISTERGOS: Having said that, the four purported protected disclosures sent to the department are being examined. The complainants have been assured that their complaints will be treated with the same sensitivity, affording them the same level of protection against recrimination. I am advised that, at the moment, one of them is still at work, four of them are on sick leave and one of them is on workers compensation.

The Hon. Duncan Gay: That is six, not four.

The Hon. JOHN HATZISTERGOS: That is the six, but that includes the two who made protected disclosures and the other four who purported to make protected disclosures, which we are treating in the way I have identified. The investigation is now being conducted, as I indicated yesterday. The reviewing officer will make recommendations to the risk assessment committee, whereupon appropriate action will be taken to resolve the current dispute.

The Hon. JOHN RYAN: I wish to ask a supplementary question. Is it not a fact that this material was faxed back to the manager involved? Was that done with some authority? Given the sensitivity of the material, does the Minister believe that to have been appropriate, or was it a further act of intimidation against these four officers?

The Hon. JOHN HATZISTERGOS: I will await the outcome of the investigation review before commenting on the appropriateness.

FINANCIAL SERVICES COMPANIES REGIONAL HEADQUARTERS

The Hon. TONY BURKE: My question without notice is directed to the Minister for State Development. Will the Minister please inform the House about Sydney's position as a global finance and funds management centre?

The Hon. MICHAEL EGAN: I would be delighted. The New South Wales Government has actively promoted Sydney as a leading financial service centre in the Asia-Pacific. Sydney accounts for almost half of national output from the finance and insurance sector, and is home to 80 per cent of financial services regional headquarters in Australia. Australia's funds management industry has developed into one of the most significant components of the country's financial services sector, managing funds for nine million Australian investors. A recent survey of leading funds management firms conducted by Boston-based Cerulli Associates found that Australia was "the most attractive destination into which fund managers could expand". Sydney's top nine funds management companies control more than 55 per cent of the market and manage funds worth more than $360 billion

In March this year the United States-headquartered Mellon Financial Corporation opened its Australian funds management operations in Sydney. Sydney is also increasingly becoming the preferred base for fund managers' Asia-Pacific operations, in other words not just domestic operations but for the wider Asia-Pacific area. Credit Suisse Asset Management has established its Asia-Pacific headquarters—previously managed from London and New York—in Sydney. Other top funds managers headquartered in Sydney include Deutsche Asset Management Australia, State Street Global Advisors, ING, Barclays Global Investors and UBS Warburg as well as local managers AMP, Westpac Banking Corporation, Challenger and Perpetual. A vibrant managed funds industry provides Australian investors and institutions with direct access to global financial markets and to a diverse range of investment products. The rapid growth of the managed funds industry confirms the growing importance of Sydney as a global financial centre.

CANNABIS MEDICAL USE

Reverend the Hon. Dr GORDON MOYES: I ask the Special Minister of State, representing the Minister for Health, a question without notice. First, does the Minister know how much I appreciate the positive and quick response that he and the Minister for Health provided to the question I asked yesterday? Second, a

recent study of the Neuroscience Institute of Schizophrenia and Allied Disorders based at the University of Wollongong reported in March 2003 that one-third of schizophrenia patients are daily users of cannabis and that such usage is known to exacerbate psychotic symptoms and lead to more frequent relapse episodes? As Australian research shows that cannabis use interferes with the human brain's molecules and receptors known as cannabinoids, does the Government believe that it has a duty of care towards people suffering from mental illness that may result from the medical use of cannabis? Will the Minister inform the House of the research upon which the Government relies in order to claim that medical use of cannabis will be a compassionate scheme, or does the New South Wales Government not really care about sick people and their total health, including mental health?

The Hon. JOHN DELLA BOSCA: In answer to the first part of the honourable member's question, I acknowledge his appreciation of the rapid response from me, the Minister for Health, the Minister for Gaming and Racing, and the Minister for Fair Trading in answer to a question he asked yesterday. It is always good to meet a satisfied customer, which the honourable member clearly is. The Government appreciates that he raised an important issue—one that is a matter of ongoing concern to everybody who is concerned about the marketing of alcohol. I hope to satisfy at least in part his question on medical cannabis use and the use of cannabis generally.

The case for decriminalising or legalising recreational use of cannabis becomes weaker and weaker with every piece of research that is published. This is the reason for the Carr Government's position over the past four years ever since the Drug Summit and prior, and the reason it remains the Government's position and will be for the life of this Government, which I expect will be long. There is no question that scientific and medical research is producing a detailed case against the legalising of cannabis for recreational use. Indeed the research is extending into areas of occupational health and safety.

The Hon. Michael Gallacher: Did you tell the Greens that before the election?

The Hon. JOHN DELLA BOSCA: It is not my business to tell the Greens anything. They can make up their own minds about issues. The reality is that the case against the decriminalisation of cannabis for recreational purposes is getting stronger and stronger with every piece of research that is published. It is recognised as a precursor to schizophrenia, clinical depression and as part of the causation of serious motor accidents, occupational health and safety accidents and injuries, and so on. Regrettably, the recreational use of cannabis is an ongoing problem. Indeed the Government has moved in recent times to address that, particularly at the source of the problem, which is the cultural acceptance by many young people of cannabis as a safe alternative to alcohol. The Government is taking on that matter in a very aggressive way by a persuasive campaign that is aimed at convincing young people of the health, social and other effects of cannabis being at least as bad as, if not worse than, alcohol.

The Hon. Duncan Gay: And heroin?

The Hon. JOHN DELLA BOSCA: I will not deal with such a trivial interjection. I take this question very seriously. No-one in the Government or in this Chamber has ever seriously suggested that heroin is other than a dangerous drug of addiction: The Deputy Leader of the Opposition and the Leader of the Opposition know that.

The Hon. Duncan Gay: Why isn't there an advertising campaign against it?

The Hon. JOHN DELLA BOSCA: I am talking about a public health campaign about cannabis. The Deputy Leader of the Opposition is showing his ignorance because the campaign is based on emulation of the successful public health campaign in alcohol and tobacco health warnings. I will return to the essence of the question asked by Reverend the Hon. Dr Gordon Moyes. The Government indeed takes a strong view about the illicit use of cannabis. However, the Premier and the Government have been very consistent in the view that the use of medicinal cannabis could alleviate the suffering of a large number of people, certainly hundreds and perhaps even thousands who suffer from a variety of severe illnesses. The prevailing medical opinion—that is, the same persuasive evidence that persuades us about the illicit use of cannabis and other drugs—indicates that cannabis can deliver pain relief in such cases. [*Time expired.*]

Reverend the Hon. Dr GORDON MOYES: I ask the Minister to elucidate his answer and inform the House upon what research the Government relies in order to claim that the medicinal use of cannabis is a compassionate scheme?

The Hon. JOHN DELLA BOSCA: I will take that part of the question asked by Reverend the Hon. Dr Gordon Moyes on notice and provide him with a schedule of some of the available research. He will probably be familiar with some of it already. Yesterday's announcement indicates the Government's intention to trial the scheme to alleviate the suffering of people with severe pain when other pharmaceutically available drugs have not been successful as part of a treatment strategy. The trial will be either for pain relief or for other symptoms associated with serious illnesses; for example, the side-effects of chemotherapy used in cancer treatment, HIV-AIDS and related wasting disorders, and a certain number of specific spasticity muscular disorders such as multiple sclerosis and so on.

The trial is based on strong medical consensus, regardless of the people's views about the illicit use of cannabis, that cannabinoids can play a genuine therapeutic role. The draft bill, which will be available for scrutiny, will prescribe the list of medical symptoms and conditions that a person must have to be eligible for registration as a medicinal user. As I have said, those conditions include a variety of widely canvassed specific symptoms.

A new Office of Medicinal Cannabis will be established within the New South Wales Department of Health and patients will have to be registered annually. Patients who wish to be registered for the trial will have to produce a certificate from a doctor and be able to prove a genuine and ongoing medical relationship with that doctor, as well as the fact that conventional treatment will not relieve pain. The Government will be working with medical, pharmaceutical and research institutions to examine a variety of options so that a patient who is registered as a medicinal user will be able to get access to the drug. This may include the trial of sublingual sprays and tablets that are being developed in the United Kingdom and Canada. In response to the essence of the question asked by Reverend the Hon. Dr Gordon Moyes about the Government's responsibility for side effects of the drug administered as a medical treatment— [*Time expired.*]

MILLENNIUM TRAINS

The Hon. DON HARWIN: I direct my question to the Minister for Transport Services. Will he explain why CityRail's submission to the 2003 independent fares review conducted by the Independent Pricing and Regulatory Tribunal [IPART] states that the Millennium trains "were withdrawn on 10 April 2003 because of their impact on service reliability"? The fact is that these trains were taken off the tracks because they had been experiencing serious safety malfunctions for at least seven months, including electrical faults which caused drivers to be locked in their compartments, and caused interference with the underground signalling system by turning signals to red. When may the travelling public expect the serious faults to be rectified and the trains returned to service?

The Hon. Duncan Gay: A good question.

The Hon. MICHAEL COSTA: In response to the interjection, I do not think it is a very good question at all. I have made clear the concerns I have about the Millennium trains. Based on advice, I made a decision to remove the Millennium trains from service until those matters are rectified. I advise the House that they will not go back into service until those matters are dealt with adequately.

NEIGHBOURHOOD CENTRES

The Hon. HENRY TSANG: My question without notice is to the Minister for Community Services. What action is the Government taking to support neighbourhood centres in New South Wales?

The Hon. CARMEL TEBBUTT: This week is Neighbourhood Centre Week. Each year Neighbourhood Centre Week celebrates the achievements of centres throughout New South Wales. These centres have been providing a service to New South Wales families and communities since 1961. Currently more than 300 neighbourhood centres undertake an enormously wide range of activities including putting people in touch with services that can help them: arranging interviews and home visits, facilitating community development, and providing material assistance, including running groups and making available resources to communities. Also they are often the location for a range of different Home and Community Care services. Through the efforts of nearly 10,000 volunteers and nearly 3,000 staff, these centres ensure that children, young people, adults, families and communities are able to access support, training, information, emergency relief and youth services.

I am advised that total New South Wales Government funding is about $60 million, with the Department of Community Services providing $11.8 million each year to fund 220 centres through its

Community Services Grants Program. The department regards these centres as vital to ensuring that vulnerable and at-risk families receive services that do not stigmatise participants and that provide venues where people feel comfortable and at ease. The centres are valuable also because they engage people who may not feel comfortable with using other more structured services. Neighbourhood centres often feel that they are not as well appreciated as more high profile services, but they play a very important role in keeping communities connected. In many ways they are the glue of communities.

One such centre, based in Western Sydney, has been extremely successful in supporting vulnerable and at-risk families. The centre engages women with children to participate in a variety of recreational and educational programs. The centre initially engaged people through systematic doorknocking of local residents but participants now access this centre through word of mouth. The centre has run a range of programs for women including sewing and computer classes. The actual activities are not as important as the opportunities they provide to meet the needs of participants to develop social networks and supports. The centre has engaged a number of women experiencing domestic violence who, as a consequence, had become socially isolated. The women, through their participation, have developed social networks in their community and learnt new skills with increased capacity to parent and to provide nurturing, safe environments for their children.

This year Neighbourhood Centre Week is focusing on the involvement of local government to ensure that communities understand the important place of neighbourhood centres. These centres play a pivotal role in contributing to and strengthening communities; they enhance community environments, which are conducive to the growth, health and productivity of families living within those communities. Neighbourhood centres are an example of the way government and communities work together to provide benefits to the whole community. I am sure that honourable members would join me in thanking centre staff and volunteers for their tireless work on behalf of the community.

ALCOHOL SUMMIT

Reverend the Hon. FRED NILE: I ask the Special Minister for State a question without notice. Is the New South Wales Government planning an Alcohol Summit for August of this year? What action is the Government taking to curb the widespread problems of alcohol abuse among youth in our State? Will the Government make it a priority to reduce or restrict the advertising of alcoholic products, especially those targeting young people, in order to reduce the impact of alcohol on youth? Will the Government include consideration of that issue at the Alcohol Summit?

The Hon. JOHN DELLA BOSCA: Much consideration has gone into the format and agenda for the Alcohol Summit. The essence of the question asked by Reverend the Hon. Fred Nile is whether the marketing of alcohol products, especially to young people, will be one matter discussed at the summit. I assure him that it most certainly will be. The Government considers that to be a serious issue. About 15 months ago the honourable member drew the attention of the House and that of the then Minister to marketing practices involving so-called alcoholic iceblocks. Without making a specific allegation, in the absence of overwhelming evidence it would appear that those alcoholic iceblocks were clearly marketed to minors. In that context very young people would have been illegally consuming alcohol; certainly people not of the normally culturally acceptable age at which alcohol should be consumed.

Yesterday Reverend the Hon. Fred Nile's colleague Reverend the Hon. Dr Gordon Moyes asked a similar question about milk-based alcoholic drinks. This morning the House canvassed the fact that the Government has already acted in that regard. Yesterday afternoon my colleague the Minister for Gaming and Racing in the other place made an announcement about that matter. The Alcohol Summit will be held in Parliament House for four days, from Tuesday 26 August until Friday 29 August. The summit will be co-chaired by Dr Neal Blewett and the Hon. Kerry Chikarovski in a bipartisan format. As with the Drug Summit, all parliamentarians, a full range of experts and other non-government delegates will be invited to participate. The focus of the summit is on alcohol abuse.

The Government is not concerned with the consumption of alcohol, per se, as we acknowledge that alcohol has an important and recognised cultural and social role. However, research indicates that the social cost of alcohol abuse to the economy and the taxpayer is significant—it is estimated at $7.5 billion for Australia. Many costs associated with alcohol-related deaths, hospitalisations, road accidents, crime, binge drinking, domestic violence and loss of workplace productivity are entirely avoidable. Those costs are amenable to public policy initiatives that concentrate on setting a pattern for drinking and drinking behaviour. That will be the focus of the summit. The alcohol industry will be involved in the summit, and it is important that honourable members

clearly understand the distinction between the approach of the Alcohol Summit and that of the Drug Summit. The Drug Summit dealt solely with illicit drugs and excluded anyone connected with the distribution and supply of, or entrepreneurial activity associated with, drugs, for the obvious reason that they are criminal activities. With alcohol we are dealing with a culturally accepted product that is the basis of the hospitality industry, which provides jobs for a large number of people. The point I make is that alcohol is an accepted and legal part of our culture. Consequently, this represents a different policy challenge from that presented to us at the Drug Summit.

The Hon. John Ryan: It involves a revenue stream.

The Hon. JOHN DELLA BOSCA: The Hon. John Ryan thinks he is being smart by saying that it involves a revenue stream. Clearly, as a former shadow Treasurer he would know that it does. But that is not the issue I am talking about. [*Time expired.*]

TRANSPORT NSW ACCREDITATION STANDARDS

The Hon. PATRICIA FORSYTHE: My question without notice is addressed to the Minister for Transport Services. Is the Minister aware that Transport NSW accreditation standards for a regular passenger service bus operator states, at page 17:

> An operator's accreditation will be examined by the Department of Transport and may be varied, suspended or cancelled if the accredited person becomes insolvent …

In light of that, has the Minister investigated why a Transport NSW spokesman, when referring to the department's role in the King Bros collapse, was quoted in the *Daily Telegraph* on 23 April as saying:

> It's not up to us to determine whether they are solvent or not.

What was the result of the Minister's investigations?

The Hon. Duncan Gay: This is not the same question.

The Hon. MICHAEL COSTA: If it is not the same question, it is very similar. I assume that the honourable member is reading, accurately this time, from a document. If that is what the document says, she has made me aware of it by the fact of her reading it. However, that does not resolve the issue that I have referred to in the past. I do not know who the spokesperson is. I do not know what the article is in the *Daily Telegraph* that she is referring to. In relation to solvency issues, yes, it is true, I have had advice about this, and there is a responsibility for the department to deal with those matters—and I have been advised that it does deal with those matters.

I have said in this House on a number of occasions that the Federal Government is responsible for the broader question of corporate solvency. The Department of Transport is responsible for ensuring that operators fulfil their legitimate contracts. I am happy to take on notice and obtain answers for any specific questions that the honourable member might ask. However, I will not respond to references by the popular media to unnamed officials in the Department of Transport. If the honourable member provides me with details, I will take her question on notice and provide her with an answer.

The Hon. PATRICIA FORSYTHE: I ask a supplementary question. Does the Minister's department have a responsibility to ensure the financial viability of bus service operators?

The Hon. MICHAEL COSTA: I refer the honourable member to my earlier answer.

The Hon. Duncan Gay: Did you answer the question?

The Hon. MICHAEL COSTA: I certainly did. If the honourable member obtains *Hansard* and reads it in detail, he will see the depth of wisdom in my answer. That might help him to understand his portfolio area.

[*Interruption*]

I have already indicated that the Department of Transport has to ensure the viability of operators. It must also ensure that operators fulfil their public transport contracts. The Federal regulators are responsible for the broader question of corporate viability. If the Hon. Patricia Forsythe is concerned about any of these operators in a broad sense, she should direct some of her questions to the Federal Government.

The PRESIDENT: Order! The Hon. Michael Gallacher!

The Hon. Michael Gallacher: Point of order: Madam President, are you calling me to order, or are you calling on me to ask a question? I did not say a word.

The PRESIDENT: Order! There was so much noise in the House it was impossible for me to know. I apologise if, for once, the Leader of the Opposition was not intervening. As I have had to remind members on numerous occasions, there is a problem with acoustics in this Chamber. It is very difficult for the Chair to hear the proceedings when there are interjections. I ask members to reduce the level of chatter and interjection so that I may hear both the questions that are asked and the answers that are given.

IRAQ RECONSTRUCTION

The Hon. IAN WEST: My question without notice is directed to the Treasurer, and Minister for State Development. Will the Minister inform the House about the involvement of New South Wales companies in the reconstruction of Iraq?

The Hon. MICHAEL EGAN: Clearly, there is enormous potential for New South Wales-based companies with the right expertise to become involved in the reconstruction of Iraq. A Newcastle company, Serck Controls, will be heading to Iraq shortly to assess emergency requirements and the longer term rebuilding of water, electricity, oil and gas infrastructure. Serck Controls develops systems for major water, electricity and oil and gas projects from conceptual design and construction through to maintenance and ongoing support. The company employs more than 350 people in 12 offices located in Australia, the United Kingdom, the Middle East, India and China. The company's turnover this year is expected to exceed $75 million.

The Chief Executive Officer of Serck Controls, Mr Paul Chisholm, has applauded the New South Wales Government's backing for local businesses to work on the reconstruction of Iraq. Serck Controls participated in the Department of State and Regional Development's first trade mission to the United Arab Emirates in 1999. Since that time Serck Controls has consolidated its operations in the Middle East and it is now in a good position to contribute to the reconstruction of Iraq. The company has 30 staff based in the Middle East, many of them Australians. Successful projects in Iraq will obviously mean more jobs for New South Wales because almost all of Serck Control's engineering work will be done in the Hunter. This is an opportunity for a New South Wales company that is already active in the region to make a much-needed and lasting contribution to the reconstruction of Iraq.

WINE MARKETING

The Hon. DAVID OLDFIELD: My question without notice is directed to the Minister for Agriculture and Fisheries, representing the Minister for Gaming and Racing. Is the Minister aware of the immense difficulties faced by small New South Wales vineyard owners wishing to market their products directly through mail order or the Internet? Does the Minister agree that current liquor licensing laws create substantial obstacles for genuine producers as those laws are largely focused on licensed premises and do not appropriately consider any leeway for small winemakers to market their products directly by means other than having licensed premises? Would the Minister take an interest in submissions from New South Wales winemakers with regard to this matter? Is the Minister willing to examine this situation with a view to introducing amendments to the legislation so that the needs of local winemakers are more practically addressed?

The Hon. IAN MACDONALD: The answers to the honourable member's question are yes, yes and yes. There is much scope in relation to this issue. I will refer the honourable member's question to the Minister for Gaming and Racing and obtain a response.

TIMBER RAILWAY SLEEPERS

The Hon. MELINDA PAVEY: My question without notice is directed to the Minister for Transport Services. Will the Minister advise the House how many timber sleepers, which are required for rail bridge maintenance, have been ordered or sold by State Forests in the past 12 months? Is it true that no quality assurance program is in place for timber sleepers and, despite that fact, 85 per cent of stockpiled sleepers at Dimboola in the State's south-west have been rejected as unsuitable? Is that because no suitable timber resources are available either from the North Coast or southern region State forests for vital railway maintenance?

The Hon. Michael Egan: Point of order: Clearly, the first and central parts of the honourable member's question ask for detail that no Minister could be expected to provide in an answer without notice. If this is thought to be acceptable, we will reach the stage where Opposition members will be asking the Minister for Transport Services how many nails are in the possession of the State Rail Authority, or how many tea towels are held in the staff rooms of schools throughout New South Wales. Clearly, that level of detail is appropriate for a question that is asked on notice, not a question without notice.

The Hon. John Ryan: To the point of order: There is nothing in the standing or sessional orders that sets the criteria for what can and cannot be asked in question time.

The PRESIDENT: Order! There is nothing in the standing or sessional orders stating that a detailed question of that nature cannot be asked. However, I advise the member that it is probably more appropriate for a question seeking such detail to be put on notice. However, the Minister may answer the question.

[*Interruption*]

The Hon. MICHAEL COSTA: The honourable member should relax. She is always jumping up, all excited because she has been able to ask a question. The Treasurer made the point that the honourable member's question seeks a lot of detail. I am happy to obtain that detail and provide it to the honourable member. As I have said in this House before, people should not worry about timber sleepers when we have alternatives.

The Hon. Melinda Pavey: How much will that cost?

The Hon. MICHAEL COSTA: That was not one of the questions asked by the honourable member. If she wants to formally ask that question, I will take it on notice. As a member on our backbench once said to me, "If we run out of logs, we can always use National Party members."

BUSHFIRE PREVENTION

The Hon. CHRISTINE ROBERTSON: My question is directed to the Minister for Emergency Services. Will the Minister please update the House on the Government's efforts at bushfire prevention?

The Hon. TONY KELLY: New South Wales has just experienced two of the most protracted bushfire seasons in many years. Sadly, bushfires are part of life in Australia. A strong emphasis is placed on preparing for each bushfire season, with the main priority being protecting life and property. Agencies concentrate on areas in the bushland-urban interface, where fires could impact on neighbours and surrounding communities. Hazard reduction work is aimed at breaking up and slowing down wildfires strategically as well as creating safe access and working areas for firefighters.

Honourable members will be aware that there is only a small window of opportunity each year when agencies can carry out hazard reduction burning. This work must be done in unique weather conditions: it cannot be too wet, too dry, too hot or too windy and the humidity cannot be too low. These conditions generally occur only from March to September and, as honourable members will remember, such periods were very limited last year. In August last year the Government amended the Rural Fires Act 1997 to give the Rural Fire Service extra powers to enforce hazard reduction. Since January 2002 the National Parks and Wildlife Service has conducted 147 prescribed burns on parks, covering about 44,700 hectares. Of these, 26 prescribed burns included areas off park, covering 4,170 hectares. Additionally, more than 22,000 kilometres of fire trails were upgraded and maintained and more than 40,000 kilometres of roads, rail and easements were subject to slashing and other hazard reduction activities.

Since July last year the Rural Fire Service, councils and private land-holders have carried out hazard reduction activities on more than 6,110 hectares of land. The people of New South Wales know that hazard reduction is only one of the measures we must take as a community to protect ourselves from the dangers of bushfires. In the past eight years the Government has spent hundreds of millions of dollars upgrading the equipment, training and facilities of the Rural Fire Service in order to make up for the lack of such funding under the previous Government. The capacity of the Rural Fire Service is second to none and its members' contributions to their communities are world renowned. As we speak, a number of Rural Fire Service volunteers are preparing to travel to the United States of America to assist with preparations for that country's fire season, and we wish them well.

Despite these magnificent achievements, some Opposition members cannot help but find fault with the community's efforts. We all remember how Peter Webb, the former member for Monaro, tried to gain political capital from the issue during the election campaign. He actually suggested that we hazard reduce areas that are covered by snow for most of the year. The people of Monaro worked him out and replaced him with Steven Whan, who takes a more productive approach to working with the services and the community. Peter Webb's approach did not work because the community expects its leaders to work together to try to fix problems rather than pointing the finger and blaming others.

The Hon. Duncan Gay: You're supporting the National Parks and Wildlife Service.

The Hon. TONY KELLY: If the Deputy Leader of the Opposition listened properly he would know that I am supporting the Prime Minister. The Prime Minister has announced that a national inquiry into bushfire prevention and mitigation will be conducted by the Council of Australian Governments [COAG]. The New South Wales Government has indicated its willingness to participate in the COAG inquiry. It appears that the House of Representatives and COAG inquiries will be similar in nature. I advise the House that the New South Wales Government will dedicate its resources to preparing a submission for the COAG inquiry proposed by the Prime Minister. It will not make a submission to the House of Representatives committee. The Government welcomes all genuine attempts to further our bushfire prevention work.

GUN CONTROL

Ms LEE RHIANNON: My question is directed to the Minister for Justice, representing the Minister for Police. Is the Minister aware that the proposed gun buyback will purchase 250 types of handguns while leaving another 850 models legal, including those of the type used by the perpetrator of the Monash massacre? How does the Government believe this will reduce handgun violence? Will the Government agree to a ban on semiautomatic handguns?

The Hon. JOHN HATZISTERGOS: I will refer the matter to the Minister for Police.

EMU PLAINS CORRECTIONAL CENTRE PRISONER DEATH

The Hon. JENNIFER GARDINER: My question is directed to the Minister for Justice. Did the Government and the Commissioner for Corrective Services immediately and fully inform on 7 May the family of the inmate at Emu Plains Correctional Centre of all the circumstances surrounding her death? What was her family advised?

The Hon. JOHN HATZISTERGOS: I understand that one family member—it might have been a friend; I may stand corrected on that—was contacted and advised of the death. Certainly I know of only one person who was advised of the death. Beyond that, as I have said, the matter is the subject of an investigation both by the Department of Corrective Services and by the New South Wales Coroner.

WORKPLACE HEALTH AND SAFETY

The Hon. PETER PRIMROSE: My question is directed to the Minister for Commerce, and Minister for Industrial Relations. Will the Minister inform the House how the Government is assisting small businesses to fulfil their workplace health and safety obligations?

The Hon. JOHN DELLA BOSCA: Honourable members will be aware of the significant contribution that small businesses make to the New South Wales economy, both in terms of generating employment and providing goods and services. To help small business employers adjust to the new occupational health and safety laws that were implemented on 1 September 2001 a two-year transitional period was put in place. In the past two years WorkCover has been working with industry, employer associations and unions to help the community understand the new occupational health and safety requirements. This has included funding under the WorkCover Assist Grant Program of $5 million per year for three years. The program is now in its second year.

Honourable members may recall that the Opposition supported the program in the Legislative Council but opposed it in the Legislative Assembly, where the honourable member for Gosford pulled rank on the then shadow Minister. The funding for the WorkCover Assist Grant Program is split 50:50. Honourable members may recall that the Opposition supported half the funding going to employer organisations but opposed half going to worker organisations. Opposition members questioned the membership of unions but raised no concerns about the membership of employer organisations.

The Government takes a more balanced approach. We believe some small businesses need further assistance to help them understand the new requirements. With this in mind, and as part of the Government's $13 million commitment to implementing the recommendations of the 2002 Workplace Safety Summit, I launched a small business assistance strategy in February this year. A key part of the new strategy is an increased focus on providing advice and education to small business owners and operators about the new obligations, including risk management. Recognising that small business needs time to adjust to the new legislation, in the lead-up to 1 September 2003 and throughout next year WorkCover will be focusing on assisting small businesses to identify, eliminate or reduce risks in their workplaces. However, matters that present an immediate risk to health and safety will continue to be dealt with in the usual manner.

As part of the strategy WorkCover inspectors are conducting one-on-one information sessions with small business operators and owners outside normal business hours. These sessions will allow small business operators to ask, on a confidential basis, for advice on aspects of occupational health and safety, injury management and workers compensation. The sessions aim to assist with, not interfere in, business undertakings. In addition, WorkCover has established a special web site to help small businesses manage their responsibilities more effectively. Accessed via WorkCover's main web site, the small business specific site provides a central location for owners and operators to obtain information about their rights and obligations; the latest safety incentives, such as the Premium Discount Scheme; and copies of recent WorkCover publications. Small businesses can also obtain information about occupational health and safety, workers compensation and injury management over the telephone by contacting WorkCover's Assistance Service between 8.30 a.m. and 5.00 p.m., Monday to Friday, on 131050. The Carr Government is committed to helping all New South Wales businesses, especially small businesses, to improve workplace health and safety and to become more productive.

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

MOTOR VEHICLE THIRD PARTY INSURANCE PREMIUMS

The Hon. JOHN DELLA BOSCA: On 21 May the Hon. Dr Arthur Chesterfield-Evans asked me a question about green slip premiums. Part of that question stated:

> Is it a fact that since the introduction of green slip legislation the amount taken in premiums is eight to nine times more than before the legislation?

In answering the question I set out in detail the improved performance of the scheme for people with more serious injuries, such as brain damage.

The Hon. Michael Egan: Did he say eight to nine times?

The Hon. JOHN DELLA BOSCA: He said "eight to nine times more than before the legislation".

The Hon. Michael Egan: That is what I thought he said but I did not think anybody could be that stupid.

The Hon. JOHN DELLA BOSCA: I did not believe it either but it is in *Hansard.* I pointed out that for injuries suffered between October 1999 and October 2000 payments are up, time taken to decide liability is down, and time to receive first benefit payment is also down—all without requiring further litigation. Nevertheless, the Hon. Dr Arthur Chesterfield-Evans asked this supplementary question:

> Is it a fact that since the introduction of green slip legislation the amount taken in premiums is eight to nine times more than before the legislation.

The Hon. Michael Egan: Even more stupid than his first question.

The Hon. JOHN DELLA BOSCA: That is right. In the last year of the old scheme, $1.556 billion in premiums was collected. In 1999-2000, the first year of the new scheme, that figure fell to $1.325 billion.

The Hon. Michael Egan: So it was actually lower?

The Hon. JOHN DELLA BOSCA: An amount of $231 million lower than that collected under the old scheme: a decrease of about 15 per cent. In 2000-01 premium collections fell again: $1.321 billion was collected

in premium revenue. The honourable member would have people believe that the amount taken in premiums is eight times more than before the legislation. Clearly less premium has been collected under the new scheme. As the last Democrat in this Chamber, and possibly the last of the Democrats, the Hon. Dr Arthur Chesterfield-Evans should have thought through the logic of his question more completely. The only way to increase the amount taken by eight to nine times would be to massively increase premiums. If we were to operate under the system of the Hon. Dr Arthur Chesterfield-Evans, green slip insurance for a sedan in Sydney would cost close to $3,000.

JUNEE CORRECTIONAL CENTRE STAFFING

The Hon. JOHN HATZISTERGOS: On 20 May Ms Lee Rhiannon asked me a question about staffing levels at the Junee private correctional complex. I undertook to provide the House with further details. Honourable members would be aware that under section 242 of the Crimes (Administration of Sentences) Act 1999, a person referred to as the monitor is appointed to monitor the performance and contract compliance of the management of any privately operated correctional centre. The reports of the monitor form part of the annual report of the department. I am advised that the most recent report of the monitor at Junee dated March-April 2003 outlined latest outcomes regarding human resources. With regard to whether staff are being maintained at approved levels, the minimum requirement and best practice are both set at 100 per cent. For the year to date the monitor reports that this has been achieved. With regard to whether the staff deployment plan has been maintained as approved, the minimum requirement and best practice are both set at 100 per cent. For the year to date the monitor reports that this has been achieved. I am somewhat bemused by the interest of Ms Lee Rhiannon in ensuring that the staffing levels of the Junee private correctional complex are to that standard.

Questions without notice concluded.

[*The President left the chair at 1.04 p.m. The House resumed at 2.40 p.m.*]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by Ms Lee Rhiannon agreed to:

That standing and sessional orders be suspended to allow a motion to be moved forthwith that Private Members' Business item No. 32 outside the Order of Precedence, relating to public education, be called on forthwith.

Order of Business

Motion by Ms Lee Rhiannon agreed to:

That Private Members' Business item No. 32 outside the Order of Precedence be called on forthwith.

PUBLIC EDUCATION

Ms LEE RHIANNON [2.42 p.m.]: I move:

That this House, in recognition of Public Education Day:

(a) congratulates the teachers of the New South Wales public eduction systems on their dedication and hard work in providing opportunities for the children of this State to become active participants in the cultural, intellectual, social, political and economic life of our community,

(b) congratulates the children in New South Wales public schools and their parents on their contribution to the life of their schools and to excellent education outcomes,

(c) congratulates teachers and their students on their commitment to excellence in training and vocational education and the contribution they are making to the future wellbeing of our society,

(d) recognises and celebrates the extraordinary contribution made by the Vinson inquiry report to the future of public education,

(e) calls on the Government to acknowledge the urgency of improving the pay of teachers in public education, not only to adequately reward the difficulty and importance of their work but to ensure the recruitment of quality young teachers and to keep existing teachers within the public system,

(f) calls on the Government to award teachers a just salary increase, and

(g) calls on the Government to immediately increase its expenditure on school building maintenance and repair and to implement a building maintenance performance measurement and public reporting system, as recommended by Professor Vinson.

This motion marks Public Education Day, which falls today. This is the day when the community openly and clearly acknowledges the extraordinary achievements and hard work of teachers, parents and students. Despite all the obstacles these people face, their effort and commitment have given us a public education system of which we can be proud. The Greens believe, as a matter of fundamental principle, that our public schools and TAFE colleges are the backbone of our education system. Public schooling ensures that every child—not just the wealthy, the healthy and the fortunate—has access to knowledge and opportunities, and the chance to participate fully in our society. But this is not just a day for celebrating the achievements of public schools. It is also a day when we consider how much better the system could be.

One person who has spent a lot of time considering this question is Professor Vinson. On this day last year he released a report on an inquiry into public education that strongly supported better pay and conditions for teachers. The motion before us today applauds the Vinson report, and asks when the Government is going to act on some of its key recommendations, including more spending on building maintenance and repair, and a just salary increase for teachers. The Government is simply not spending enough on paying teachers adequately and resourcing schools properly. The Greens have moved this motion in the knowledge that public education can fulfil its potential only when it is fully resourced. I commend the motion to the House.

The Hon. CATHERINE CUSACK [2.44 p.m.]: No other area of government is of greater significance to the Liberal Party than education. Our commitment is very much to a vibrant and diverse public education system. We believe that strength and credibility of our public schools, in particular, are best achieved through a devolved system of decision making, and diversity in what is offered, so that the system is centred on the individual needs of students. For the relatively few years we have had in office, the Liberals have twice saved public eduction from oblivion. I fear that the time is fast approaching when we will be called on to save it again.

The first was after the crisis-ridden years of the forties and fifties, when the public-private school funding debate all but tore the system apart. Those who today are looking to this issue as a wonderful political wedge should be reminded of the huge damage that was caused to public education during that period. By the time Robert Askin was elected in 1965 the public education system was exhausted and depleted by the battles and the spiteful internal wars on the Labor side of politics. Askin immediately acted to recruit thousands of new teachers to reduce class sizes, and gave the teachers their most significant pay rise in history—not matched until the Chadwick years, when a huge adjustment again occurred. Askin introduced free student travel for all, and boosted capital spending. He is known to this day by the New South Wales Teacher Federation as the education Premier.

Last night I attended a lecture on public education which was organised by the Greens, and I thank them for that invitation. In the first speech, which was not on public education, a lot of adverse comment was made about Robert Askin. The second speaker, Marie Halloran from the Teachers Federation, did not join in any attacks on Sir Robert. I think that is very significant, because that organisation still remembers; it has a very long memory.

The second time public education was saved was with the reforms instituted by the Greiner Government. I refer particularly to the Chadwick era. Virginia was not only the first female education Minister; she is broadly accepted on all sides of the debate as being possibly the best education Minister ever. Through her leadership, the New South Wales department was reformed and the education agenda was driven across Australia. It is timely to reflect on some of the remarkable changes that occurred during those years. The first was through the Scott report. A huge number of changes made revolved around the concept of school-centred education. This was in order to break down the concept of big government, big unions and big administration driving our schools.

Some of the reforms—which I will not deal with in great detail today because I understand the need not to talk too long on this matter—included the very important initiative of promotion on merit, which has always been supported by Liberals as being, amongst other things, a very positive way for women to be able to achieve their potential within the system. Indeed, we were able to increase the number of women in executive positions and principal-level positions by a third in the space of not very many years, once promotion on merit had been introduced for those executive positions.

We also introduced the Cyclic Maintenance Program, which was funded to the tune of about $80 million a year, and guaranteed that each school would receive full cyclic maintenance every seven years. That rolling program, unfortunately, was completed in only one cycle before it was abolished in 1996. The school councils gave real voice to the concept of school-centred education. I think there were about a dozen government school councils in 1998. By 1995, more than 1,500 school councils had been established. That really demonstrated the extent to which local communities embraced the idea of having more control over, and say in, how schools were run at the local level.

I know that the teachers and principals were very pleased to embrace their communities at that level and to seek direction locally, as opposed to paper-clip orders having to be approved by head office. I have many pages of achievements, but I can see that I have persuaded the House on that point. I wish to place on record our commitment to public education and the thousands of fine teachers who have provided a great service to our students and families for more than one century of public education in New South Wales. On behalf of the Coalition I support the motion and commend it to the House.

Reverend the Hon. FRED NILE [2.50 p.m.]: The Christian Democratic Party supports the motion. Earlier we agreed to support the motion if it were moved formally, which would give us the opportunity to say a few words about public education and to put on the record that our party acknowledges the many principals and teachers in the public education system with whom we work, and have worked, closely over the years. Some people have gained the wrong impression that our party is anti public education. We are not. We are a pro-choice party that believes parents should have the right to choose the type of schooling they prefer for their children. My family, including my wife and I, have always been fully involved in the public education system. None of us has been involved in the non public school sector. Our children received a good education in the public education system at Gladesville Public School and Hunters Hill High School, where they gained their Higher School Certificates. At least two of them have now gained university degrees.

My criticism of the public education system was intended to improve it. No system should be above criticism if the criticism is designed to produce positive results. My desire during the years I have been in this House has been to achieve the highest academic standards, moral code and discipline in our public schools, as well as the highest standard of pride in the school, the school motto, the school uniform and other aspects of the school. If those policies were followed enthusiastically in the public education system we would not have the dramatic move, which is now quite large, of children from the public school sector into the non-government sector. Because of those shortcomings various denominations, particularly the Anglican Synod of Sydney, are undertaking building programs to establish large schools to ring the whole of the city of Sydney. Those schools are being developed rapidly. It is in the interests of those who believe in the public education system to do everything they can to support high standards in the areas I have outlined.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [2.53 p.m.]: I emphasise the Australian Democrats' support for public education, which has become something of a battleground lately. I was involved in the battle to save Hunters Hill High School, which is the high school in my area and one of six schools earmarked for closure by the current Government. We managed to save only three of those six schools because they take up land in the central area of Sydney that is now extremely precious and valuable. As schools become smaller their sports facilities also become smaller, which makes it difficult for students to exercise. Childhood obesity is one of the biggest health problems. Selling off land for a quick buck, which this Government has done despite its posturing on public education, must be curbed by political pressure. My son will attend Hunters Hill Public School, which is very crowded. The area has difficulty with the number of kids who want to attend the school because, demographically, there are hardly any kids in Hunters Hill. Some years ago Woolwich Public School was closed.

The Hon. Don Harwin: Is he still able to go to Hunters Hill High School?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: He is still able to go to Hunters Hill High School because the Government backed off on its attempt to close it. It should be noted that the Government has taken $300 million out of the school maintenance budget. When it said it was providing more money to education for the maintenance of buildings, it took off the bottom of a curve of maintenance that had dropped in the Olympic period. It then drew from the bottom of the graph. Only this year will it pass the school maintenance and building program level it inherited from the conservative Government in New South Wales. If one were to take the amount of money out of that budget and change it to 2001 dollars it would be approximately $300 million, which corresponds fairly closely to the amount that was spent on some of the Olympic building programs. Governments must be watched.

The Howard Government's formula is to encourage the public into private education; its subsidies nakedly support that fact. The Coalition must admit that it does not support public education at all. However, that is not a State problem. Equality of opportunity is an absolute touchstone of the Australian ethos, which has been extremely threatened by the more American approach of devil take the hindmost—survival of the fittest—which means that the less fit are ground into the dirt. They lose equality of opportunity, therefore poor people have greater difficulty encouraging their children to break the cycle. People can live in a ghetto without realising it. They live in a suburb that has certain values, norms and types of cars. They travel from that suburb on public transport with a clone of people from the same socio-demographic area, or they travel in a car in which they take their own environment with them—level of affluence, music and so on.

People then go to an office where they are again working among their peers and they do not realise the extent to which society is fragmenting. We particularly need a broader perspective on society, but I am not sure that all of us have it. Education will always be valued by the wealthy. No matter what we do, they will fight to get an education for their children. It is important that we as legislators support public education, which provides equality of opportunity. I believe in the separation of church and State. People should have a fundamental right to education that does not have a religious component as part of a good education, which is why public education is extremely important. We acknowledge and support Public Education Day, and take this opportunity to emphasise the importance of public education.

The Hon. MALCOLM JONES [2.58 p.m.]: The State Government introduced the State Literacy Strategy in 1997. I commend the Government for its initiatives in education, the work it has done to date, and its ongoing commitment to monitor and improve students' literacy and numeracy skills. However, too many children in the public education system are being left behind. Several strategies are used in schools to assess the literacy and numeracy skills of students against national benchmarks. The Reading Recovery Program is designed to identify children with poor literacy skills after their first year of school and to provide them with intensive assistance. In 2001 almost 25 per cent of participants in the Reading Recovery Program did not attain an acceptable improvement in reading. The basic skills test is given to students in years 3 and 5. In 2001, year 3 results in the basic skills test for literacy indicated that 12 per cent of students did not reach the acceptable literacy standard. The English language and literacy assessment [ELLA] became mandatory for year 7 students in all government schools in 1998. According to the 2001 annual report of the Department of Education and Training, 19 per cent of students scored below a proficient level in reading. In other words, 9,973 students in 2001 had entered high school without having achieved proficiency in reading.

Imagine being 12 years old and being unable to read or having a reading level of four or five years behind the mainstream. These students exist! Why have they not been identified earlier by a raft of assessment programs in place? Why have they not benefited from appropriate interventions as a result? Macquarie University Special Education Centre uses a specific remedial strategy for low progress readers. Results of its Making Up for Lost Time in Literacy [MULTILIT] Program indicate extraordinary improvements in literacy skills over short periods. In only two terms of intensive instruction, the reading progress of students is accelerated by an average of 18 months.

Other organisations such as the Exodus Foundation are using the MULTILIT Program. In their special tutorial school they are helping to educate children from the public education system. They demonstrate an incredible success rate in the students they are working with. Their efforts are commendable. They are saving some of those children who were being left behind. These children are living proof that our public education system is not adequately catering for all students in its care. The 2003 Auditor-General's report entitled "Department of Education and Training—Managing Teacher Performance" found that changes are required to improve the accountability of teachers. The report stated that although the components of the teaching performance annual review are outlined, "there are no professional standards against which principals can assess classroom teaching". Literacy is eloquently defined in the Department of Education and Training document entitled "Literacy Support Papers—State Literacy Strategy 1997" as follows:

> Literacy is the ability to read and use written information and to write appropriately in a range of contexts. It is used to develop knowledge and understanding, to achieve personal growth and to function effectively in our society …

If we do not do more, we will be turning our backs on disadvantaged students who are in desperate need of help. We will be preventing them from developing knowledge and understanding, and from achieving personal growth. They will not have the ability to function effectively in society. In the future, there will be fewer and fewer unskilled jobs. People who were unable to read at school and whose deficiency was not detected will be severely disadvantaged. I feel this is very much the case in rural areas, where I have personal experience of young people who cannot spell their middle name and have extreme difficulty with numeracy. The Department

of Education and Training seems reluctant to consider the efforts of the team at the Macquarie University. In 1992 the former Minister for Education and Youth Affairs, and Minister for Employment and Training commissioned staff from the university to write a report on deficiencies in reading, but the report was not published—in other words, it was buried.

The Hon. Catherine Cusack: It was replaced by Reading Recovery.

The Hon. MALCOLM JONES: Reading Recovery was implemented in its place, but the problem with Reading Recovery is that it is one-on-one, very expensive and has a high fallout rate. There are other internationally recognised systems besides Reading Recovery, which is somewhat of a sacred cow before which we should all kneel and pray. Reading Recovery is old-fashioned and deficient compared with more modern and proven methods that provide better value for money. Unfortunately the Department of Education and Training is reluctant to assess the proficiency of those methods. While the motion is entirely meritorious, unfortunately I cannot support it because of the high proportion of students who are unable to read and cope adequately with all their subjects. They are matters that must be addressed before I could support the motion. I applaud the quality of teaching in the public and private educational institutions in this State. Currently in New South Wales gifted students are able to receive all the advantages of a good education, such as stimulation and motivation. But students who cannot, will not, or choose not to participate and apply themselves are left behind.

The Hon. IAN WEST [3.05 p.m.]: Although I had not intended to speak, I join in the debate on this motion because it is appropriate to state that education in this State and in Australia generally is one of the most fundamental and basic tenets of a civilised, democratic society. I know that the current Minister for Education and Training is dedicated to ensuring access to educational opportunities by every child, whenever possible, to enable young people to participate in civilised society. There is widespread evidence that the scaling down of literacy, numeracy and educational opportunities in a community results in increased crime and problems that no society would want. While I am unable to support the motion, it is a pleasure for me to state that many points in the motion are commendable.

Public Education Day is a significant event. I join with other honourable members in congratulating teachers in the New South Wales public education system on their dedication and hard work in providing opportunities for the children of this State to become active participants in the cultural, intellectual, social, political and economic life of our community. It is worthwhile making the point that the public education system in this State is funded by taxpayers' money. At least 50 per cent of the funds of each educational facility in this State are provided by taxpayers, but the public education system is funded by taxpayers to an even greater extent. Currently this Government is spending $170 million on maintenance in schools in New South Wales. Approximately four years ago the level of expenditure on school maintenance was only $50 million. The current level of expenditure represents a threefold increase and reflects the recognition by this Government that it is absolutely vital to ensure that the infrastructure of the schools system is maintained.

Good maintenance is vital to ensuring that the existing infrastructure does not deteriorate exponentially. Those who maintain the schools and the contract cleaners would herald the terminology "good cleaning is good maintenance". I congratulate the students at public schools, and their parents, on their contribution to school life and on their excellent educational outcomes. It goes without saying that the parents and citizens associations in our schools are absolutely vital to ensuring that the schools operate efficiently and properly. The associations provide a social capital for the schools and their voluntary work is paramount to ensuring the ongoing success of the public education system. Pay and conditions, and the support given by everyone from the Government down, are vital to ensuring the recruitment of quality young teachers. Teachers' conditions are vital to their wellbeing and their ability to give maximum dedication to their students, and to ensuring that students achieve the best outcome from their years at school. I support many of the issues in the motion moved by Ms Rhiannon, but I cannot support the motion in its entirety.

The Hon. TONY BURKE [3.11 p.m.]: I am pleased to follow the Hon. Ian West in supporting the essential thrust of the motion. I have some reservations about some of the paragraphs, but on the whole I am happy to support the motion moved by Ms Lee Rhiannon. As I have said previously, my mother was a teacher at Padstow Park primary school. I was involved in debating and subsequently found myself as a voluntary debating coach at Sefton High School, Wiley Park Girls High School, Penshurst Girls High School and Kingsgrove High School. In that time I have been extremely proud of the extraordinary energy and enthusiasm, and the essential sense of community that in many ways exists solely in the public education system. Other senses of community exist in other school systems, but the full sense of being part of a local community can only be found at the comprehensive schools, that is, the local primary and high schools.

The House has heard criticism about Reading Recovery. I am among those who are very happy to unashamedly applaud Reading Recovery. That program is an extraordinary achievement of the Government. Years ago television and radio current affairs programs criticised the public education system for allowing children to leave school who could not fill out a form. There was much criticism about numeracy and literacy. Those stories do not seem to be around much these days. I was disappointed to hear the one-on-one Reading Recovery program referred to as a weakness. The one-on-one approach in Reading Recovery provides a very direct and personal contact with a student, and it is absolutely priceless. I have seen it work in a number of schools.

People may say that the program is not good enough, because there is still a rate of illiteracy. The reality is that no-one can say that literacy and numeracy rates have not improved, and credit for that must be given fairly and squarely to Reading Recovery. The work of teachers is rightly praised in the motion. One of the great mistakes people often make is that they look at the opening and closing hours of the school and assume that those are the working hours of the teachers. Most honourable members would be aware that nothing could be further from the truth. Teachers spend extra time in classroom preparation, in conversations with parents and in discussions with students after classes.

At high schools the so-called free periods for teachers are meant to be an opportunity for planning, but teachers often spend those periods talking in depth with students and answering detailed questions that were not answered in the classroom. All that work of teachers is of extraordinary value. The motion refers to the whole community. Schools relate not only with students but also with the cultural, intellectual, social, political and economic life of the community as a whole. No matter how good live theatre shows might be at various venues, such as the Wharf, most of us would agree that for real value for money nothing would beat a production at the local school. School musicals demonstrate the extraordinary energy of the young actors and the dramatic performances demonstrate their talents.

School students do excellent art work. The Art Gallery of New South Wales really fills up when ArtExpress is exhibited. When the Higher School Certificate works are displayed we are aware of the extraordinary value that is available from the school system generally and is particularly available through the public education system. In the past few years we all would have noticed the large noticeboards displayed outside our schools. The boards announce the success of sporting or debating teams, a science exam or other prize-winning event, and that recognition enables the students to feel proud of the achievement. Further, the communities see those signs and can be rightly proud of the students. We cannot separate the public education system from the community; it is intrinsically bound up with it. Our schools are of extraordinary value to the community. It is with great pleasure that I support and recognise Public Education Day.

The Hon. PETER PRIMROSE [3.17 p.m.]: I add my name to the names of members who support the sentiments of the motion concerning the recognition of Public Education Day. I am proud to be a product of public education, first at Granville South Public School, then at Campbelltown primary school, Campbelltown North primary school and good old Campbelltown High School. My wife was a student at Castle Hill High School. My son is now a student at Elderslie High School. My mother was a school cleaner at a public high school. I am very pleased to have had, and to continue to have, such an association with and strong support for public education. The sentiments expressed by other honourable members about the motion clearly indicated that public education is important and touches all of us in so many ways.

I acknowledge some of the Carr Government's achievements in public education over the past few years. The Carr Government's spending on school education for 2002-03 has been a record $8.48 billion, an increase of 52 per cent since 1994-95. The Carr Government has also increased spending on school buildings by 58 per cent —a staggering $593 million will be spent to improve and maintain our public schools and TAFE this year. Since 1995 the Government has built 57 new schools.

The Carr Government introduced a $464 million literacy and numeracy strategy which includes 925 reading recovery teachers in 830 schools, year 7 and year 8 English language and literacy assessment programs and a State numeracy plan. According to the Organisation for Economic Co-operation and Development, New South Wales students rank with the best in the world in literacy. One of the most interesting developments over the last few years has been our increased use of computers. That is reflected in important government programs to ensure that computers are available in schools. At present there are approximately 135,000 computers in schools in New South Wales. By June 2003 there will be an additional 11,250 computers in schools. That equates to one computer for every 5.2 students. Over the next four years $963 million will be spent on technology in our schools and TAFE colleges, which will increase Internet speed 30 times over. Every school is now connected to the Internet, which is a world first.

I refer briefly to school capital works programs. More than $1.1 billion has been committed over the next four years to improve school buildings. An amount of $70 million in extra funding was allocated in 2002 for the maintenance of 1,520 schools across New South Wales. The Carr Government has also spent $14.1 million to replace 50 demountable buildings in 23 schools—from Lavington Public School in Albury to Banora Point Public School in the Tweed. Around 570 demountable classrooms will receive airconditioning this year at a cost of $6.9 million. Over the next year $20 million will be spent on protecting our schools from theft and vandalism. New fences and alarm systems will be installed and security guards will be introduced at schools over the next few months. The Government provided $515 million in 2002-03 for a range of special education services for students with disabilities—almost double the amount that was spent in 1995.

The Government has offered seven vocational education and training courses as part of the new Higher School Certificate [HSC] and it introduced the HSC advice line in 1995, which has assisted more than 219,000 callers. Traineeships have been increased by a massive 343 per cent over the past five years creating new jobs and boosting the State's skill base. Since 2001, 450 teacher education scholarships have been created to boost teacher numbers in hard-to-staff schools, especially in western Sydney and in regional areas. Finally, I mention one area of public education which is often overlooked but which I believe is particularly significant—TAFE. There have been record TAFE enrolments. Over the past five years TAFE enrolments have increased by almost 22.5 per cent. TAFE NSW will receive more than $1.36 billion from the New South Wales Government during the 2002-03 financial year as part of a $1.56 billion vocational education and training budget.

In the next financial year TAFE NSW will spend $72 million on capital works programs, including 27 new major projects at Albury, Cootamundra, Dubbo, Grafton, Lightning Ridge, Meadowbank, Shellharbour and Wyong campuses. In recognition of the importance of public education, the Minister for Education and Training, the Hon. Dr Andrew Refshauge, announced yesterday that the State Government had released draft teaching standards for all New South Wales schools, including mandatory benchmarks for new teachers to meet before they begin their classroom careers. If any honourable members are interested in that issue, information packages are available. I echo the sentiments expressed in this motion and I congratulate teachers, children, parents and all those involved in public education in New South Wales.

The Hon. DON HARWIN [3.25 p.m.]: Public Education Day is a worthwhile opportunity to reflect on our educational achievements, stretching back over a century to the time of Sir Henry Parkes who established our public education system as we know it today. My colleague the Hon. Catherine Cusack referred in her contribution to the importance of resolving sectarian conflict, which was evident in our public education system. Public education now flourishes simply because we have put so much of that legacy of bitterness behind us. I, too, am a product of public education. All my schooling years were in Peakhurst South public school and Peakhurst High School. I am the proud son of a public education high school principal, so public education has always been important to me. As a Liberal who strongly values the importance of equality of opportunity, no area is more important than public education.

All legislators must remember when they consider issues relating to public education that, if they want to promote equality of opportunity for all Australians, it is crucial that they maintain a vibrant education system. I am proud of the role that Liberal State governments have played in New South Wales. In my view, even the much-excoriated Dr Metherell, as Minister for Education, made an extraordinary contribution that should be noted towards improving public education. That improvement was massively consolidated and taken even further by our former colleague in this place the Hon. Virginia Chadwick. Both those people did much to benefit public education in this State.

In the spirit of Public Education Day it is important to reflect on the role that public schools play in our community, and even more so in our country communities. Two of my cousin's children attended Ulladulla High School. My good friend and colleague in another place the honourable member for South Coast taught at Ulladulla High School for 26 years. That school is an important and vibrant part of the Ulladulla community. Teachers are treated with great respect and the school activities add something to the town. I was encouraged to speak in debate on the motion moved by Ms Lee Rhiannon because the motion refers to the Vinson inquiry—an important process. I do not think I would agree with all the recommendations of that inquiry but Vinson raised many things that I think were useful.

It is worthwhile reflecting on the fact that teachers, parents and other interested members of the public in country communities made a real effort to be part of that process. My colleague the honourable member for South Coast chaired a committee of interested persons, teachers and parents in Ulladulla who contributed a lot of time and effort to the Vinson inquiry. Their experience was not unique; it was the same right across the State. The Government and the new Minister should read and reflect on the many worthwhile things contained in the Vinson report.

They must consider these issues seriously over the next four years. Expenditure on school capital works, which was mentioned by the Hon. Catherine Cusack, is absolutely critical. Expenditure on school buildings in dollar terms is below the level of expenditure of March 1995, when the Fahey Government left office. That is extraordinary. The decision to move away from the cyclical maintenance program introduced by Minister Chadwick has been deleterious to public education. The report of the Vinson inquiry reflects upon that point at length, and I urge honourable members to have a look at it. One could quibble with various sentiments expressed in the motion or some of the points it makes, but the same could be said of many of the motions that we consider on private members' day. In the interests of goodwill and in recognition of the importance of public education, the Opposition will support the motion.

The Hon. PATRICIA FORSYTHE [3.31 p.m.]: I, too, support the motion moved by Ms Lee Rhiannon. Along with all honourable members, my support for public education is unequivocal. I am also a product of the public education system and was privileged to teach in a public high school in New South Wales. I am proud to say that support for public education is a core Coalition value and is fundamental to many of our policies. There is little in this motion with which I disagree.

On the subject of Henry Parkes, I inform the House that the first public speech I gave was in year 6 when students were given the task of speaking about a famous person. I chose Sir Henry Parkes because my grandmother went to school at Fort Street with Sir Henry's youngest child, Aurora. When the Parkes Room in the Parliament building was named a couple of years ago I attended the official dinner and met many members of different branches of the Parkes family—Sir Henry Parkes had a most interesting family background. I discovered that Aurora Parkes had not married and had no direct descendants. It was interesting to hear about Aurora's role in the Parkes family. My grandmother was training to be a teacher when her mother died. So, at age 15, she left school to help her father and brother at home—that is what people did at the beginning of last century. I have often felt that I inherited my grandmother's legacy. I have pursued many issues in which she would have been interested, and she certainly would have been in favour of a strong public education system.

I was enormously privileged to serve as shadow education Minister for three and a half years and to speak in support of public education. Whatever else I do in Parliament or in public life I will regard that role as being second only to a ministerial role—I do now know whether I will ever have that great honour. As shadow education Minister I was able to identify problems, to be a voice in support of public education and to effect significant change. Very early in the Government's last term in office I recognised the importance of comments by the Teachers Federation and the Federation of Parents and Citizens Associations of New South Wales about the significance of smaller class sizes. I am proud to say that I drove that debate within the Coalition, enjoying the active support of my colleagues, many of whom had stories to tell about their experiences in public education, the experiences of others and the impact of class sizes on learning.

I was the top history student—the prize winner—in my year at university but when I arrived at one high school in my first year as a teacher I discovered that I was expected to teach an art class. That sort of thing happens to teachers everywhere from time to time. The only salvation was that, in order to keep me in the profession, the school created a class comprising seven year 9 students. Four of the students were partially sighted—the school had a unit for partially sighted students—and the other three had other particular needs. One was a very bright student who had been isolated from his peers and the other two were very bright but needed additional support—for example, one student had had problems with juvenile justice. It was an unusual blend of students but we achieved wonderful things together. It is of course a special privilege to teach a class of seven students. My experience proved to me that the student-to-teacher ratio is extremely significant. I do not advocate having classes of seven in every school—that would not be affordable—but the principle is sound. In that small class I was able to meet the particular needs of every child and, as a consequence, I have always understood the educational theories regarding the significance of class sizes.

At the end of last year and early this year both the Government and the Opposition made commitments to deliver smaller class sizes. When that aim is achieved I will put up my hand as one of those who drove the debate and helped to produce that outcome. That is one of my proudest achievements in this place. I am absolutely convinced that if the Opposition had not pushed the Government on this issue it would not have given a commitment to reduce class sizes. When public education goes down that path it will put pressure on non-government schools so the Coalition will offer them additional support. New South Wales must be at the forefront of the education field once again. All children in this State must have the opportunity to achieve their best. The Government should pay close attention to the Vinson inquiry, which makes important points about the future of public education.

Another important issue, which is referred to in paragraph (c) of the motion, is the commitment to excellence in teacher training. We can and should provide better support for our teachers. In recent days the Minister for Education and Training has talked about establishing an institute of teachers. That is a most important step. Salaries are important to teachers, but unless we underpin the entire education system with well-trained teachers our capacity to achieve all our aims will be weakened. Progress in this area will come with renewed focus on teacher training. That training must be ongoing; it cannot end when students graduate. Teacher training should not take the form of cursory in-service days—one-off training days—that occur once or twice a year. Teachers require intensive support, including benchmarks that they can achieve, in order to deliver better outcomes for the entire profession.

Teachers can only benefit from that sort of focus. I have been strongly committed to that approach for years. We must emphasise the word "profession" when referring to the teaching profession. Doctors, accountants, engineers and architects must meet regular, stringent and ongoing training requirements and we should demand the same of teachers. We must raise teaching standards. This should be done not by the big stick approach but by the peer approach, by teachers developing benchmarks and working together to achieve a training regime that will underpin and take forward the teaching profession. I acknowledge that today is Public Education Day. No-one could dispute the importance, value and role of public education to the future of young people and the opportunities we give them.

Ms LEE RHIANNON [3.40 p.m.], in reply: I thank all members for their contributions. I am pleased that the House is united in its support of Public Education Day and of those who are involved in our public education system. I commend the motion to the House.

Motion agreed to.

QUARANTINE STATION PRESERVATION TRUST BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. GREG PEARCE [3.40 p.m.]: The proper and appropriate preservation of North Head and the historic quarantine station are very important issues for the Opposition. However, having looked closely at the bill introduced by the Hon. Dr Arthur Chesterfield-Evans, I believe that the best one could say about it is that it is misconceived. The Opposition will not be supporting it. It is fair to say that the best way to preserve the North Head site, which is unique in that it has 66 existing buildings, is to guarantee the ongoing use of those buildings so that there is a real incentive to keep them in good repair. The fact that the buildings have been in the care of the National Parks and Wildlife Service for some time and have already been the subject of vandalism and partial destruction by fire supports the case for ensuring that they are properly used, repaired and maintained for the enjoyment of members of the public.

This bill is at best misconceived; at worst it is a stunt or an attempt by the fairies at the bottom of the garden party to get itself some media attention over what is a very important issue not only for honourable members but for the entire population of New South Wales. I do not propose to speak at length about the significance of the site. The North Head site has significant importance as part of the Sydney Harbour foreshore and surrounds and as an area of natural heritage with significant flora and fauna. It is a site of Aboriginal occupation and importance. It has had a significant role to play in the development of the State and the colony. The Opposition believes it is important to ensure that the approach taken for the site will enable it to be preserved and used in the best way possible for the people of New South Wales.

It is difficult to detect any benefit in introducing a new level of bureaucracy in the form of a trust to manage the property. Having said that, I do not think it is of any use to leave it vacant in the hands of the National Parks and Wildlife Service. Equally, if the Department of Public Works becomes the responsible department for implementing the future development of the site, the Opposition will also be concerned. Those concerns will not be rectified by introducing a new bureaucracy and a new trust as is envisaged by this legislation. One only has to visualise the way this legislation intends the trust to operate to realise how nonsensical it will be to introduce such a new level of bureaucracy. The establishment of this trust would only enable the buildings to be leased out in a different way and for a commercial income from their occupation to be received. Basically, a process that is already up and running would be replaced by another process with another bureaucracy behind it. There is no sensible purpose in proceeding in that way.

The buildings will be best preserved if they have a commercial or other use to ensure a commercial imperative to keep them in a good state of repair and maintenance. Some trusts have worked—for example, the Hon. Dr Arthur Chesterfield-Evans made reference to The Rocks development, a series of commercial developments, which is a very different proposition from the quarantine station at North Head, where there is not a great deal of scope for expanding existing buildings and a much larger area of natural foreshore and bushland to be maintained. The Historic Houses Trust does a very good job of preserving a number of buildings. In addition to the heritage protection and preservation role it plays, it also has significant educational value. The trust not only deals with each building one by one; it presents them in a physical state with furnishings, artworks and associated materials to establish the nature of the building. I do not think it is worthwhile considering that model.

The National Parks and Wildlife Service has prepared a draft amendment to the Sydney Harbour National Park plan of management which will allow the proposal it is currently considering from Mawland Hotel Management Pty Ltd to proceed. I do not know whether that will be the best proposal for this site. I hope that in two or three years we are not called on to examine contracts to ascertain what the Department of Public Works and Services has or has not done. Its history in relation to a number of developments does not give me confidence. Given that the draft amendment to the plan is on exhibition and submissions in relation to it will be taken until 4 August, in my view the bill is premature. It would be much better for the Australian Democrats to put their time and effort into making submissions on that plan and to gain more public support for its position. One of the problems with this type of bill is that the Australian Democrats can put forward such proposals without the need to find funding for them. One concern of the Democrats is that private developers or private occupants may not be able to fund the necessary repair, maintenance and preservation of the site and buildings.

If that is a concern, it is of even greater concern that a new trust such as this is proposed, with all of the associated costs, because it comes without any provision made for funding. That is one reason not to support the proposal. The Coalition is concerned about the preservation and appropriate use of this wonderful site and area, but it is does not believe that this legislation and what is proposed will enhance the likelihood that the site will be cared for and maintained as a very important asset of the people of New South Wales. The Opposition will not be supporting the bill.

The Hon. HENRY TSANG (Parliamentary Secretary) [3.50 p.m.]: The Government will not support the Quarantine Station Preservation Trust Bill, which seeks to revoke the reservation of the quarantine station as part of the Sydney Harbour National Park and to vest the land in a new trust. The quarantine station is a place of national importance, where Aboriginal, European and Asian histories of Australia meet. North Head, where the quarantine station stands, also has outstanding environmental values. Rare plant species grow in the area, and there are endangered populations of little penguins and long-nosed bandicoots. The station was run-down when it was obtained from the Commonwealth Government in 1984. The National Parks and Wildlife Service has systematically attempted to address maintenance requirements. Given the substantial costs associated with this ongoing task, a reasonable government, then the Coalition Government, in 1993, thought it a sensible option to lease the site to the private sector. Now we learn that the Coalition is opposed to the quarantine station adaptive reuse proposal now being considered.

The Hon. Greg Pearce: What? I did not say that.

The Hon. HENRY TSANG: From my knowledge, the Opposition does not now oppose the Government's initiative.

The Hon. Greg Pearce: I did not say that.

The DEPUTY-PRESIDENT (The Hon. Amanda Fazio): Order! I remind the Hon. Greg Pearce that interjections are disorderly at all times.

The Hon. HENRY TSANG: The Coalition has conveniently forgotten that it commenced the entire leasing process when it was last in government. None other than Chris Hartcher was the Minister for the Environment at the time. In June 1993 he called for expressions of interest from developers to lease the site, and was reported in the *Manly Daily* of 10 June 1993 as saying:

> "… this will be a boom to Australian tourism and the Manly area, and enable us to generate funds necessary to preserve this magnificent collection of buildings.

Extensive and exhaustive investigations have been undertaken to determine the most appropriate use of the site. Considerable effort has been made to involve the community in discussions about its future. In 1998 Mawland Hotel Management Pty Ltd was selected as the preferred tenderer. A conditional agreement to lease was signed in 2000. Also in 1998 a plan of management was adopted for the Sydney Harbour National Park, after a public exhibition period. This plan envisaged private sector involvement in the adaptive reuse of some historic buildings to maximise public access and enhance conservation and management. To ensure that the issues had been thoroughly canvassed the Minister for Planning directed that a commission of inquiry be held. The inquiry released its report in July 2002. This independent inquiry found:

> Private sector lease involvement enables, in terms of public access and public interest, an immediate economic and environmentally sustainable approach to the conservation of the Quarantine Station.

It appears that the Hon. Dr Arthur Chesterfield-Evans does not wish to accept the findings of that independent inquiry. He wants to add yet another layer of investigations, carried out by a new trust, in the hope that it will come to a different conclusion. These investigations will result in extensive delays, and that would result in further deterioration of the station's buildings, structures and natural environment. Those delays, the inquiry strongly advised, must be avoided in the interests of the continued wellbeing of the station, in regard to both maintenance and security. The bill would allow the quarantine station to be leased, after further investigations. However, it seeks to limit the lease to 10 years. The commission of inquiry examined the issue of an appropriate lease period and determined that a lease period of 21 years was reasonable.

In reaching this conclusion, the commissioner considered the views of the community as expressed in public submissions, as well as the likelihood of changes to legislative requirements, increased environmental knowledge and applicable standards applying for the protection of the environment. The Government cannot support the key feature of this bill: the removal of the quarantine station site from the Sydney Harbour National Park. The National Parks and Wildlife Act would no longer apply, lessening statutory protection for the quarantine station. The National Parks and Wildlife Service and the Sydney Harbour National Trust, another major landholder at North Head, are currently investigating a proposal for a co-operative management regime for the whole of North Head.

The vision of a wildlife sanctuary at North Head is proposed as an instrument to unify the conservation of natural and cultural values across all institutional landholdings on the peninsular. The sanctuary proposal is being developed with the involvement of non-government organisations and the community. The proposal in the bill to remove some land from the national park for separate management by a trust would compromise these efforts. While trusts can be an effective management tool in some circumstances, they are not necessary in this case. The bill will achieve nothing for the conservation of the quarantine station and will erode the efforts of the National Parks and Wildlife Service to find a sustainable use for this important icon. The Government opposes the bill.

Reverend the Hon. FRED NILE [3.57 p.m.]: The Christian Democratic Party believes there is some merit in the Quarantine Station Preservation Trust Bill, in spite of the Government's criticisms of the bill and what it believes to be some of its defects. The reason for the bill is that the mover of the motion, the Hon. Dr Arthur Chesterfield-Evans, is concerned about the quarantine station site not being cared for properly and about the poor condition of the buildings. The honourable member is concerned that if that responsibility remains with the Sydney Harbour National Park, we will not need such a debate because there will soon be no quarantine station. We know that has happened with many historic buildings: their neglect reaches the point where it is no longer economical to spend a great deal of money to restore them to a worthwhile condition so that people may visit the sites, and be able to safely enter buildings and so on. We know of similar projects cared for by the National Parks and Wildlife Service, a matter referred to by one member in his speech. Because of limited resources and other reasons, some important heritage locations do not receive the required care and attention. I guess, when it is a question of weighing up where to spend the money, sometimes a project like the quarantine station will miss out.

Obviously, the new trust would have to work out how to raise funds to preserve the quarantine station. It could agree to a lease or devise other ways to raise funds for maintenance and upkeep. I note that the bill will set up a preservation trust, which I believe would take a great deal of interest in the preservation and upkeep of the buildings. The trust would consist of five trustees appointed by the Minister, including representatives of the National Parks and Wildlife Service, the Heritage Council, the local Aboriginal community and the local community generally. I am sure they would carry out their responsibilities as trustees. Therefore, we support the bill.

Debate adjourned on motion by Reverend the Hon. Fred Nile.

BUSINESS OF THE HOUSE

Postponement of Business

Private Members' Business item No. 3 in the Order of Precedence postponed on motion by the Hon. Dr A Chesterfield-Evans.

FAMILY IMPACT COMMISSION BILL

Second Reading

Debate resumed from 8 May.

Reverend the Hon. FRED NILE [4.02 p.m.]: On the last occasion I spoke on this important bill I said only a few words, and I regard this as my second reading speech. The bill is one of the most important bills to be introduced into this House. A great deal of work has been done over a long time to produce it. It is a most detailed and professional bill. It does not scrape over various aspects, but goes into detail. Any questions honourable members may have are answered in the bill. Often bills that are introduced into this House give an overall picture and the Government says that the detail will be provided in regulations. But in this case the detail is in the bill.

The object of the bill is to provide for the establishment of the Family Impact Commission, which will study and report on the moral, social and economic impact on New South Wales families of existing laws and proposed laws and government expenditure, for the purpose of ensuring that the family, consisting of those individuals related by blood, adoption or marriage, is the foundational social unit of the nation; the family is to be given the widest possible protection and assistance as the natural and fundamental unit of society, particularly when it is responsible for the care and education of dependent children.

In previous debates concern has been raised about the definition of "family". Some honourable members have assumed, wrongly, that a bill of this type would prevent the Government from assisting people in other relationships. The bill will ensure that the Government does not neglect the family, but nothing in the bill will stop the Government from providing financial support or relevant legislation for single mothers, divorced women, single-parent families, a male with children, a widow or widower, a war widow or homeless children. Obviously, governments must provide care and protection for all members of society. The bill will give priority to the family, which is the basic unit of society. If honourable members took time to think about that principle they would agree with it, but whether they agree with how I apply it is another matter.

It is often said by both sides of politics that the family is the basic unit and the building block of society. Strong families mean a strong society. If we believe that, we should give priority to doing whatever we can to strengthen those families so that they can care for themselves and their children, and provide support for disadvantaged and dysfunctional families, and individuals. The bill further provides that the family has the prime responsibility for the welfare, education and property of its members; that the sanctity and the unique sphere of authority of the family be recognised and preserved; and that optimum conditions for maintaining the integrity of the family unit are to be preserved and promoted. No government would deliberately do anything to hurt the family, but decisions sometimes unintentionally disadvantage the traditional family.

Only last week I heard from a couple in their 60s who decided to marry after their former partners had died. However, they now find that their pension has been disadvantaged. Rather than encourage people to marry and establish a family unit, that would deter them from marrying. I do not believe that anyone decided to make it harder for people to get married and easier for them to live together in a de facto or unmarried relationship, but that is the effect of economic decisions. The bill provides for the preparation of family impact studies and assessment of all bills introduced into the Parliament, and for all expenditure or programs of expenditure of public money; the preparation of those studies and assessments for other matters considered appropriate by the commission; the principle to be taken into account when preparing such studies and assessments; the constitution of an advisory committee; the conferring of investigative powers on the commission; and the publication and review of studies and assessments.

Honourable members know that the bill was previously passed in this House by a vote of 22 to 17 and was then referred to the Standing Committee on Law and Justice, which reported back to the House following an extensive inquiry. The 1996 inquiry considered not only the bill but also the proposed amendments. The

committee received many submissions, many of which were for the bill and opposed to some of the foreshadowed amendments. I was very pleased that so many people took an interest in the bill. I was also pleased that a number of submissions supported it. I know that questions have been raised about the definition in the legislation, but it is supported in many quarters. For example, the bill seeks to enshrine in legislation article 16 (3) of the Universal Declaration of Human Rights—a declaration that is supported 100 per cent by all honourable members. The article states:

> The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

All parliamentarians say that they support that principle, but through this bill I am trying to find a way to incorporate those very important principles into legislation. Section 43 of the Family Law Act—legislation that was introduced by the late Senator Lionel Murphy, as he was at that time—was amended in view of widespread concern. Reluctantly, these words were included in the Act:

> The Family Court shall, in the exercise of its jurisdiction under this Act, and any other court exercising jurisdiction under this Act shall, in the exercise of that jurisdiction, have regard to:
>
> (a) the need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life;
>
> (b) the need to give the widest possible protection and assistance to the family as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependent children;
>
> (c) the need to protect the rights of children and to promote their welfare …
>
> (d) the means available for assisting parties to a marriage to consider reconciliation or the improvement of their relationship to each other and to their children.

Paragraph (a) relates to marriage, which is of paramount importance, and subsection (b) refers to the "widest possible protection and assistance to the family as the natural and fundamental group unit of society". Those subsections show that universal principles are recognised both in international conventions and in Federal legislation. This bill, which has been introduced by the Christian Democratic Party, is to my knowledge the first ever attempt to enshrine those principles in this State's statutes.

I have listened to many debates in this Chamber about environmental impact statements. I do not have anything against environmental impact statements and I certainly support preserving the environment, but there seems to be a gap. This State's legislative framework does not adopt the same approach to providing a legislative framework requiring impact statements for families. While listening to debates on the environment, the idea of family impact statements germinated in my mind and that led me to the introduction of this bill. A number of organisations that made submissions to the Legislative Council Standing Committee on Law and Justice have responded positively to this bill. The former Catholic Archbishop of Sydney, Archbishop Clancy, stated:

> If this legislation is to be regarded as a worthwhile part of the legislative activity of the Parliament in promoting the *peace, welfare and good government* of New South Wales it needs to be demonstrated that an assessment of the impact on *families* of legislation and government policy merits specific attention.
>
> The support for this proposition, and hence for this proposed legislation, lies in an acceptance of the special place of the family in society.

That statement alludes to principles in some of the documents to which I have referred, namely, the Universal Declaration of Human Rights. Other organisations that perceived merit in this bill are the Women's Action Alliance, the Festival of Light Community Standards Organisation, with which I am involved, the Presbyterian Women's Association of Australia in New South Wales, the Presbyterian Church of Australia, General Assembly of New South Wales and its church and nation committee, and particularly the Salvation Army, Australian Eastern Territory. I know that all honourable members respect the Salvation Army and I note that its Red Shield appeal is currently being conducted. I am confident that the appeal will be supported strongly by the Australian people, as usual. The Salvation Army's submission on the objects and principles of this bill states:

> *We support this* strongly as it stands.
>
> *We refute* the proposed amendments to omit lines 12-14 by reference to the Family Law Act.

The Salvation Army also supports the definition of the family provided in the bill. Those comments are important community feedback, which is not often part of legislation. The community does not usually have an

opportunity to be involved in the preparation of bills that are introduced into the House. In contrast to that, this bill almost makes it obligatory for the community to be involved. Part 1 of the bill provides definitions that are fundamental to its purpose. The bill states:

> ***family*** means an organic unit composed essentially of a man and a woman related by marriage and the children of either or both of them by blood or adoption...
>
> ***marriage*** means the union of a man and a woman to the exclusion of all others voluntarily entered into for life.

Clause 5 provides for family impact studies and assessments to be made by the Family Impact Commission on the effect of proposed legislation and government expenditure. It also provides people with an opportunity to apply to the commission. Schedule 1 sets out the Application for Family Impact Study/Assessment. I will be pleased to consider amendments to machinery provisions of the bill, including schedule 1. The idea is that people will apply to the commission and request a family impact study or assessment to be undertaken. The application sets out a number of matters that will enable the commission to determine whether it is worthwhile undertaking expenditure to make an assessment. People who make an application will be required to furnish information in response to these questions, among others:

> 5. How many families would be affected by the proposed legislation or expenditure?
>
> 6. Which type of families would be affected by the proposed legislation or expenditure? (eg families from a particular ethnic background or in a certain geographical area)...
>
> 8. Will the proposed legislation or expenditure reinforce the stability of the home and particularly the marriage or commitment that holds the home together?
>
> 9. Will the proposed legislation strengthen or erode the authority of the home and specifically the rights of the parents in relation to the education, nurture and supervision of their children?

When honourable members study the bill they will see that there are 21 very comprehensive questions in the application. The bill also requires the commission to provide a copy of the study and assessments to the applicants and interested parties. In other words, the commission's procedure is open to public involvement and oversight. The commission will be required to make copies of each study and assessment available to the public for inspection, free of charge or for purchase. The commission will also be required to give a copy of each study and assessment to each member of the advisory committee.

The assessment of a bill which will be read in each House of Parliament during the second reading stage, and a copy of the assessment is to form part of the official records of the matter concerned. The bill also provides for the Minister to appoint a public authority or a public official as the authority with responsibility for one or more matters requiring study and assessment. The procedure that the commission will adopt in conducting its work is outlined in part 6, which relates to information gathering, et cetera. Clause 21 allows the commission to invite public submissions on any matter that is the subject of a study. Clause 22 enables the commission to refer a matter that is the subject of a study to a public authority or public official for investigation or other specified action.

Clause 24 enables the commission to conduct investigations on its own initiative or for the purposes of preparing a study or assessment. I will not go through all stages, but I indicate that a great deal of thought has gone into preparing this bill. We believe we have covered all the important matters. The bill provides for the establishment of an advisory committee to advise the commission. We have suggested the membership and procedure for that advisory committee, because sometimes that detail is not provided in a bill and people may become concerned about that in due course. Everything has been included up front. The committee is to consist of 15 members, 1 member to be the Director-General of the Premier's Department, or a representative; 1 member is to be the Director-General of the Attorney General's Department, or a representative; and 1 member is to be the Director-General of the Department of Health, or a representative.

The remaining 12 members are to be appointed by the Governor, each person being nominated by, or by a body that the Minister is satisfied represents, one of the following organisations, churches or faiths: the Institute of Family Studies, the Salvation Army, the Anglican Church, the Catholic Church, the Uniting Church, the Jewish faith, the Greek Orthodox Church, the Presbyterian Church, the Assembly of God Church, the Australian Federation of Festival of Light Community Standards Organisation, the Australian Family Association and the New South Wales Council of Churches. We know that those organisations and churches have a deep concern for the welfare of the family. Other organisations may have special interests in other areas such as conservation or the environment, and other bills establish their representation on other advisory committees.

I have tried to select organisations that would make a contribution to the conduct of the Family Impact Commission. Some members are concerned about certain aspects of the bill, but I hope that it will be passed in due course. In my earlier contribution I spoke about having a conscience vote on this bill because I had detected that there were strong views one way and the other. A conscience vote and differing views will be reflected in later debates concerning the age of consent, euthanasia and abortion. It may be possible for the major parties and crossbench members, when considering the bill, to have a conscience vote to allow honourable members to express themselves freely. I am sure the Government would agree that the Family Impact Commission is an excellent idea, but it will cost money.

The Government will need to weigh up its priorities and resources and decide whether it should allocate funds for the Family Impact Commission. The financial benefits that would flow from the commission would far outweigh its costs. I hope that in considering the bill the Labor Government will not just consider the dollars and cents, and say that the commission is a great idea, but decide not to burden the budget with it and oppose the bill. I would be prepared to consider the insertion of a sunset clause in the bill to limit its operation to two or three years. If the commission proved to be of no practical value it could lapse, unless a new bill were introduced to allow it to continue its work. We could also consider holding a trial of the Family Impact Commission, as is being done with the trial of the medical use of marijuana and the Kings Cross injecting room.

Mr Ian Cohen: You agree with that, do you?

Reverend the Hon. FRED NILE: Many members push for trials, so let us have a trial of the Family Impact Commission. If it proves to be beneficial it can continue, or we could have a sunset clause to bring the experiment to an end. I would not push for the commission to continue if it did not achieve its aims. A commissioner and assistant commissioner would have to be appointed, as they are in other bodies set up by this Parliament. They would be nominated by the Government, through the Premier's recommendation to the Governor, and the Government would have control over those appointments. The bill states:

> The Governor may, from time to time, appoint a person to act in the office of Commissioner or Assistant Commissioner during the illness or absence of the Commissioner or Assistant Commissioner, and the person, while so acting, has all the functions of the Commissioner or Assistant Commissioner and is taken to be the Commissioner or Assistant Commissioner.

That traditional wording was provided to me by Parliamentary Counsel to cover those appointments. There is no hidden agenda, I have no nomination for the commissioner, but I assume that if the bill is passed the Government will conduct a thorough investigation. The Government may adopt the usual practice and advertise those positions, as it does for other organisations. I am sure suitable persons could be appointed. I urge honourable members to not make an off-the-cuff decision. I ask them to study the bill, discuss it within their party and specialised party committees, with members of the community, and with community church representatives and get some feedback before they make a firm decision. I ask honourable members to give the bill fair consideration.

Debate adjourned on motion by Reverend the Hon. Dr Gordon Moyes.

BUSINESS OF THE HOUSE

Postponement of Business

Private Members' Business item No. 5 in the Order of Precedence postponed on motion by the Mr Ian Cohen.

STATE ARMS, SYMBOLS AND EMBLEMS BILL

The Hon. PETER BREEN [4.30 p.m.], by leave: I move:

> That Private Members' Business item No. 6 in the Order of Precedence be amended by omitting the words "display and use of the arms and symbols" and inserting instead "use of the arms, symbols and emblems".

The purpose of the motion is to amend the long title of the bill of which I gave notice.

Motion agreed to.

Bill introduced and read a first time.

Second Reading

The Hon. PETER BREEN [4.31 p.m.]: I move:

That this bill be now read a second time.

I thank honourable members for the opportunity to second read today the State Arms, Symbols and Emblems Bill. The major policy objective of the bill is to require that the State Arms of New South Wales are to be used to represent the authority of this State and not the Royal Arms of the United Kingdom, Great Britain and Northern Ireland. This includes the display of the State Arms in parliamentary buildings, courthouses, offices or official residences of the Governor and other government offices, as well as the use of the State Arms on seals and documents used by the State and its instrumentalities. The bill leaves unchanged the form of the current State Arms, symbols and emblems, allows them to be changed in the future and restricts the circumstances in which they may be used.

Before I discuss the content of the bill I think it is appropriate that I briefly outline its recent history and development. Honourable members may recall that last year, on 5 February 2002, the Attorney General, the Hon. Bob Debus, MP, requested that the Standing Committee on Law and Justice investigate my proposal to introduce a State Arms bill. The committee received 57 written submissions—a significant public contribution. On 5 December 2002 the Hon. Ron Dyer tabled the committee's report, following a comprehensive analysis of the issues relating to use of the State Arms and the Royal Arms of the United Kingdom in relation to the official purposes of the New South Wales Government. The committee concluded that the State Arms of New South Wales were the appropriate arms to represent the authority and sovereignty of this State and should be used consistently across all aspects of government.

Subsequent to the inquiry by the law and justice committee, of which I was a member, I consulted widely on the committee's report. This included meeting with those who had either made submissions or given evidence to the committee. I had the bill redrafted as the State Arms, Symbols and Emblems Bill to take into account the majority of the recommendations in the committee's report as well as the issues that arose during my consultations. I now turn to the substance of the bill. As I have already stated, the purpose of the bill is to require that the State Arms of New South Wales be used to represent the authority of the State rather than the arms of the United Kingdom, Great Britain and Northern Ireland, known as the Royal Arms. As honourable members may know, the Royal Arms of the United Kingdom incorporate emblems representing the various territories and kingdoms which comprise the United Kingdom, including the three lions of England, the lion of Scotland and the harp of Ireland.

The Royal Arms are readily distinguished by the lion of England and the unicorn of Scotland, which flank either side of the shield. These arms, which are used by the sovereign of the United Kingdom, represent the dominion and sovereignty of the United Kingdom of Great Britain and Northern Ireland. The distinguishing features of the State Arms of New South Wales on the other hand are, of course, the lion and the kangaroo. The State Arms also incorporate emblems such as golden fleece, sheaves of wheat and a rising sun, which were considered to be representative of the State in 1912. The bill proposes no present change but allows for change following public consultation through an expert advisory committee. I want to reassure all honourable members that there is no proposal in my mind or elsewhere to change the State Arms or the symbols or the emblems of the State.

While the Royal Arms of the United Kingdom were originally used in the colony, it is a fact that the State of New South Wales, which is a separate sovereign entity within the Commonwealth of Australia, has had its own coat of arms since 1906 when King Edward VII granted the arms by way of royal warrant for "the honour and distinction" of the State. Despite this, the State Arms are used quite erratically at present, with the Royal Arms used in many instances particularly by this Parliament and the courts. Honourable members may have noticed the use of the Royal Arms of the United Kingdom, in both Chambers of this Parliament located above the Speaker's and the President's chairs. The continued use of the Royal Arms of the United Kingdom contrasts with the situation at the Commonwealth level.

The Commonwealth Arms were granted by royal warrant in 1908 and amended in 1912 and are used consistently and without controversy by the Federal Government. This includes representations in the new Federal Parliament, the High Court, the Federal Courts and the Family Court. The reality is that there is no justification or logic for the various arms of Government and the State of New South Wales to continue to use the Royal Arms of the United Kingdom in any circumstance. As I have said, we have our own coat of arms that

represent the sovereignty and dominion of the State of New South Wales. It is these arms, and not the Royal Arms of the United Kingdom, that are the correct and proper arms to use and display in all aspects of government.

The passing of the Australia Act in 1986 put an end to any doubt as to which arms are the appropriate arms to use to represent the authority of the State of New South Wales. As honourable members will know, the effect of this Act was to sever the remaining legal ties between Australia and the United Kingdom. Having said that, I make the point that this bill is not motivated by any interest in republican activities, as has been suggested in other forums, most notably during the inquiry process. Rather, the bill merely seeks to require that the arms that most accurately reflect the sovereign State of New South Wales are used and displayed. Nor does the use of the State Arms rather than the Royal Arms of the United Kingdom mean that we are disrespecting our heritage and our historical connection to the United Kingdom. It simply means that we are using the correct coat of arms to identify the sovereignty and authority of the State of New South Wales, which is sovereign, separate and distinct from the sovereign of the United Kingdom and Northern Ireland.

While an inadequate measure of statutory protection is provided to the State Arms through the Unauthorised Documents Act 1922, there is currently no specific legislation governing the use of arms in New South Wales. The question for our purposes therefore becomes: Why do we need legislation to officially require the State Arms to be displayed instead of the Royal Arms of the United Kingdom? The fact is that government policy since 1995 has actually required the State Arms to be displayed in all new and renovated public buildings in New South Wales. Unfortunately, however, this policy does not appear to have been uniformly or consistently implemented. Consider the current refurbishment of the old Supreme Court buildings in King Street. The project is a credit to the Carr Government and respects the high heritage values of those buildings and their furnishings, including the many antique representations of the Royal Arms. Yet in the restoration process many entirely new representations of the Royal Arms of the United Kingdom have been introduced entirely contrary to government policy and despite public protest.

Honourable members will note that, under clause 61 of the bill, all depictions of the Royal Arms of the United Kingdom that purport to represent the authority of the State of New South Wales are to be replaced with the State Arms within three years of the commencement of the bill. For practical reasons, it is essential that the bill contain an appropriate time limit for implementing its objectives. As I have mentioned, it has actually been government policy since 1995, albeit inconsistently implemented, that the State Arms of New South Wales be used rather than the Royal Arms of the United Kingdom. Clause 6 (2) of the bill contains an exemption from the removal requirement in relation to the Royal Arms of the United Kingdom that form:

> … an integral part of an item of the environmental heritage of the State.

The exemption is to be determined by the Premier in consultation with the Heritage Council and a State heraldry advisory committee. In other words, the bill recognises that there will be some cases when, on heritage grounds, it is appropriate to continue to display the Royal Arms of the United Kingdom. On those occasions the State Arms will be displayed in addition to the Royal Arms, which are retained for historic reasons. For example, it would seem appropriate to leave in place the existing Royal Arms of the United Kingdom that appear above the President's and the Speaker's chairs is this Parliament. However, a representation of the State Arms should also be displayed in a presiding position above the President's and the Speaker's chairs. It seems to me to be quite inappropriate for us to continue to make laws with respect to the government of New South Wales and for the people of New South Wales under the auspices of the Royal Arms. There is presently no representation of the State Arms, which embody the true sovereignty and authority of our lawmaking powers.

Clause 5 of the bill vests the power to change State Arms and to change and adopt the symbols and State emblems in the New South Wales Government. This power is to be exercised by the Governor on the recommendation of the Premier. I note that the Standing Committee on Law and Justice expressed concern about the intent of this clause, favouring instead the more traditional method of alteration. This method is of course to seek the grant of new arms by way of royal warrant, administered through the College of Arms of England in London. This is what occurred at the Commonwealth level in 1912 and in South Australia in 1984. The committee stated:

> Intrinsic to the symbolic strength of the State Arms is that it has been validly conferred on the State of New South Wales by way of Royal Warrant in accordance with the laws of arms.

The constitutional and legal reality is that the traditional method contemplated by the committee would involve a continued role for the foreign College of Arms in London. To that end, clause 7 of the bill provides for the

establishment of a State heraldry advisory committee. It is proposed that this committee will comprise eight members, the majority of whom are expert in heraldic theory, law and usage. The purpose of the committee will be to provide expert advice to the Government on changes to the existing State Arms, symbols and emblems, as well as on the addition of other State symbols and emblems. The committee will also advise the Government on the circumstances in which historic representations of the Royal Arms of the United Kingdom should continue to be displayed and on the appropriate housing and display of any representations of the Royal Arms that are removed from their current positions.

I am aware that the Heritage Council of New South Wales is currently the Government's principal expert adviser on heritage matters, and I agree completely with this arrangement. However, the Heritage Council has no expertise in relation to heraldic matters. I am of the opinion that the Government should make provision for obtaining the heraldic advice that is readily available to it. As the Law and Justice Committee noted in its report, a considerable wealth of knowledge of heraldry is available within New South Wales. The Heritage Council is clearly not, and would not pretend to be, the appropriate body to advise the Government about changes to the State Arms, symbols and emblems or about the adoption of further State symbols and emblems. I point out that the creation of a State heraldic committee would be necessary only in the absence of a heraldic authority with jurisdiction in New South Wales. While not directly concerned with the bill, the Law and Justice Committee's report recommended that the Premier favourably consider the establishment of a New South Wales heraldic authority to grant and register arms and to regulate heraldic usage in New South Wales until such time as a Commonwealth heraldic authority is established. The committee strongly supported the creation of a Commonwealth heraldic authority as the preferred outcome.

The creation of a heraldic authority is critical since it will mean that the people of this State do not have to seek grants of arms from heraldic authorities in other countries. Australians are presently in the unsatisfactory and anachronistic position of having recourse to the English, Scottish and Irish heraldic authorities, which are foreign to us. This fails to cater to the needs of citizens whose ethnic origins are not in England, Scotland and Ireland and who have brought their inherited coats of arms and heraldic traditions with them to this country. Their rights and interests are completely ignored at present. I suggest that the Canadian Heraldic Authority, which integrates the many influences of its multicultural and indigenous societies, is a model example in this respect. I hope that the Premier will give detailed consideration to this very important recommendation and to this bill, which implements the important public policy objectives of the Law and Justice Committee's report. I thank honourable members once again for this opportunity to give the bill a second reading today. I commend the bill to the House.

Debate adjourned on motion by the Hon. Peter Primrose.

BUSINESS OF THE HOUSE

Postponement of Business

Private Members' Business item No. 7 in the Order of Precedence postponed on motion by the Hon. Peter Primrose.

NEWCASTLE TO SYDNEY HIGH-SPEED RAIL LINK

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [4.46 p.m.]: I move:

That this House:

(a) notes the commitment by the Premier and the Minister for Transport, Carl Scully, on 24 November 1998 that a $1.2 billion 68 kilometre high-speed rail link between Sydney and Newcastle would be completed by 2012,

(b) notes the front page article "all Aboard" in the *Central Coast Express Advocate* dated Wednesday 25 November 1998 which features a photo of the Premier at Woy Woy Railway Station expressing his support for the Newcastle to Sydney Speed Rail Link stating, "It means we will be able to get more trains to run in the peak hours, so in an hour there will be 12 instead of 9 trains running,"

(c) notes the full-page advertisement on page 13 of the *Central Coast Express Advocate* dated Friday 12 March 1999 headed "Building a high speed rail link", which contains the names and photographs of the Labor Members for Peats, The Entrance, and Wyong, as well as the Labor candidates for Gosford, under the commitment that "The NSW Government will spend $790 million building a high speed rail link between Sydney and the Central Coast,"

(d) notes an interview printed in the *Central Coast Express Advocate* on Thursday 3 October 2002 in which the Premier said there was no point using the existing rail network for a very fast train from the Coast and his statements that "We need a new route, otherwise we would simply have the same problems we now have" and later "We have looked at fast train systems in Germany and France so it's a matter of choosing the right one for us,"

(e) notes denials by the Treasurer on 20 February 2003 that the Government had ever committed itself to the project, in which he stated "We haven't committed ourselves to that,"

(f) calls on the Treasurer to formally apologise to residents of Newcastle, the Hunter and the Central Coast for his government's continued misleading comments and advertising campaigns over the past five years.

This motion is evidence of yet another con that this Government perpetrated upon the people of New South Wales in the lead-up to the recent State election. However, this case is incredibly special because it relates to the Central Coast—an area from which all honourable members know I proudly hail. It is also important in the context of this place because the Minister for the Central Coast, the Hon. John Della Bosca, was part of the overall con that was perpetrated upon the people of the Central Coast with regard to the proposed high-speed rail link. This evening I plan to make the Minister—who is also the Assistant Treasurer—account for his inability to fulfil the pledges given to the people of the Central Coast. The Government's misrepresentation of this issue, which continued over several years, was exposed dramatically during the election campaign by none other than the Treasurer of New South Wales, the Hon. Michael Egan.

As more and more people move to the Central Coast and the reality hits that there are simply not enough jobs for everyone, pressures on the region will start to impact on our ability to provide roads, rail services, parking stations and alternative modes of transport. Additional transport infrastructure is needed on the Central Coast, where communities are expanding incredibly rapidly. The Government has spread a litany of deceit in a number of areas, but this practice has been especially damaging in the area of transport, particularly rail transport. For the edification of the Minister for Transport Services—who for some foolish reason believes he is the only person in this Chamber who has ever travelled by train—I must inform the House that I have commuted from the Central Coast to the city by train for many years.

Fortunately I can now commute by motor vehicle but that too has its own stresses and strains travelling in the F3 grand prix of a morning and heading elsewhere throughout New South Wales. The only other mode of transport that is available, and one that I have utilised for many years, is the rail system. In essence this debate starts at Warnervale where the State Government put its first flag into the sand and stated that the upgrade of the rail system—in particular the high-speed rail link—would go as far as Warnervale and be operational by 2007. In 1982 I lived at Warnervale and commenced my daily grind of commuting. At that time the electric train service terminated at Gosford when commuters had to disembark and board an old diesel train to continue their journey up the North Coast, which included Newcastle.

In 1982 I was introduced firsthand to the stresses and rigours of commuting. I had to wake up at Warnervale at 2.55 a.m., drive my car approximately 30 to 35 kilometres to catch the 4.15 a.m. train—the first morning train—to Gosford and then catch another train to commence work at North Sydney at 6.00 a.m. In those days the trains were less frequent but at least they were on time. Even though they were all red rattlers whose windows and doors would never close during winter—

The Hon. Rick Colless: They were faster and there were actually sleepers on the track.

The Hon. MICHAEL GALLACHER: The Hon. Rick Colless commented that they were faster in those days. Historically, during the years 1936 to 1938 the Newcastle flyer recorded the fastest time between Newcastle and Sydney, even though it had to stop at Gosford to fill up with water to continue to Sydney. Today the trains are slower than the Newcastle flyer in the 1930s.

The Hon. Rick Colless: Even the XPT is slower.

The Hon. MICHAEL GALLACHER: As the honourable member said, the XPT is even slower. In 1982, from memory, the trains were more frequent although not as comfortable as they are now as a result of technology. They were cleaner and I felt considerably safer travelling on them than I do in 2003. Today's debate is about a fraud that was played out on the people of the Central Coast, indeed on the people of New South Wales, for one reason and one reason only—to enable the Labor Party to win the 1999 State election and to win Central Coast seats. On 24 November 1998 Central Coast newspaper headlines declared: "All aboard high-speed rail line, $800 million godsend for commuters". That was in the old days, prior to the balloon being launched for the 1999 State election campaign, when the Premier announced on 1 January of that year that the election had commenced and the accumulator methodology of certain Sydney newspapers was said to commence. Prior to that date the Premier travelled around the State making massive promises across a wide variety of subjects, knowing too well that they would cause a budget blow-out. At the end of the day he knew when he made the announcements that he had no intention of fulfilling them.

The long-suffering commuters of the Central Coast and their families were prepared to grab the announcement with both hands. For the first time there was an $800 million commitment, which was not miserly by any stretch of imagination, from the Government for a high-speed rail link. The article stated exactly how the 10-year plan would operate as part of the 20:10 transport action plan and that the Premier would be able to get more trains—12 instead of 9—running during peak hours. That announcement was of extreme importance to the Central Coast. It was very much focused on commuters whose families were looking forward to their loved ones getting home earlier and spending more time with them. As the headline said in 1998, this was a real godsend to the Central Coast.

The Premier spoke about up to 15 minutes, possibly more, being cut from train journeys by people travelling from the Central Coast to Sydney. Fifteen minutes may not mean a great deal to some people but it does to commuters who live on the Central Coast who grab every moment they can to spend with their family. It makes life far more pleasant if commuters can get home earlier in the afternoon or evening. I assure honourable members that knowing one can get up at 4.45 a.m. rather than 4:30 a.m. every day for the next 20 or 30 years is a godsend for people of the Central Coast. They believe that once the action was taken, technology would be improved and hopefully more and more time would be shaved off their journey. The Premier said that but had no real intention of ever fulfilling his promise. On 25 November 1998—with Christmas a month away and the State election only a few months away—this ugly fraud was perpetrated on the people of the Central Coast. At the time the editorials were somewhat suspicious. On 25 November of that year the *Central Coast Express Advocate* stated that at that stage the Premier's announcement lacked fine details.

The people of the Central Coast were prepared to grab and hold onto anything if it meant that promised efficiencies would improve their lifestyle. On 26 November 1998 there were further reports in the Central Coast media. In the *Central Coast Sun Weekly* the Premier spoke about the transport action 20:10 plan and gave more details to the public. The Premier said that stage one of the $800 million proposal would be in place by 2007 and that the people from Warnervale south would enjoy expedited travel times to Sydney and more trains on the track to ensure that the increasing numbers of commuters are accommodated.

On 26 February 1999 an article appeared in a Central Coast newspaper in relation to the 27 March election. It displayed the smiling faces of Paul Crittenden, the honourable member for Wyong; Grant McBride, the current Minister for Gaming and Racing, who represents the electorate of The Entrance; Marie Andrews, who represents the electorate of Peats and is a personal favourite of the Special Minister of State and Deputy Leader of the Government in this House; and the Hon. Carl Scully, to whom I will refer as the Minister from the other place. I would not want anyone to intepret that what I have said is in recognition of him.

Tucked away in the back of the picture is that old stalwart of the Australian Labor Party, Barry Cohen—a blast from the past! He was there as well because he could not wait to get his hands on this promise back in 1999 and speak about the need to get the proposal under way. The debate was about getting the high-speed trains study on track. Of course, Australian Labor Party members and Ministers present were reaffirming the promise that the Premier had given in November 1998: that stage one of the Warner Vale to Sydney high-speed rail link would be up and running by 2007. They reaffirmed the statement of the Premier, given in November, that that would cut travel times by a further 15 minutes. Government members cannot deny that this was probably the most significant pledge given by the Government to the Central Coast community in more than a decade—apart from being more than happy to commit to the Federal Government proposal to improve and widen the F3. But the high-speed train proposal stands alone as the State Government's promise, made in 1998-99, and played out over quite a number of months leading up to the State election. Minister Scully went on to say:

> With more and more people choosing to live outside Sydney and commute each day, we need to start planning now for the next generation of interurban trains.

He said, back in 1999:

> The report will be made within twelve months. High-speed trains open up new possibilities.

Pursuant to sessional orders business interrupted.

SPECIAL ADJOURNMENT

Motion by the Hon. Henry Tsang agreed to:

That this House at its rising today do adjourn until Tuesday 27 May 2003 at 2.30 p.m.

JOINT SELECT COMMITTEE INTO THE TRANSPORTATION AND STORAGE OF NUCLEAR WASTE

Consideration of Legislative Assembly's message of 8 May.

Motion by the Hon. Carmel Tebbutt agreed to:

(1) That this House agrees to the resolution in the Legislative Assembly's message of 8 May 2003 relating to the appointment of a Joint Select Committee into the Transportation and Storage of Nuclear Waste.

(2) That the time and place of the first meeting of the committee be at 1.00 p.m. on Thursday 29 May 2003 in the Waratah Room.

The PRESIDENT: Order! I announce, according to the resolution of the House establishing the Joint Select Committee into the Transportation and Storage of Nuclear Waste, that the Government member to serve on the committee will be Mr Primrose and the Opposition member to serve on the committee will be Mr Lynn. Further, I advise that the following members have written to the Clerk nominating themselves for crossbench membership of the committee: Mr Cohen and Mr Jones. In the absence of agreement, the crossbench representation on the committee is to be determined by the House.

Ballot

Motion by the Hon. Carmel Tebbutt agreed to:

That the crossbench member to serve on the Joint Select Committee into the Transportation and Storage of Nuclear Waste be chosen by ballot in accordance with Standing Order 236.

The President informed members of the procedure to be adopted for the conduct of the ballot pursuant to Standing Order 236.

[*The ballot was conducted.*]

Declaration of Ballot

The President declared Mr Ian Cohen, he having received the greater number of votes in the ballot, as the crossbench member of the Joint Select Committee into the Transportation and Storage of Nuclear Waste.

Message forwarded to the Legislative Assembly advising it of the resolution and the membership of the committee.

CRIMES AMENDMENT (SEXUAL OFFENCES) BILL

Second Reading

Debate resumed from 21 May.

The Hon. JOHN RYAN [5.20 p.m.]: Many colleagues have indicated that their considerations of this bill have been difficult. Perhaps because I have been a member of this House a little longer than some enables me to say that the bill has not presented me with any difficulties in sorting through the issues. Because the fate of the bill rests with a conscience vote, I thought it appropriate to explain to the House and the public at large how my conscience is being exercised with regard to the issues presented by the bill. I make no apology for the fact that I am a committed Christian. The values outlined in the *New Testament* entirely affect my conscience on issues of morality and practice.

It may surprise some to hear that I have no difficulty in supporting many of the provisions of this bill. Even when I pick up my bible and examine in detail the requirements that are part of the Christian faith, I have no difficulty coming to the conclusion that there are many good things about this bill. With one slight improvement, which I understand is being worked on by one of the members of this House, I believe that this bill will actually produce for the public of New South Wales, particularly the young people of New South Wales, an enhanced child protection outcome. In my view, that makes this bill superior to any of the other bills that have come before this House dealing with the same issue. In my view, that is the most important issue for honourable members to consider.

Much has been said about this legislation in the context of how it will affect people's morality and moral practice, and how it will affect gay rights. Important as those issues are, by far the overwhelmingly important issue that will determine how I vote on this bill is the child protection outcome that it will deliver. I can explain my priorities by reference to the *Bible* that quickly comes to my mind. My interest in the Christian faith might be seen as some sort of mediaeval rambling that is outdated and irrelevant; I understand that, but I ask honourable members and readers of *Hansard* who might feel that way to simply allow me the courtesy of explaining how my mind works.

Jesus is my friend and has been an important part of my life, and I believe He is relevant today. I have no difficulty at all in picking up my *Bible*, understanding its principles and finding my way through the issues raised by this bill. One of the first passages of the *Bible* that comes to my mind in considering the issues before the House is Matthew, chapter 18. Aside from being an instructive passage of scripture, in my view it is one of the benchmark passages of world literature. It tells the story of how Jesus was asked by some of his disciples, "Who then, is the greatest in the Kingdom of Heaven?" Jesus called over a small child, stood him in the middle of the group, and said to everyone present:

> Truly I say to you, unless you are converted and become like children, you will not enter the kingdom of heaven.
>
> Whoever then humbles himself as this child, he is the greatest in the kingdom of heaven.
>
> And whoever receives one such child in My name receives Me.
>
> But whoever causes one of these little ones who believe in Me to stumble, it would be better for him to have a heavy millstone hung around his neck, and to be drowned in the depth of the sea.

There is no mistaking the almost violent imagery in that passage of scripture. Some people might even find it difficult to accept that the Lord Jesus would use such language when referring to such a severe punishment. But the point it makes is that child protection is an overwhelmingly important responsibility for people who follow the Christian faith. This passage from the *Bible* is applicable because the section of the Crimes Act that may be amended by this bill is not primarily about gay rights or morality; its primary function is the protection of children. As I stated in the House recently, since being appointed the shadow Minister for Community Services the protection of children has to be the primary focus of my political priorities also. This presents an opportunity for the two to mesh happily.

Another consideration to bear in mind is what the *Bible* teaches about the practice of homosexuality. There is no question that the *Bible* teaches homosexuality is not a moral option for Christians in good standing. One commonly cited piece of scripture that makes that all too plain is the first chapter of Romans, which was written by the apostle Paul. In the interests of brevity, I will selectively read parts of it; I am sure that its message will be clear. Paul writes:

> For the wrath of God is revealed from heaven against all ungodliness and unrighteousness of men who suppress the truth in unrighteousness …
>
> For even though they knew God, they did not honour Him as God or give thanks, but they became futile in their speculations, and their foolish heart was darkened.
>
> Professing to be wise, they became fools …
>
> For this reason God gave them over to degrading passions; for their women exchanged the natural function for that which is unnatural,
>
> And in the same way also the men abandoned the natural function of the woman and burned in their desire toward one another, men with men committing indecent acts and receiving in their own persons the due penalty of their error.
>
> And just as they did not see fit to acknowledge God any longer, God gave them over to a depraved mind, to do those things which are not proper.
>
> Being filled with all unrighteousness, wickedness, greed, evil; full of envy, murder, strife, deceit, malice; they are gossips, slanderers, haters of God, insolent, arrogant, boastful, inventors of evil, disobedient to parents,
>
> Without understanding, untrustworthy, unloving, unmerciful;
>
> And although they know the ordinance of God, that those who practice such things are worthy of death, they not only do the same, but also give hearty approval to those who practice them.

It is perfectly clear, particularly from verse 27 of that passage, that this is a list of practices that attract the judgment of God. I need to outline my full perspective in case some should get a misguided idea of what I

believe the *Bible* teaches about homosexuality. It should not be thought that homosexuality is a special type of sin to be regarded as more sinful than others such as greed, gossiping, arrogance, being unloving, untrustworthy or unmerciful—behaviour that is equally bad in practice to God and to Christians as the practice of homosexuality. Some of the correspondence I have received from my fellow Christian brothers and sisters is lacking that perspective. All sin is wrong to God.

Homosexuality is not wrong for Christians because God has some sort of special worry about men having sex with men. The issue is not, as one might put it, the plumbing. The problem of homosexuality for Christians is that, by definition, it involves having sex outside marriage. For Christians, sex is not some urge that is waiting to be resolved by physical contact. It has a greater purpose of being part of the glue that cements the relationship between a husband and a wife—a relationship that in most cases results in children and provides them with a nurturing environment. For the sake of completeness, I mention two other Christian views about these matters. It is not sufficient for Christians to have a clean record physically on sexual matters. Jesus taught that sex was more than just a physical act; it was also an attitude of the heart. In Matthew 5:27, to those listening to his teachings he said:

> I say to you that everyone who looks at a woman with lust for her has already committed adultery with her in his heart.

Also importantly—and I mean this earnestly, particularly to those members of the House who do not share my Christian faith—this morality that is set out in the scriptures is not there for the purpose of allowing Christians to self-righteously benchmark ourselves against the rest of the world. Our attitude—and I always hope that people might see this in me—is that these standards are set out in order to allow us to see clearly how we individually fall short of God's perfect ideal. That attitude could have been no more eloquently expressed than in that famous writing from St Paul in Romans:

> For we know that the Law is spiritual, but I am of flesh, sold into bondage to sin.
> For I do not understand what I am doing, for I am not practising what I would like to do, but I am doing the very thing I hate.

That is how many Christians find themselves. They know the standard, but they are not surprised that they are unable to meet it. The last thing I would want to communicate to anyone in speaking about this is that I regard myself as a standard of moral rectitude, or special. Neither do I regard myself in any way worthy to judge the conduct of anyone. I too freely admit that I regularly do wrong, and because I am human I really cannot help it. The *Bible* contains many interesting stories. The Old Testament does not advise Christians to use government fiat as a means to enforce morality. Punishing people with sanctions such as gaol for not following Christian morality would be a form of fundamentalism that I do not find when I read my *Bible*. In the *Bible* there is a most famous story about Jesus's teaching that I am sure everyone well knows. I recognise the difficulty in using this passage for definitive teaching as far as Christians are concerned, because some of the most reliable ancient transcriptions of the *Bible* do not include this passage of John 8:2-11, in which Jesus meets a woman caught in adultery. The woman was about to be punished by the townsfolk. The chapter reads:

> But Jesus went to the Mount of Olives.
> Early in the morning He came again into the temple, and all of the people were coming to Him;
> He sat down and began to teach them.
> The scribes and the Pharisees brought a woman caught in adultery, and having set her in the centre of the court,
> They said to Him, "Teacher, this woman has been caught in adultery, in the very act.
> Now the Law of Moses commanded us to stone such women: what then do You say?"
> They were saying this, testing Him, so that they might have grounds for accusing Him. But Jesus stooped down and with His finger wrote on the ground.
> But when they persisted in asking Him, He straightened up, and said to them, "He who is without sin among you, let him be the first to throw a stone at her."
> Again He stooped down and wrote on the ground.

For me there is wonderful drama in the way in which this story is written. I can just picture Jesus surrounded by people screaming at Him, a woman who was clearly in distress, and Him saying something and writing on the ground to distract their attention, then standing up. No-one could deny the wisdom of what He said. The chapter continues:

> When they heard it, they began to go out one by one, beginning with the older ones, and He was left alone, and the woman, where she was, in the centre of the court.
> Straightening up, Jesus said to her, "Woman, where are they? Did no one condemn you?"
> She said, "No one Lord." And Jesus said, "I do not condemn you, either. Go. From now on sin no more."

I wonder what might have happened if this woman had said to Jesus, "Well, thank you, sir, for saving me from such a horrible death. But, frankly, I like my life just as it is, and I plan to continue sleeping around." Does any

Christian honestly think that Jesus would have whistled up the crowd to return and stone her to death? I am absolutely certain that that would not have happened. Some Christians believe that Jesus knew that woman's heart before he started the conversation. Is there any suggestion that he would not have intervened but would have allowed the people to stone the woman? That would be an abhorrent view of Jesus. The principle that I suggest comes out of this passage is that Jesus did not seek to enforce Christian morality on people. He advised them to do it, of course, because it is wise and good and pleasing to God.

In a sense the *Bible* suggests that adults, particularly with regard to sexual conduct, make decisions for themselves that God will ultimately judge, and we have no business stoning people or gaoling them for those decisions. Another passage also gives a hint on how legislators might treat sexual conduct. Jesus was teaching about divorce. The Book of Matthew reads:

> Some Pharisees came to Jesus, testing Him and asking, "Is it lawful for a man to divorce his wife for any reason at all?"

Effectively, Jesus answered: No, divorce is not morally appropriate, or acceptable to God. The survey asked Jesus why Moses allowed divorce. They were referring to provisions in the Old Testament, and in the *Torah,* to allow people to divorce. Jesus replied:

> Because of your hardness of heart Moses permitted you to divorce your wife; but from the beginning it has not been this way. And I say to you, whoever divorces his wife, except for immorality, and marries another woman commits adultery.

The point of that story was that Moses was, among many things, a legislator. I imagine a legislator, in ruling the tribes of Israel, would model the sorts of things that Christian legislators such as I and perhaps other members of this House would do. Essentially, in the face of the widespread practice of divorce Moses had a difficult decision to make. He could have not legislated and thus permitted conduct that was obviously offensive to God. He could have allowed marriages to split up, as they would, and children, property and other issues not to be determined. Instead, Moses faced the fact that divorce was going to happen and provided a regulatory scheme for it to happen at least in an orderly fashion.

In some instances we Christians are confronted with the same issue for adults. If there is a widespread practice that we are unable to stop and if it does not break up the orderly conduct of the world, we may be in a position where we have to regulate it in such a fashion that it protects the vulnerable. Following that, people who have weighed up the issues will make decisions for themselves, and will go forward and confront the judgment of God at some other time. On some occasions we have to allow men and women to exercise their own moral choice and take the spiritual consequences. We do our best, and the rest is left to God. I have often said that I could never hope to create the Kingdom of God with such a paltry piece of equipment as the Constitution of the State of New South Wales. It will not happen.

I do not know why Christians sometimes persist in thinking that they can legislate to create good conduct, because it is impossible. It is as likely as a doctor creating eternal life by surgery; it might be a good effort and might create some benefit, but we cannot bring a person back to life by surgery or medicine; and we will not create the Kingdom of God by using the Constitution, laws and statutes of New South Wales. The Kingdom of God is a miracle of God, more powerful and more profound than anything we can hope to create on earth. As the great hymn *I Vow to Him My Country* states:

> We may not count her armies, we may not see her King;
> Her fortress is a faithful heart, her pride is suffering;
> And soul by soul and silently her shining bounds increase,
> And her ways are ways of gentleness and all her paths are peace.

That is what I believe the Kingdom of God consists of, and as a humble member of the New South Wales Parliament I have no chance of achieving that ideal, no matter how much effort I put into the laws I might make. Obviously we have two important principles guiding us in making up our minds on this bill: first, the benchmark with regard to children and the need to protect them; and, second, morality with regard to homosexuality, or sexual immorality—it can also be fornication or just sex outside of marriage. Those issues are to be dealt with by adults who are left to make their own decisions.

In making laws in New South Wales I do not want to gaol young men and women—which is the modern day equivalent of stoning them—because they make a choice that I might regard as immoral, unwise or foolish. Some people lose sight of the fact that, when we make conduct illegal and subject to a criminal penalty, those people who offend will wind up in the criminal justice system, which can be damaging. If they are convicted, their fingerprints will be taken and they will face a prison sentence. Young people who choose to

have sex should not come under the purview of the law. In many instances they need help and not that sort of sanction. That is the last thing we want to do. Young people are vulnerable and it is necessary to protect them from those who simply misuse the wonderful, God-given gift of sexuality by abusing young children. The problem is: Where does protecting children start and end? We have to allow adults to make their own choices.

In the end it comes down to choosing an appropriate age. After considerable reflection—and I do not propose to give my reasons for reaching this decision—I think 16 is a fair age. We have to face the fact that many young people engage in sexual activities. If we set the barrier for consensual sex at an age that is higher than 16 we will end up criminalising many decent young people in New South Wales. Nobody wants to do that. I understand the sorts of difficulties that have been referred to by some honourable members. How we do we protect young people aged 16 to 18 from those men and women who might prey on them—whether it is homosexual or heterosexual predation? One of the downsides of the current legislation is that it provides unequal protection. Boys are protected from homosexual predation, but girls are left entirely unprotected.

One of my daughter's friends, who is like a lost soul and who was having a really tough time at home, used to come to our house occasionally—and she still does. This young girl, who is under 14 years of age, came under the influence of a young lesbian aged over 18. The couple were seen by the whole neighbourhood kissing and being extremely intimate in a local neighbourhood park. In my view, that is an example of predation. It was totally inappropriate conduct. If such conduct leads to sexual activity—and I believe it did in this case—the law cannot intervene, which is simply not acceptable. We have to amend the law and provide appropriate protection for everyone: men and women, girls and boys. The issue relating to how the sex occurred is totally irrelevant. Many provisions in the current law must be amended.

Another issue that is of great concern to me is that it is possible, under current law, to use the defence of mistaken age. Believe it or not, some people who have come before our courts have used that defence. The Attorney General in another place said that he was not aware of any such incidents. I know of one case in Campbelltown that involved the deputy mayor. He was charged with the criminal offence of having sex with an under-age boy. His defence was not that he did not do the deed; his defence—which was successfully argued and he was acquitted—was that he did not know the age of the individual involved. I just cannot comprehend a more offensive outcome. If an adult has sex with a young person and there is a remote possibility that that young person is under the age of 16, the adult has to establish the age of the young person before engaging in sex with him or her. I cannot accept as an excuse, "I am taking a risk." That adult is taking a risk with a young person and that, in my view, is inappropriate.

The bill, which is acceptable in most part, could do with one refinement—a refinement that was discussed in this House the last time the matter was debated. I refer honourable members to the speech of the Hon. John Hannaford, who suggested that this predation most commonly was carried out by someone in a position of trust, someone older who has sex with a young person who might even consent to it. However, all honourable members recognise that adults can influence young people. Even though a young person might consent to such sex we need to provide some extra layer of protection in this legislation. It might sound strange to some honourable members, but I believe that it would be criminal for someone my age to have casual sex with a young person aged 16, 17 or 18. As an adult I would have a responsibility at least to engage in an extended relationship with that person, or marry that person. So there is justification for an additional layer of protection in this bill.

If that layer of protection is included in this bill it will be one of the most outstanding pieces of child protection legislation in this State. I understand that one honourable member is working on an amendment of that nature. I look forward to seeing that amendment and to hearing comments in relation to it. As I understand it, the wording of that amendment will be couched in terms similar to an amendment that was foreshadowed by the Hon. John Hannaford. The last time this matter was debated in this House I voted in favour of the passage of the amended legislation. If we combine those provisions in this legislation children in this State will be protected from predators, there will be an equal age of consent, and all forms of sexuality will be covered. People will know that the age of consent is 16. At the moment that is not the case. The age of consent for homosexual acts may be 18, but at present it is a case of whether or not someone looks 18—a critical factor when determining whether or not to prosecute.

I will listen with interest to the speeches that are made by other honourable members, but I believe that our aim should be to create superior legislation to protect our children. If this bill is amended in the way in which I outlined earlier, it will protect our children. I raised with the Attorney General the issue of mistaken age and he was courteous enough to write to me. For the benefit of honourable members I will read part of the Attorney General's letter into the record. The Attorney General said:

> The Bill will amend the Crimes Act of 1900 to create an equal age of consent to sexual activity of 16. Presently the Crimes Act of 1900 provides for a differing age of consent for heterosexual intercourse of 16 years and the homosexual age of consent of 18 years. The present laws have serious detrimental impacts on the mental health of young men but also on public health generally.

The Attorney General deals with an issue that was of some concern to me and he then states:

> Importantly, the Bill provides for a number of safeguards to protect young people from exploitation:
>
> (a) The Bill removes the existing defence to carnal knowledge of "mistaken age". Under existing law, an offender may claim that he/she thought that the young person was of legal age. The Bill strips away that defence and sets an absolute uniform minimum age of sixteen, without exception.

I understand that the term "without exception" means that it is not possible for someone to argue that a case is not proven beyond a reasonable doubt because the offender did not know the young person's age. That is a magnificent child protection outcome: 16 means16; there will be no doubt about that. That is an outcome worth having. The Archbishop of Sydney wrote to me urging me not to support the bill. However, the issues about which he is concerned would be addressed by that amendment. I have not had an opportunity to ask him, but he might be prepared to accept this bill if it addressed the question of age. Honourable members might find interesting this statement by the Archbishop:

> We also agree that it is desirable to have consistency in age of consent legislation. But this would be best achieved by raising the age of consent to 18, preserving the exemptions that stand for partners of a similar age.
>
> The Anglican Diocese of Sydney, in holding to Biblical teaching on the matter, asserts that the only appropriate place for sexual expression is in the context of marriage. Given that this is not the choice for many citizens in this State, the law has a specific obligation to protect teenagers from exploitation and abuse.

I accept that. He continues:

> The question of the matter is at what age can a teenager participate in a sexual relationship on equal terms with their partner? Perhaps the legislation needs to concentrate more on the age difference between partners rather than setting an arbitrary age limit. However, if an age limit is to be set, we argue that 16 is too young.

The Archbishop's point is that he would like an equal age of consent to be set at 18 because he is worried about unequal terms. The amendment addresses that issue. The Archbishop argues that it is not possible to set an arbitrary age of consent. I agree that any age that we set will be arbitrary but, sadly, we must specify an age because the law requires it. Given that it may not be possible to draft law in the exact terms that the Archbishop has requested, it does not take a genius to realise that some of the issues with which the House will deal in the future could address the Archbishop's concerns. He might agree when it is explained to him that the bill will be amended to produce a superior outcome.

All members of Parliament, including me, have received endless emails on this subject and I have tried to reply to the majority of them. Of course, many letters are standard so I have given a standard reply. However, I have paid particular attention to the letters of those people, such as ministers of religion, who wrote asking me to vote against the bill for religious reasons. I replied by giving a potted version of my views on the matter and I was astonished by how many responded to my letter saying, "Thank you for explaining it. We understand that this is a complex question and we are grateful that you are working through the issues with such diligence. We continue to offer you our prayers as you consider the issue." They did not question my Christian faith or suggest that I was doing something wrong but appreciated that I was dealing diligently with complex issues. I compliment my Christian brothers and sisters on taking that view.

We are considering serious issues in this bill, and the most important outcome of this debate will be superior child protection measures. I have one reservation about passing the bill without further amendment, but the Attorney General said that he might address that issue later. At the outset I expressed concern that if we set the arbitrary age of consent at 16 some young people might wind up before the courts unable to offer any explanation as to why they committed an offence. A lawyer friend told me that this problem is commonly solved by the two individuals involved concocting a story that the sex was consensual, with the younger partner admitting to having lied by claiming that he or she was the appropriate age. The charge is then dropped.

That sort of farce should not be played out in our courts but that is what happens: the mistaken age defence helps many young people to avoid a criminal record. What will happen to young people when we establish an age of consent of 16? At some stage we might have to produce a defence that allows an 18-year-old or 19-year-old to explain that sex with a partner who is under the age of consent was consensual. It is interesting to note that the Australian Law Reform Commission considered those sorts of issues. It developed a model age of consent bill that, although it absurdly suggested an age of consent of 12, attempted to resolve some problems by offering what it called a conditional age of consent.

That said, I understand that most honourable members are happy to equalise the age of consent at 16. This is a hard task. It is difficult for the public to understand the details of this bill, which has been sensationalised in some sections of the media as being an adventure or some sort of radical crusade. I do not believe it is. We are simply confronting hard issues and making decisions that accord with public views. If we make laws that generally accord with public sentiment and public values, those laws will be respected and enforced. It has been pointed out that the law prohibiting homosexual sex before the age of 18 has been, by and large, unenforced. I wonder why!

I suspect it is because many police officers and members of the public do not want to confront that issue because they know that the law does not accord with people's views in this area. I do not necessarily agree with the public view because I recognise that, as a committed Christian, I am often in the minority. However, when trying to construct an orderly society, we must have some regard for general public views. If this debate results in an Act of Parliament that protects children better, removes anachronisms and difficulties in existing law and espouses a view that is largely supported by the community—if people nod their heads and say, "Yes, this is the right line to draw in the sand"—that law will be better enforced and respected, and all of us will have done something of which we can be proud. I commend the consideration of this bill.

Ms LEE RHIANNON [5.56 p.m.]: No-one deserves to be prosecuted for his or her sexual preference. In fact, today there are very few places where that is possible. Regrettably, New South Wales is still one such place. The Greens are pleased that legislation to equalise the age of consent for gay men is before the House but we are disappointed that it has taken so long. Why did the Coalition not change the law when it was in power? Why has it taken Labor until its third term in office to do the right thing? That is a story that deserves to be written one day. For now, the priority is to pass the Crimes Amendment (Sexual Offences) Bill. I urge all members to leave aside any personal prejudices and support this bill.

Many reasons have been advanced for supporting the bill. One suggestion, which is way off course but worth considering, is that it will ensure that New South Wales is no longer embarrassed during the Gay and Lesbian Mardi Gras. That is obviously not the reason we support the bill, but it is worth contemplating the extraordinary situation that the lack of political will on the part of leaders of successive governments has produced in this State. New South Wales, and particularly Sydney, derives so much from the diversity of the gay and lesbian community in this State. Culturally, economically and socially we are all better off for having a strong, articulate and engaged gay and lesbian community.

Gay and lesbian people deserve the same rights as heterosexual people. This bill goes a long way towards delivering those rights. Let us remember that when we deny laws that would provide equality for gay men, we deny many other rights as well. So long as the present discriminatory laws stand, we are effectively denying gay men vital health information about safe sex practices, we are denying them dignity and we are denying many of them a full life, as these laws contribute to the high rate of suicide among young men.

It is excellent that this bill is being debated today. However, it is not good that the Labor Party has allowed its members a conscience vote on this issue. I must ask: When do Labor members stand up for their policies? When equal age of consent laws were introduced in other States Labor members were not automatically allowed a conscience vote. In Western Australia, which adopted equal age of consent laws last year, there was no conscience vote. I have been unable to find a single State in which there was a conscience vote on this issue. Even when Labor gets to the line on a vital issue such as this it cannot quite get it right. The Labor Party should implement its policy: that is what being a political party is all about. For the record Australian Labor Party policy states:

> … anti-discrimination laws [are] to be reviewed on a regular basis to ensure they reflect a commitment to eliminate discrimination on the grounds of sex... sexuality, age... wherever it is practised.

Gay law reform is an important part of antidiscrimination policy, not some abstract issue of personal conscience. I recognise that for some members this issue is difficult to resolve. I urge honourable members to consider this bill within an Australian context. If this bill is passed it will bring New South Wales into line with all other Australian States. In South Australia the age of consent for men and women is 17 years. This was achieved in 1975, nearly 30 years ago, by replacing the word "girl" with "person" in its legislation. In Queensland the uniform age of consent is 16 years for all forms of sexual activity, except anal intercourse. For that sexual act the age, regardless of gender, is 18 years. In the Australian Capital Territory it is 16 years. In 1997 Tasmania got its act together and equalised the age of consent at 17 years. Most people do not have the fear of imprisonment hanging over them for having sex. Why should gay men?

In discussions about this bill this week, I sometimes heard it stated that these days no gay men are charged for having sex with men aged between 16 and 18 years. Even if that were the case, it is not an argument

for not equalising the age of consent. But, sadly, men have been charged. It may not be common, but it does happen. The *Sydney Star Observer* reported that a Nowra postman, Kerry Hutton, was gaoled for three years from 1998 to 2001 for having sex with a 16-year-old man. That should not and would not have happened if this legislation had been enacted. I have been moved by many of the letters and emails I have received on this matter. On 19 May Frank Barnes from St Peters wrote:

> As a gay man fast approaching 60 I was arrested because of my sexuality over 40 years ago. While luckily not being imprisoned, I came very close to taking my own life a number of times as I felt demeaned by the attitude of my church, family, friends and society to what was seen as my "weakness". I also saw too many of my peers succeed in committing suicide and therefore denied the full life they deserved. I have been fighting for this inequity to be fixed for most of my life as I have been fortunate to have worked through my sexuality in such a way that I have learned to ignore the insults and threats that seem to attach themselves to people who are gay.
>
> You must be aware that the major cause of young male suicide, particularly in rural areas, is sexuality; you must be aware that the current legislation caused some young men to be denied advice that could stop them becoming infected with life-threatening illnesses; you must be aware that young men are subjected to bullying, violence and murder because the current law implies that being gay makes you a second class citizen and thereby open to physical and mental attack.

Paul Knobel, an honorary research associate at the University of Sydney, wrote to me to point out that there is a contradiction between laws relating to sexual acts. The Anti-Discrimination Act prohibits discrimination on homosexual grounds. But the Crimes Act 1900 has the legal age of sexual consent at 16 for heterosexuals and 18 for male homosexuals. Michael Woodhouse, Co-chair of the new Mardi Gras group wrote:

> The current laws serve no purpose other than to send a message to young gay men that they must hide their sexuality from their family and peers. In our experience, many gay men come out before the age of 18. The greatest danger to the health and safety of these young men comes from their fear of talking to their parents and being unable to discuss their sexuality with their peers. The current law only feeds that fear, distancing young people from their families.
>
> Over the last year, the Mardi Gras organisation was rescued due to the support and donations of members of the community. This came not only from the gay community but the mainstream population. The support that we received demonstrates that the people of New South Wales support equal rights for gay men and lesbians, particularly where they improve the chances of young people. This bill will be understood as an uncontroversial step toward a better society.

The Greens have received many emails and letters at our parliamentary office. We endorse his assessment of the support of this bill across New South Wales. Mr Woodhouse continued:

> Mardi Gras is an internationally recognised event that makes a major contribution to local employment and tourism. As a result, Sydney has built a reputation as a diverse, exciting city where people live their lives without unnecessary interference from government. It is little wonder that international visitors fail to understand why the same State that hosts the world's biggest parade of its kind, is also the State with the most discriminatory laws in the land.

This bill is about lives. If this bill passes I believe in some cases it will save lives. It will certainly improve the quality of life for all gay men and in turn make our society a better place. This bill deserves the support of all honourable members of this House. Gay men deserve the rights enjoyed by others.

Ms SYLVIA HALE [6.07 p.m.]: Many of the arguments have already been canvassed in this debate so I shall be brief. The Greens support this bill. We believe it is important to bring an end to discriminatory laws that are based, not on a rational consideration of the issues, but on prejudice, fear and misinformation. I have heard, as have many others over the past few days, of the anguish experienced by young gay men who, like all teenagers, need to work through issues associated with their sexuality. But these young men have to do it burdened by the knowledge that their behaviour is criminal. The current law creates an environment where young gay men are dissuaded from accessing health and support services because of a fear of prosecution. Only this morning I spoke to a 17-year-old young man who said:

> I go to the doctor pretty regularly for HIV tests, but I am always worried my GP will report me to DOCS, but some of my mates don't get tested because they are scared of being reported.

He said something else that disturbed me—and this highlights the inequity and iniquity of the current Act. He told me he has two 17-year-old friends in a relationship who live in fear because, at their school in rural New South Wales, bullies threaten to report them to the police for their illegal relationship. At a time when young people are grappling with their sexuality, that is the last thing these two young men should have to contend with. I want to turn for a moment to youth suicide. Young people taking their own lives is something no society can afford to accept or ignore. The links between low self-esteem, depression and suicide are well documented. Young gay men, particularly in rural areas, have a suicide rate 300 times greater than their heterosexual counterparts.

The Hon. John Ryan: Three hundred per cent.

Ms SYLVIA HALE: Three hundred per cent greater than their heterosexual counterparts.

Against this backdrop, what does the current law tell young gay men? As I heard from Chris this morning, it tells them that they are criminals. It tells them to hide their sexuality or they might get "caught". It drives their activities underground and it stigmatises, marginalises and sets them apart from their peers. All young people today face challenges associated with the use of alcohol, tobacco and other drugs. It is vital that young people have access to the full spectrum of health and support services if they are to successfully navigate these issues and make sensible decisions. The last thing young gay men need is a criminal record or anything that alienates them from those services.

There is no justification for this law. It is one of the most blatant pieces of discrimination in New South Wales. But, more importantly, the current law creates an environment that drives young gay men from health and support services at a time in their lives when they need to be accessing them most. I am pleased to support this bill. I am particularly proud that so early in my parliamentary career I have the opportunity to help right an obvious wrong and assist the gay community to finally receive the equal treatment they have sought for so long.

The Hon. Dr PETER WONG [6.11 p.m.]: I welcome the chance to speak on this bill, which has been constructed to repeal and revise certain sections of the Crimes Act 1900 in order to remove gender bias references and to better reflect changing social attitudes and circumstances. Clearly the issues—and there are many—are highly personal to a great many people, as is borne out by the extensive correspondence I have received on the matter. Yet herein lies the biggest challenge to all honourable members: how best to serve the public interest fairly and objectively without over-representing personal views and judgement.

As a matter of social justice I feel compelled to support a uniform age of consent across the board. The present hindrance to this is a two-year difference in the legal age of consent between heterosexual or lesbian relationships and male homosexual relationships. On this crucial decision of whether to retain or remove this point of difference rests many considerations. Great credibility has been given to the current staggered age of consent on the basis of the common belief that male adolescents are slower to reach maturity than females in this age bracket. In my years as both a parliamentarian and a doctor I have found no rigorous, independent research supporting this as a widespread phenomenon.

What I do know is that all young people should be assured of access to education, support and counselling in order to promote stable emotional and personal development during adolescence. This State's legislation will continue to fail in this respect as long as it denies a subsection of adolescents—namely, young gay men—access to such resources under the current two-tiered framework for age of consent. The persistent atmosphere of social stigmatism and isolation, supported by non-uniform legislation, contributes heavily to the worrying levels of depression, risk-taking behaviour, suicide, substance abuse and family breakdown prevalent among the young gay male population.

This form of marginalisation and discrimination is also detrimental to the effectiveness of public health campaigns, including education on safe sexual practices, prevention of sexually transmitted diseases and AIDS prevention initiatives. It has been put before both Houses that the issue of uniformity could be alternatively addressed by raising the age of consent for all adolescents. The well-known and well-respected Dr Brian Pezzutti, a former member of this House, was a vocal advocate for such a move—for example, raising the level of the age of consent to 17.

The Hon. Patricia Forsythe, in her second reading speech on this bill, raised the relevant point that at least some 16-year-old adolescents lack the emotional and psychological maturity to make sound choices regarding their sexuality. As a doctor, I am inclined to share that view although, conversely, it raises the impracticality of developing legislation to cater for the enormous variances in the maturity of individual adolescents. And who are we to determine who is mature and who is immature? Should we make that judgement on a case-by-case basis? Of course, that would be virtually impossible.

Further concerns centre on the potentially increased risk of exposure to predatory behaviour which might accompany a lower age of consent. It is difficult to allay such fears in view of continuing revelations of systematic child abuse that have been uncovered in recent years. The level of research and statistics in this area remains limited because. First, sexual abuse and paedophilia are notoriously difficult to diagnose and verify; second, the stigma attached to acknowledging abuse can be difficult to overcome; and, third, victims often

cannot recognise its impact until much later in life. From what reliable evidence exists, it seems that sexual predatory behaviour and paedophilia tend to involve offenders in a perceived position of authority or trust, and victims are more likely to be young children rather than 16 to 18-year-old adolescents.

This bill addresses the repugnance of such abuses of trust with a harsher system of penalty, which includes a graded system involving longer sentences for child sexual assault and tightening loopholes used in defence against child sexual assault allegations. I venture to say that no honourable member would oppose this harsher view taken with regard to child sexual abusers. I would advocate further specificity being introduced to address the wide spectrum of "authority figures" and "positions of trust" that have been, and could be, implicated in child sexual assaults.

The many differing opinions in this House guarantee an arduous debate on the right direction for this bill. It has been heartening to see the level of passion and the emotion conveyed by honourable members in both Houses. Parties on both sides of the debate have raised numerous points of merit backed by extensive research and personal experience. However, I am concerned about the persistent divide that continues to distance many honourable members from the objectivity required for effective legislation. In particular, I relay my concerns pertaining to issues of social justice and equality. Lastly, as a Christian, I fully endorse the speech made by the Hon. John Ryan. As a Christian, I believe that God is loving and just. On the justice issue, therefore, it is not for us to judge the morality of one another. It is for us to love and to forgive. Whatever our sexuality, we should respect them and at least love them.

Reverend the Hon. Dr GORDON MOYES [6.18 p.m.]: As honourable members know, the Crimes Amendment (Sexual Offences) Bill is a bill for an Act to amend the Crimes Act 1900 to provide for the equal treatment of sexual offences against males and females, to increase the penalties for sexual offences against children, and for other purposes. I appreciate the comments that have been made by other honourable members tonight. I appreciate particularly the contributions made by the Hon. Dr Peter Wong and the Hon. John Ryan, especially as they have given us a Christian testimony of faith about themselves and about all that they believe. I appreciate the support that they have given for many of the scriptural positions, including family, children and the sanctity of marriage. Child protection is a Christian responsibility. But so also is the defence of sexual integrity within marriage.

For Christian people homosexual intercourse is not a Christian option. It is an option for people who are not Christian and it is an option for people who do not want to be an obedient Christian. But you cannot be a Christian who is in obedience to the scriptural teaching and live in anything other than a chaste, monogamous marriage of people of different sexes. The Christian Democratic Party recognises that you cannot legislate morality, and we would not try to do that. But we can defend the defenceless. We can care for those who are voiceless. We can speak on behalf of those who cannot defend themselves. We can provide guidelines for the uncertain. We can provide safeguards for those who find no other way out, as has already been mentioned by a number of people, apart from suicide, despair, mental illness, oppression, anxiety or any other issue.

Therefore, I raise a voice on some of these issues. Let me express some of my concerns. The first is a political comment. The Government brought the bill into this House and the other place as a matter of priority as a payback to the Greens for their support in the last election. It is a real scandal that the Premier did not notify the community that the Government intended to introduce the bill, in the same way that he did not notify the community that it would raise issues like the medical use of cannabis. They are important issues, and we will speak on them. But it is an absolute scandal that the Premier, in announcing and promoting these two issues within a matter of a few weeks after the election, should have kept silent right through the election process as if the opinions of the community did not matter at all.

The Hon. Michael Egan: The Premier made his views crystal clear.

Reverend the Hon. Dr GORDON MOYES: The attempt to hoodwink the community is an absolute scandal. If the Premier had some of the same concerns as the Treasurer then he would have raised the matter in public. It is not meant to be kept as a silent issue.

The Hon. Michael Egan: It was not a silent issue**.**

Reverend the Hon. Dr GORDON MOYES: It was not meant to be an issue not brought before the public. It was not to be an issue that was kept under wraps and then brought out only in the Parliament.

The Hon. Michael Egan: It wasn't.

Reverend the Hon. Dr GORDON MOYES: The Treasurer should know, with his great experience in the Parliament, that in a democracy the people have a right to know and the people have a right to know early.

The Hon. Michael Egan: The Premier made his views crystal clear.

Reverend the Hon. Dr GORDON MOYES: On both of those issues the Treasurer was wrong and his Premier was wrong. There is no way that the Treasurer can defend the position.

The Hon. Michael Egan: The Premier made his views crystal clear.

Reverend the Hon. Dr GORDON MOYES: The Government was silent when it should have spoken. It was wrong when it should have been right. It kept hidden what should have been brought out into the open.

The Hon. Michael Egan: The Premier made his views crystal clear.

Reverend the Hon. Dr GORDON MOYES: The Treasurer cannot defend that. With all of his experience, which he tells us about constantly, the Government got the numbers only because it kept from the people the real essence of this bill. Shame on the Treasurer!

The Hon. Michael Egan: My view is on the public record.

Reverend the Hon. Dr GORDON MOYES: The Treasurer, with his experience, should have never allowed it to happen. However, we recognise that the Treasurer still has much to learn in spite of all of his experience. The Government was fearful of facing the people in an election. There is no doubt that the Government does not have a mandate to bring either this bill or the medical use of cannabis before the House. However, I am happy to debate the content of the bill now. The Christian Democratic Party is happy to consider the concerns put forward by the public. Concern about child exploitation and paedophilia is on the rise. It is something that hurts us deeply. On behalf of many people within the Christian Church we are deeply conscious of those parts of the Christian Church, Catholic and Protestant, in which members of the church have broken the law, abused children and brought shame upon us all. There is no sense in which we would exclude those, nor would I find one moment of comfort in trying to provide protection for such people.

As the head of the Wesley Mission I provide and am responsible for the employment of a large number of people. We have some 3,500 staff and employ about 200 additional staff every two months. In every introduction to our orientation program for new staff members, which we deliver every two months, we make the point that if they injure the vulnerable, if they hurt those who are children, if they make it more difficult for the disabled, if they steal from people who are defenceless, if they abuse people who are suffering from any form of illness, whether it be vulnerable women or children in care—in one year we have 5,800 children in care—they will be dismissed immediately and handed over to the police, and a chaplain will be appointed to visit and explain to their family. But they will be dismissed, they will be charged and they will be brought before the bar of justice. We will never conduct an inquiry, but we will hand over to the court processes anybody who abuses.

If that process had been followed the Governor General, Dr Peter Hollingworth, would not be in his current position and much of the Catholic Church would not be viewed as it is today. We have no support for paedophilia, paedophiles or those in positions of trust who abuse others. I will refer to this again later. However, with the rising tide of concern about child exploitation and paedophilia it is absolutely the wrong time to seek to lower the age of consent. The public expects the toughening of the law not an easing of it. The public expects protection of children and youth, not their increased accessibility to adults. Because of the increase in abuse against young females as well as young males we need stronger laws to apply to those who abuse children regardless of background and whether they are in family units. All abuse against children is abhorrent. The Christian Democratic Party welcomes provisions within the bill that will strengthen the penalties against those who abuse children.

Most honourable members would know that the most frequent excuse given by those who abuse children and others is that they thought the child was older. This will no longer be an excuse where the child is under 16 years of age. But lowering the age of consent to 16 will add to the age confusion. It will become more difficult to determine the age of such a person. Although we welcome increased penalties for those who would

use this excuse, it will become much more difficult to determine the age of a person being abused. If the onus is upon shopkeepers to determine the age of a person to whom they sell tobacco products, or if the onus of proof is upon a hotelier to ensure that the person is of right age, the onus of proof ought to be on anyone who has sexual intercourse with a young person.

[*The Deputy-President (The Hon. Christine Robertson) left the chair at 6.30 p.m. The House resumed at 7.30 p.m.*]

Reverend the Hon. Dr GORDON MOYES [7.30 p.m.]: Before the dinner break I was saying I had concerns about the Government not announcing its intention to introduce this bill, or the bill relating to the medical use of cannabis, and that this was an attempt to hoodwink the community. The Treasurer then suggested that the views of Government members were well known. I contend that the views of Government members do not necessarily amount to policy. During the dinner break I noted in today's newspaper the following comment by the journalist David Penberthy.

> Having been less than candid with voters about two contentious social policies, Bob Carr yesterday seemed less than prepared.
>
> On the age of consent and the cannabis reforms, the Premier has become tangled in the details of both proposals.
>
> The implications of the retrospectivity clause in the consent Bill, and the confusion over the home cultivation of marijuana, are important questions hanging over these reforms.
>
> They are likely to be the subject of flip-flopping by Mr Carr.
>
> His former minister, Richard Amery, said in opposing the consent bill yesterday that neither party had mentioned the proposal during the election campaign.
>
> A fair point. With an open debate ahead of the election, Mr Carr could have not only kept the voters in the picture, but sorted out the details of these proposals.

I agree with David Penberthy. Earlier I said there was growing public concern about child exploitation and paedophilia, which are more prevalent today than at any time over the 40 years I have been involved in public policy. It seems foolish to lower the age of consent at the very time when the public expects a toughening of the law. The most frequent excuse given by those who abuse children is that they thought the child was older. I am pleased that the bill will ensure that this will no longer be an excuse.

Lowering the age of consent will only aid confusion about age: it will make it more difficult to determine the age of a person. A number of members have said that the suicide rate among young gay men is higher than that for heterosexual young men. Indeed, one member sought to make the point that the suicide rate is 300 times higher in young gay men. That is not true. In fact, it is 300 per cent higher. It seems that the member may have been confusing figures with percentages. However, suicide by any young men, whether they be heterosexual or homosexual, is to be deplored.

Lowering the age of consent will increase feelings of confusion, uncertainty and guilt—which are the major causes of suicide—among those who have not yet emotionally matured. It will simply push those feelings back not to 16 years of age but 14 years of age. It is true that heterosexual youth are 300 per cent less likely to suicide. There is an uncertainty because heterosexual youth know what are acceptable standards, and by staying within them they are less likely to suicide. The key point in the argument about suicide is certainty of bounds. Lowering the age of consent will simply create greater confusion.

Obviously, no member of this House wants to see a lowering of the age of suicide. Yet, that will be one of the unintended outcomes of lowering the age of consent. If an age of consent of 16 creates confusion, guilt and uncertainty in 16-year-olds, imagine what it will do in 14-year-olds! We do not believe in lowering the age of suicide. I have been committed to eradicating suicide in the community. Over many years I have run a number of programs, including LifeForce, one of the largest community-based anti-suicide and suicide prevention programs. We do not want our officers working with low-aged suicide.

The Christian Democratic Party would affirm equality of age for male and female heterosexual and homosexual young people. However, because of the uncertainties at 16 years of age, we urge the raising of the age of consent for males and females to 18 years. Rather than lower the age of consent for boys having homosexual sex to that of heterosexual girls, equate them at 18 years of age. Eighteen years of age is the usual age for leaving school these days, it is the age at which young people are able to buy tobacco products, and it is the age at which they can buy alcohol. If 18 is the age at which young people can buy alcohol or tobacco or leave school, it would seem that 18 is a good minimum age at which a person can have a sexual experience. I will speak about the current practice in a moment.

We welcome the provisions that enable the prosecution of all authority figures—such as parents, teachers, step-parents, and church and club leaders—who abuse children. There can be no excuse for predators in a position of authority abusing young children. I am concerned about the term "consensual relationship", a term that has been bandied around this House and the other place by a number of members. Anyone with experience in counselling young people who have been abused knows that many older people are able to coerce younger people and thereby claim consent. Manipulation is their methodology. The term "consensual relationship" is simply loaded with problems. I encourage honourable members to avoid that phrase in their discussion.

The Christian Democratic Party is concerned that those who are against lowering the age of consent are under attack both in the press and within some lobby groups, and are called, in a slurring and abusive fashion, homophobic. Trying to protect youth from HIV-AIDS, sexually transmitted diseases, and emotional and psychological confusion is far from being homophobic. I am very concerned about homosexual rape in prisons. I have a track record of being concerned for prisoners who are subject to sexually transmitted diseases and HIV-AIDS. Through the Wesley Mission I have placed staff within prisons to develop a system of support for prisoners who suffer from homosexual rape.

I note that the National Centre in HIV Social Research found that 81 per cent of all students show negative attitudes towards homosexuality. I would encourage students to learn more about sexuality and to never equate their views with violence, aggression or homophobia. I am concerned that some people want to lower the age of consent, and that that would create confusion with school age males. They are the ones who are less able to deal with some of the problems they already have to face, namely, some emotional, psychological and psychiatric issues. I believe that lowering the age of consent will increase the incidence of disease among younger people and will increase suicide among young males. LifeForce, the counselling and training service that operates in communities in regional areas throughout Australia, has been successful in training thousands of people in the community to note the signs of suicide in young people, to identify those who are most at risk, and to seek to put in place strategies that will help the community to support young men.

Most young men who commit suicide are aged between 16 and 24 years. In rural areas they mainly do so by using their father's gun. Most of them are unemployed and live in small rural towns with populations of fewer than 10,000. That is why over past years I have been responsible with my staff for working in scores, if not hundreds, of small rural communities to train sporting coaches, high school principals, doctors, social workers, and local shire and community health service workers how to recognise the signs of sexuality that are causing people to be terribly confused or loaded with guilt which may lead them to commit suicide. I am pleased to say that this work has had quite a considerable beneficial impact. Honourable members may be aware that at long last, after successive years of increased youth suicide rates, in recent years there has been a levelling off of the gross numbers of young men who kill themselves, and now the beginning of a decline. I hope that will continue.

There is no provision in the bill for increased government support for counselling services, although mention is made in passing that counselling is extremely important. The organisation I have served for the past 25 years, Wesley Mission, runs Lifeline, which has 70 centres throughout Australia. Lifeline has taken something between three million and four million calls over 40 years. We literally take suicide calls daily and we have made quite a contribution to the improved mental health and wellbeing of the citizens of Australia. Yet I note that the Government's bill makes no provision to support counselling services, despite the fact that lowering the age of consent will result in an increased demand on all counselling services to work with young people who are working through sexual identity crisis issues.

This week I listened to concerns of the Gay and Lesbian Rights Lobby. It was one of many occasions when I have sat down with gay and lesbian young people to discuss their concerns and beliefs, and I appreciated the contribution they had to make. They said that young gay men are less likely to seek information about sexual health, including sexually transmitted diseases and HIV-AIDS, because of the fear of prosecution. There is an easy way of handling that, but apparently that has not occurred to anybody on the Governments side. If young people are fearful about asking for health information, there is no reason why we could not pass a bill that excludes doctors, teachers, counsellors and health workers from prosecution for responding to requests for advice on health issues and safe-sex matters.

The fear of young people that they will be prosecuted or reported to the Department of Community Services, or that the doctor or health professional will be reported and prosecuted, is in fact baseless. No medical practitioner has been prosecuted for giving correct advice on health issues. Nevertheless, the Gay and Lesbian

Rights Lobby persists in this belief. The Government could quite easily assuage this belief, not by lowering the age of consent for young people but by making sure that doctors, teachers, counsellors, health professionals and the like are excluded from prosecution if they respond to a request for advice on health issues and safe-sex matters.

The Gay and Lesbian Rights Lobby also said to me that they believe that the current law contributes to low self-esteem among many gay young people. The intriguing point is that when we seek to protect their welfare, guard their health and protect them from exploitation, we would not think that would lower their self-esteem. It should raise their self-esteem because it means there are heterosexual people in the community who value them, who value their good health, and who want to protect them from exploitation.

I recognise that some people believe they are born gay. The incidence of that has been a matter of dispute over some years. Some years ago there was a belief that 10 per cent of people are born gay, but that figure is not accepted by researchers anywhere in the world. In fact, most of the research shows that the incidence is between 1 per cent and 1.7 per cent. I would not argue about a percentage point, but I want to say that while we believe that the role of legislation is to protect minorities—irrespective of whether they are 1 per cent of the community or slightly more—we believe also that that protection has to be based on truth. One of the representations perpetrated in this debate is that some of these issues purportedly affect far greater numbers of people than is the reality.

I wrote to honourable members of the Legislative Council to convey some very personal views. I place on record my appreciation of the number of letters I received from honourable members thanking me for being open and honest with them about my own background and understanding of this issue. In my note to honourable members I said I have three concerns. Whilst respecting their views and being what I regard as very gentle in my presentation to them, I urged them to vote against the bill.

I said I knew from my own experience what it was like to be approached by paedophiles. In my earlier life I was much slimmer and fairer and more athletic. The all boys government high school I attended had a number of paedophiles on the teaching staff, and a number of them had a very bad reputation for approaching boys. During my six years there, every single one of my group of friends was approached by one or more of those teachers. Two of the teachers were later convicted and sentenced to gaol, but not until after we had passed through their hands, if honourable members will pardon that terrible pun. I was also a member of an all boys community choir. Among the choir leaders and choir conductors were a number of paedophiles who, year after year, approached many of the boys for sexual encounters. A number of them were very effective in the way they managed to get young boys into their home and within the field of abuse.

Only one of those men was convicted. To my knowledge the rest escaped prosecution, despite the fact that to my knowledge they probably abused several hundred boys. Throughout my school life I was an athlete and a footballer. In both clubs there were older men who preyed upon younger boys for sexual exploitation. To my knowledge, none of them was ever prosecuted. I also went to a gymnasium where I lifted weights and did body building. Again, among the instructors were some paedophiles. Right through that early period in my life, in almost every significant area of contact between the ages of 9 and 17 years, I was aware that scores of boys were abused. I passed through that age group and left all of that behind, but the abusers continued, moving with every new generation of young boys who came into the school classes, the choir, the athletic teams, the football teams, those who attended the gymnasium, and the like.

Since becoming an adult I have worked in a number of fields. I worked for some years as a probation and parole officer. In my experience in that field, every single young man with whom I came in contact on parole in the prison system or on probation had been sexually abused. Most had been raped by men who were many years older. There was no question in my mind that boys over the age of 16 who had been sexually abused—and I refer to boys of 16 basically because they were the only people I came into contact with on parole or probation—had become antisocial as a result; they were not fitting into the community and they were not relating to their parents or to their peers.

Over the past 25 years I have been involved in lecturing counsellors. I have trained some 2,000 counsellors in that time, and I have found from lecturing on issues relating to sexual abuse people with psychiatric disorders and those suffering emotional and mental conflict, that the level of sexual abuse among clients rates very highly. In more recent years I have had the privilege and responsibility of running the largest network of psychiatric hospitals in New South Wales. Included in this network are public institutes that treat eating disorders such as bulimia, anorexia nervosa and others. Seventy-two psychiatrists work with us in this network, and in discussions with them I have found that that almost inevitably the problems of patients stem from the fact that they have been sexually abused—and not only as little children but also as teenagers.

My third area of concern is of a personal nature, and it arises from my experience as a young teenager, my professional experience as a counsellor and trainer of others, and in my role as a parole and probation officer. I realise that there are many people who want this bill passed, including a lot of people who want it passed most eagerly. Many people in good conscience support this bill. I respect that and I honour people for their point of view. However, there are some who support this view—I am not saying they are members of this House—and who want to support this bill for the most doubtful of all motives: they want homosexual acts with youths as young as possible. We must not do anything to encourage those who find enjoyment in abusing others.

I foreshadow that in Committee I will move an amendment seeking to split this bill so that members can vote on lowering the age of consent quite separately from issues concerning child protection provisions of the bill, which I know that all members of the House would respect and would be anxious to support. I also have received many letters and emails from people who want members to speak as I have spoken tonight. I note that Archbishop George Pell made the very interesting point that he believes the Parliament should not enshrine in law the fact that homosexual partnering equates to heterosexual marriage. He is not only speaking from his experience in Roman Catholic and Christian doctrines; he is also making a very significant point on community relationships as a whole. Homosexual partnering, no matter how loving or endearing, does not equate to heterosexual marriage. Archbishop Jenson has indicated the viewpoint of the Anglican Church. I will not read his letter because a number of members have already made reference to some of the points in it.

I conclude this part of my contribution by saying that Christians must not only believe in doctrine, they must also learn to behave. Every Christian is under this trust and obey concept. We must believe what is right and we must also practise what is right. There is no place within the Christian faith or belief for those who say they believe but do not practise the morality that is given to them. I personally have no time for those who say they are Christian but then behave in an unChristian fashion. I have not spoken about this matter to my esteemed leader, the Reverend the Hon. Fred Nile, but I remind him that he was a guest some time ago on the television program "Hypothetical" presented by the lawyer Geoffrey Robertson. I recall that Reverend Nile was seated deliberately alongside a well-known lesbian who claims her Christian belief enriches her immoral behaviour, not restricts it.

Robertson asked Reverend Nile if he thought it would be desirable for Australia to have a Christian Prime Minister. Anybody knowing Robertson could see the trap in the question, and I am quite sure Reverend Nile was alert to it at that time. But it was expected that he would say, "Of course I believe Australia desired a Christian Prime Minister". "Well", retorted Robinson, "what about this lesbian Christian sitting next to you as Prime Minister?" He said, "Her example might make an additional 50,000 Christians; she might also influence 5,000 people to become lesbians—would you like that?" Robertson thought in his usual way that he had placed the Reverend Fred Nile on the horns of a dilemma—a logical trap. But Reverend Nile knows as well as I know, and as well as many others in this House know, that Christians are expected to balance beliefs and behaviour, and you cannot have a Prime Minister who believes Christian truths but who does not obey the demands of scripture. That is exactly the position that we take. We have not only to believe, we have also got to behave.

I take the view personally that 16 is not an adequate age of maturity for young males or females to be initiated in homosexual or lesbian behaviour, particularly if that initiation is done by predatory adults. The gay and lesbian lobby quotes the age of first intercourse for both sexes, heterosexual or homosexual, as 16 years of age. I believe that that statistic is true. If that statistic is true, then it is far too young for us to be legislating that that age should be the age of initiation. It is a value judgement—should it be 16, 17, 18? The safest and most responsible position is to have an equal age, but at the highest possible level. That is why I argue for 18 years of age.

People may be quite knowledgeable about the retention rates at Higher School Certificate level in our schools. Figures show we are increasing the average age of students in schools. At the same time the average age of marriage is increasing. It is interesting to hark back to the social conditions that existed when 16 was the age for young women. In those days young women had an average school leaving age of 15, and they had an average marriageable age of 21. Today we live in a totally different environment and that is why the age component should be raised in both cases. The law toughens penalties for adults engaged in sexual relations with under-age children, but it should include penalties for adults who have sexual relationships with children after providing them with alcohol or behaviour altering drugs. That is a lack in the law, and yet it is becoming a practice.

We have heard the excuses given by people for their behaviour—their drinks were spiked or they had been given drinks on Friday nights in various hotels around town, and so on. This has become quite a practice.

The law should pick up the point that adults who engage in sexual relations with under-age children after providing them with alcohol or behaviour altering drugs ought to be severely punished. The law is lacking in this regard. Although there are severe penalties for paedophiles, there should be equally severe penalties for paedophiles who loiter in areas where children gather, to watch them, to film them, to video them, to seduce them. In a number of cases brought before the courts recently of men—teachers—who have been charged with paedophilia, the accused have been found in possession of videos taken in children's playgrounds, on outings, in camps, at beaches, in video parlours, and the like. The Government should introduce law to make it an offence for someone to loiter in places where children gather with the express purpose of sexual exploitation.

A matter that ought to be covered by the bill but is not is the growing practice among paedophiles and others of encouraging under-age people to engage in group sex activities. Some paedophiles encourage children into groups, into camps, into weekends away, to engage in sexual activity in the presence of adults. I do not speak lightly about this, because on two occasions involving two separate teachers at the high school I attended, a teacher came to see my mother's home—my mother was a widow—to tell her that because of good advances I had made in my school work the school had granted me a kind of scholarship, which was a week's holiday with the teacher, travelling in his car, staying in his tent, travelling around Mount Kosciuszko. The purpose of that offer was to gather together a group of young students and to encourage them into group sexual misconduct, so that teachers could be gratified by their particular sexual propensities.

This bill should provide heavy punishment for paedophiles who gather children into groups and encourage them into sexual activity in the presence of other adults. My concern with this bill has been about the lowering of the age of consent, which creates the problem pointed out by Mark Skelsey in today's edition of the *Daily Telegraph*. By lowering the age at which a male can have sex to 16 years, male teachers may now lawfully have sex with boys aged 16 or 17. That is intolerable situation. I am sure honourable members would be concerned that boys at school at the age of 17 are having sexual relations with their teacher. Teachers in positions of power and authority should not be allowed to get away with such behaviour.

Young people who choose to have any kind of sex outside marriage are unwise and ill-advised, but they are not criminals; they should not be subject to the criminal law. They need counselling; they do not need gaol. We are not into throwing stones, and we are not into throwing youth, or children, into gaol. We are into seeking to help people achieve better quality of life and better quality family life. Honourable members will recall the contribution of my colleague Reverend the Hon. Fred Nile to the Family Impact Commission Bill, which is a good bill because it emphasises the need for families in the community. I felt so strongly about this ideal that I have become the publisher of the quarterly journal *Marriage Works*, the point of which is to publish articles by psychiatrists and psychologists who have spoken with people in young or poor marriages, to enable them to improve the quality of their life. Sex within marriage is God's intention, God says yes to sex but it in God's way, with the partner God has chosen, in a heterosexual relationship that is permanent. Sexual maturity and happy marriage is the most significant and most difficult form of social relationship. There is abundant research that indicates how significant that should be.

I close with a very simple analogy. I was flying home one Sunday afternoon in a small aircraft travelling at 6,000 feet. Suddenly on the port side, less than 400 yards away, I saw two eagles slowly rising on the thermals. I was fascinated by them. Because the small aircraft was travelling relatively slowly I had the opportunity to observe the two eagles for some time. I was very interested in their behaviour because I realised that at 6,000 feet they were mating. I made a study of the Australian wedge-tailed eagle and discovered some very interesting things. For example, the great wedge-tailed eagles have a wing span of 2½ metres. I found their habits, their courting and the way they choose their mates of great interest. An eagle has a marriage that is literally made in the heavens.

Eagles court each other at about 5,000 feet and whirl about with displays of diving and feather work—which is what I was watching on that Sunday afternoon. The courting consists of the eagles diving and rolling high in the air, and when the moment comes the two mate. Once they have chosen each other, they remain together for the rest of their lives. They mate in a very remarkable way. They fly to about 5,000 feet, go into a steep dive and at incredible speeds at one point or other they become linked, with the female taking the underside position. They link talons. When they get close to 1,000 feet from the ground they break free from one another and fly back up into the sky. Now, some of you blokes might think you are good; but what I saw in the eagles was an incredible capacity for mating. Once they have mated they start to court. They find a tree and set about nesting. They build a nest on a large platform sometimes 10 feet wide and there the eggs are laid. Eagles never fight. When the eggs are laid the male and female take it in turn to hatch the eggs.

The male eagle will hunt and bring back food for his mate. Sometimes they hunt together and soar in the sky singing to each other. When the eggs hatch, immediately the male provides good things around the home and cares for the little eaglets. The male eagle has a very interesting habit. While the female is on the nest the male will take off and fly a long way until he finds some green plant. He will pluck it up and bring it back to the nest and place it in the nest. It is a love gift for his wife! He does that every day. Male eagles have been known to fly 400 miles to get greenery to bring home at night. The eagles feed together. I ask some of you guys out there: When was the last time you brought some flowers home for your wife? As the young eagles grow up they are taught to fly and eventually to leave home. But the two parent birds stay together for the rest of their lives. People often say that marriages are made in heaven. With eagles we have a good example of that.

I do not believe that we should define people by their sexual practices. To define people by a label that says they are of this sex, or that sex, or another sex, demeans them and limits their ability to rise above their current practices. As a Christian I believe that people can change, that they can live within boundaries, and can live creatively despite their tendencies and urges. In this bill I see some things I would commend but there is much more to be concerned about in it. As I said, I foreshadow that I will be moving some amendments in Committee.

The Hon. CATHERINE CUSACK [8.07 p.m.]: I have carefully considered the case against this bill. Public opinion is divided, my church opposes it, and as the mother of two young boys I share the aspirations and fears of any parent. I believe that those opposed to the bill are not necessarily homophobic; there is a genuine concern for young boys. Those opposed to the bill are motivated by a sense that we need to protect boys from that inexperience and vulnerability of youth, at least until the age of 18—which is the legal age for consumption of alcohol, the right to vote and the age at which society gives full rights of citizenship to our children.

In addition to those reservations I have received uninformed and clearly homophobic comment. I simply set that aside as irrelevant to this important debate. However I do not dismiss and condemn all the opponents of the bill, as it is not possible to criticise the intent of a person whose prime concern is the welfare of our children. At the same time, it is clear to me that many organisations and individuals whose prime concern is also the protection of our children support the bill. The case they present is compelling. In weighing the case and reaching my decision, which is to support the bill, I have been influenced by a number of considerations. In the time available I have tried to research the views of the people who are affected by this legislation.

I point out that this bill will not personally impact of any member of this Parliament. They may feel strongly because individuals with whom they are closely connected are affected, but that is very different to being in the target group for this legislation. I have been advised by the Children's Commissioner that her youth reference group strongly supports the legislation and that the most authoritative study on the topic shows that 50 per cent of the 1,000 gay young men in the cohort study had engaged in homosexual sex by the age of 16 and 90 per cent by the age of 18. The study also found that young gay men's first sexual experience overwhelmingly involves consensual sex with a partner of the same or similar age. It found that 98 per cent reported that their first homosexual experience was consensual and 92.6 per cent reported that it was with a partner of the same age or slightly older.

In addition, all the evidence suggests that in reaching a decision to begin sexual activity of any sort, young people are not influenced by the current law, which prescribes the age of consent. In other words, our vote here tonight or next week will not alter their behaviour, and this means that continuing a differential age of consent has no credibility whatsoever in law or in reality. That is a significant point. The fact that our laws in their current form are irrelevant to the decisions of these people means that continuing the present arrangement is totally lacking in or devoid of credibility. My research has found overwhelming uniformity of view by young gay men affected that the current position is harmful and must change. I accept that discrimination is indeed harmful to those who are targeted by it. There is no question in my mind that legislating different standards for different groups is indeed discrimination. It may be intended to be caring and motivated by instincts to protect, but there can be no question on either side of this debate that it involves according lesser rights to one group versus another and is therefore a classic case of discrimination.

In my inaugural speech I spoke of John Stuart Mills's dissertation on the *Tyranny of the Majority*. In a similar vein Lord Hailsham has written of the dilemma of democracy. This refers to the concept that 51 per cent of the vote constituting a democracy therefore determines which view on an issue should prevail. This can often be unpleasant for the remaining 49 per cent, but it is nevertheless the way in which democracy works. The dilemma is the extent to which the 51 per cent can all get together to completely exterminate the interests and rights of the 49 per cent, the 20 per cent or even the 1 per cent minority in an our community.

As a Liberal I believe there are obvious principles that limit the extent of the mandate of the 51 per cent. A clear principle is that legislation cannot target an individual or groups; it has to be universal. Nothing is more deeply offensive to liberalism than to ascribe the general characteristics of the group to an individual who happens to be a member of that group. The idea that boys are immature and therefore every boy aged 16 and 17 should have certain rights deleted is an incredible and dangerous road to take. I realise that is not the intention of the opponents of this bill, but there is a definite parallel in the course of Nazism ascribing so-called undesirable characteristics to Jews. The principle is the same: one cannot ascribe and target groups in our community because the path where that can lead is dangerous.

Reverend the Hon. Dr Gordon Moyes has commented on an adverse experience he had at school when he was a younger, fairer, slimmer and more athletic boy. I was reminded of comments by my sister that it is the physically beautiful boys and girls who are more likely to become the subject of undesirable intentions, especially by paedophiles. She suggested that rather than legislating a discriminatory age of consent for boys, Parliament should instead discriminate perhaps on the basis of beauty. Such a law would more effectively capture the target group we are seeking to protect. In this analogy I felt she captured the stupidity of what the current law seeks to achieve. I am convinced that the current law has no good effect and that altering it will relieve the significant harm currently being caused to an entire population group in our community.

I am not male, I am not gay and my personal life experience does not give me any useful guidance on this matter. I must also admit that I have not pondered the gay lifestyle in the way that some of my colleagues appear to have done. I do not understand that lifestyle and I am sure members of the gay community do not understand mine. I am not interested in being in their shoes and I am sure they are not interested in being in mine. However, just because I have not experienced the same discrimination does not mean it does not exist and certainly does not mean that I can turn a blind eye. The absolute evil of discrimination, intended or unintended, is the evil of making a person feel small, dirty or lesser than their fellow citizens and it frankly leaves me shaking with anger.

Indeed, my duty to stand against it, as I do tonight, is possibly the most important stand I can take in this Parliament. Members in this House want to do the right thing with this bill but they still have their doubts. I understand that those members know their duty but they still hesitate—this is human. However, when it comes to public policy there can be no avoidance of risk. On this issue there is no such thing as a status quo vote because the message and the harm will only be magnified if, after all this effort, after the consideration and bravery of so many colleagues whom we hold in high regard in another place, it is blocked. The impact will be to create a new level of damage contrary to every democratic principle that brings us to this Parliament.

In concluding, I cannot leave unsaid an important feature of the passage of this bill. Although I am loath to presume upon the intentions of my colleagues I must make this point for fear of its loss. Almost one-third of the Liberal Party is female and it is possible that every single one of us will support the bill. Of course, this reflects our liberal philosophy and our place in politics. It intrigues me that women have, on balance, a more dispassionate view on this issue. This, I hope, will make the difference. There can be no doubt that if women had equality in this Parliament the bill would easily pass—and I find this ironic on a large number of levels. This conscience vote is an opportunity to stand by our principles and serve our fellow citizens, whose worth and dignity are no less than our own. It is a rare chance to nail our colours to the mast and say, "This is Australia in 2003. We believe in our great democracy, in the strength of our diversity and the preciousness of individual liberty and life." This is our chance. I urge the House to not default on this historic responsibility.

Mr IAN COHEN [8.17 p.m.]: I speak briefly on the Crimes Amendment (Sexual Offences) Bill as one of three Greens who, since coming to this House in 1995, have strongly supported the rights of gay and lesbian people. I have promoted the promise of an equal age of consent made by the Carr Labor Government when it was elected in 1995. I am pleased to follow the Hon. Catherine Cusack, who made an exceptional contribution to the debate. I thank her for her fantastic contribution. I support the bill. In the past the Hon. Jan Burnswoods introduced a private member's bill, which I totally supported, although it had been our expectation that in its first term the Carr Labor Government would introduce a Government bill of this nature. This bill has much more strength, but I commend the Hon. Jan Burnswoods for her consistent support for this reform. For many years she has done an excellent job in championing this cause in the Parliament. It is interesting that the Greens will not accept a conscience vote on this occasion but, as we tend to have similar views and an appreciation of this human rights issue, a conscience vote is not necessary. We would not be standing as the Greens in this House if we did not strongly believe in the advancement of equality and justice that this bill represents in Australian society.

The Greens believe that there is an overwhelming case for the equalisation of the age of consent for sexual acts. The Greens are opposed to all laws that discriminate against lesbian, gay, bisexual and transgender

people, and thus support the equalising of the age of consent for heterosexual and homosexual acts. I congratulate those lesbian and gay activists in the community who have been working consistently and effectively to promote the cause enshrined in this bill. I hope that, after today, there is a significant move forward on this significant human rights issue. An unequal age of consent presents a number of problems. A discriminatory age of consent is inconsistent with the underlying principles and philosophies of antidiscrimination legislation in New South Wales. Reform of the law to bring about a uniform age of consent of 16 years for both heterosexual and homosexual activity has had the support of the Anti-Discrimination Board since at least 1982.

A discriminatory age of consent has potentially adverse effects on public health and education by driving underground those who should be receiving advice on safe sex, permitted to obtain condoms, or provided with relevant health and education services. The preservation of existing law risks stigmatising sexually active adolescent male homosexuals, making it more difficult for them to come to terms with their sexuality, increasing the incidence of depression, emotional disturbance and suicide, and inappropriately bringing them into contact with the criminal law when their female or heterosexual counterparts are free of such risks. The appearance of discriminatory treatment risks reinforcing homophobic bias and creating a false stereotype that homosexual males are likely to behave in a predatory fashion towards adolescents. Existing law tends to legitimise sexual harassment and assault within schools of older gay pupils, leading to some taking their lives and others opting out of further schooling.

The reservation of a criminal constraint upon a form of activity by adolescent males, which is not uncommon, lends itself to extortion and corrupt practices by police. The Wood royal commission recognised that the present laws create a situation that is ripe for selective policing, extortion and corruption. Justice Wood recommended an equal age of consent to better reflect community standards. Whether the age of consent is raised or lowered, it is unlikely to have any real impact on the incidence of sexual exploitation of young males or females. It is unrealistic to expect that, by reason of legislation, adolescents will defer sexual activity until some arbitrary age of consent. Similarly, it is unrealistic to ignore the circumstances that many, if not most, adolescents in contemporary society are sexually active by the age of 16 years, whether they are male or female. This debate should not be one of moral arguments. As Commissioner Fitzgerald of the Queensland Fitzgerald inquiry said:

> Where the moral issue is one upon which there is room for serious divergent opinions, the legislature should interfere only to the extent necessary to protect the community or any individuals with special needs.

Supporters of an equal age of consent include the New South Wales Anti-Discrimination Board, the Law Society, the Family Planning Association, the National Youth Roundtable, the AIDS Council of New South Wales, and the Parents and Citizens Association. It is fantastic that the Government, at this rather late stage, has kept its promise. The Greens strongly support an equalisation of the age of consent at 16 years for both heterosexual and homosexual people in our community. I believe that this is a step in the right direction to provide social justice and human rights for an important part of our society. I commend the Government for introducing this bill.

The Hon. TONY BURKE [8.24 p.m.]: I thank all honourable members for the quality of their conduct in this debate. I, probably more than most people, have been a pretty constant observer of conscience debates in the parliaments of this nation. Some of them can be absolutely destructive to the relationships of people in the Chamber and to the future of the Parliament. However, during this debate all honourable members have shown a level of decency that I, as a new member, can only say is impressive and welcoming. I wish to acknowledge one person in the Labor Party with whom I have dealt on many issues over the years. During the debate I was expecting her to attempt to tear me to bits. I appreciate the decency and goodwill that have been shown to me by the Hon. Jan Burnswoods. This is a conscience vote.

The Hon. Duncan Gay: It won't last long!

The Hon. TONY BURKE: I am relishing it while I can. For a long time I have believed in the importance and value of the conscience vote. If the commitment we show to our political parties is so strong that it goes against our fundamental values we may be left with no politics. I am pleased that at no stage throughout this debate has any pressure been put on me—something for which I am grateful. I am also grateful for the letters that I have received—some of them more than others. I am probably less grateful to the two people, on different sides of the debate, who told me that I would go to hell at the end of this debate. When I became a member of this Chamber I wondered why it was red. I acknowledge the lobbyists that I have met, including Ryan Heath, Somali Cerise and lobbyists from all political persuasions, whose aim it has been to provide

whatever assistance they could. Some information that I have received has been particularly helpful and I am sure that all honourable members are grateful to the Parliamentary Library at times like this.

However, no document has been of more assistance to honourable members than the Wood royal commission report. Even if people do not agree with all that is contained in the report they will probably not find a better exposition of the issues than that which is found in that document. Regrettably, some of the information that I have received has been unhelpful. A number of assertions have been made about the Wood royal commission that I believe are plainly inaccurate. At various stages it has been said that this bill is before the House because of the recommendations in the Wood royal commission report. That is not reflected in the executive summary of the Wood royal commission. Paragraph 14.42 of the Wood royal commission report states:

> In summary, the Commission recommends that there be a review of the relevant portions of the Crimes Act 1900 summarised earlier, in consultation with the community.

The report then refers to issues that are contained in the bill. To my way of thinking, recommending that there should be a review after consultation with the community is quite different from recommending specific change. It would be doing an injustice to the document to pretend that it does not recommend that this issue should form part of a review; I acknowledge that from the start. Those who have claimed that we are debating this bill because the Wood royal commission wants this change are stating something that does not stand up to scrutiny. I have tried at length to get to the bottom of another figure that reflects an increase in the rate of suicide among gay males—I am not sure whether it applies equally to lesbians—of 300 per cent. If that figure is accurate it is a significant increase. I have tried to find documents that contain footnotes that would enable me to substantiate that increase. Some documents have footnotes but, when I go to them, I find that they refer to reviews of the literature. The reference in the literature to the figure of 300 per cent directed me to another document that has a subheading "A review of the literature".

If anyone is able to provide the actual document it would be helpful for everyone because, no matter what conclusions people reach, authentic data will never get in the way. The closest I was able to get was a December 1998 document from Youth Studies Australia entitled "Better Dead Than Gay? Depression, suicide ideation and attempt among a sample of gay and straight-identified males aged 18 to 24" by Jonathan Nicolas and John Howard. I presume that it is a different John Howard from the Prime Minister. If that is the study from which the 300 per cent suicide rate figure is drawn, it is worth noting a few things.

First, the study involved 110 people who were not recruited at random but who were in part self-selected. The relevant sample that the 300 per cent figure comes from is not those 110 people but only 20 people. Although those people were not asked the reason that they had attempted suicide, more than half, or 56.3 per cent, of those who had attempted suicide had been the victims of a sexual assault previously. For the figure then to be used to show a specific link with the issue before us today, that is, the differential in the age of consent, involves a good degree of intellectual dishonesty. I may not have the right document; I have tried hard to find the document and that study is the closest I have been able to find.

A simple piece of research that would have been helpful—I have not been able to find anyone who has done such research—is the relative rate in States that have age of consent equal with that of New South Wales. All of that information would be of assistance. I have tried to find it simply because if literature shows an increase in the suicide rate of 300 per cent, that is a very powerful and important figure that I do not think anyone could easily walk away from. This study to which I have referred is only a study of attempted suicide; all of those 20 people are still alive.

Most of the objections to the legislation that I have received—and I shall say a bit more about this in a moment—deal with predatory behaviour. Indeed, most people argued about predatory behaviour. A couple referred to kids with kids but, basically, people referred to a person in a position of power and a young person. There are two responses to that which I think have been unhelpful. The first response is that it does not happen much. Hopefully, few things in the criminal law happen often. Whether it happens much or not, the issue in criminal law is whether it should happen. I certainly have concerns about predatory behaviour, whether it relates to heterosexual relationships or homosexual relationships. The second response is that I should not be so concerned about the predatory behaviour arguments because real paedophilia refers only to kids under the age of 10. That argument is unhelpful and I was relaxed in rejecting it as one of the matters that I should consider.

This legislation has been crafted not only to deal with the age of consent. I know that most speakers have dealt with the age of consent issue, but the reality is that the bill deals with a number of issues. Generally,

the Government presented the bill as simply increasing the penalties for some offences or retaining the status quo for other offences. However, I have noticed two changes, and I am prepared to be corrected if there is something in the common law or somewhere else that covers these offences in another way. In this bill the maximum penalty for the offence of a father sleeping with his 16-year-old daughter is reduced from eight years to seven years imprisonment, and the offence of a stepfather sleeping with his step-daughter has disappeared altogether. I do not know whether that has been done deliberately. Those offences used to be contained specifically in the provisions relating to teachers.

This bill inserts a new section which refers to parents but specifically deals only with relationships that have existed since birth. On the face of it, the offence relating to stepfathers appears to have been removed from the legislation. I have some concerns about that when we are being asked to vote on the bill in its entirety. Once again, if more information is available I would love to be proved incorrect. Positively, in this bill—and I refer to comments by the Hon. John Ryan—the defence of mistaken identity has disappeared. Some people have argued that removing the defence of mistaken identity is not a big change because it is rarely, if ever, used in court. I think someone told me that it has never been used in a court case.

However, that does not tell the true or full story, because whether or not a defence has been used in court does not show the full operation of an Act. When a defence exists, that has a bearing on whether the police pursue a matter. In terms of current practice, although it might not have said this on the face of the legislation, it would appear that the age of consent for a person having sex with a younger person in a heterosexual relationship has in fact been 14 and the age of consent for a person having sex with a younger person in a homosexual relationship has in fact been 16. That needs to be borne in mind in the context of the whole bill.

Immediately after I conclude my speech I will circulate an amendment. One concern that was continually raised was the issue of predatory behaviour, which I have already referred to. One argument that arose immediately—it is contained in a thorough briefing from the Gay and Lesbian Rights Lobby, in a document entitled "The need for an equal age of consent in NSW"—is that predatory behaviour against 16-year-olds and 17-year-olds does not apply only in homosexual relationships; it applies also in heterosexual relationships. I do not consider that to be an argument for saying that we do not need to do anything. I see it as an argument for asking, "Where is this bill deficient in the context of predatory behaviour?"

I read the Attorney General's second reading speech in the other House. In that speech the Attorney General referred to the fact that it would be an aggravated offence for people under the age of 16 if the older person had authority over the younger person. Immediately I thought that if the phrase "under the authority of" was used in the second reading speech it would be easy to craft an amendment that would adopt the same principle and to apply it to the legislation. At the outset I must say that on any count this legislation will be carried at second reading. Presuming that that occurs, I will be supporting my amendment, which is probably no surprise. My amendment deals with the current provision relating to persons in positions of authority, which refers only to teachers. The maximum penalty for the offence of a teacher having sex with a student under 16 years of age is eight years imprisonment.

Clearly, teachers are not the only persons in positions of authority. It is offensive to think that we must watch only for teachers. Many other people hold positions of authority. Therefore, keeping the age of consent at 16 years is illogical. It is a tough argument to say that it is an offence for a maths teacher to have sex with a year 11 student at the beginning of the year, and perhaps be sentenced to eight years imprisonment, but it is not an offence if the maths teacher has sex with the year 11 student at the end of the year. I am concerned that that is the position in this bill. My amendment will not touch the teacher provision—although I am happy to consider forms of words to remodel that provision—but will expand the definition of predatory conduct against a 16-year-old or 17-year-old to any person who is in authority over that teenager. I propose a penalty of four years imprisonment, but I am happy to reconsider it in the interests of consistency. I made this suggestion several times in the hope that it would be in the bill as drafted. But that did not happen.

An Opposition member referred me to some of the amendments that were moved in Committee the last time that this issue was debated and, as a consequence, I discovered that the principle enshrined in my amendment appears in a document. I was told that my amendment was unworkable by those who claimed that the bill had to be enacted as it was a recommendation of the Wood royal commission. Therefore, I was surprised to read the following statement. The passage in the Wood Royal Commission report that I quoted previously is followed by three dot points, the first of which deals with equalising the age of consent. The second dot point refers to:

> … creating an offence in relation to an extended group of persons standing in special relationships … as specified in paragraph 14.40 … to which the defence of consent but honest and reasonable mistake would not apply.

Paragraph 14.40 refers to a "position of trust", and states:

> It would define such persons to include parents, step-parents, foster parents, guardians, custodians, schoolteachers, religious advisers, health professionals, or any other person providing instruction or services to, or having the care of supervision of or authority over the child, and not being married to that child. No occasion arises in the view of the Commission to repeal the offence of incest.

Although I do not believe that is a formal recommendation of the Wood royal commission, if it is claimed that this bill is an embodiment of the commission's recommendations then I reckon my amendment is also. I have dealt only with the position of someone with authority over young people aged 16 or 17. I have read the recommendations of the Wood royal commission and I would be very happy if an appropriate form of words could be drafted to expand the provision to refer to a "position of trust"—to use the language of the royal commission. My amendment will be circulated shortly but I will happily withdraw it from circulation if a provision that covers the full gamut of predatory conduct finds its way into the House.

What are the practical implications of this legislation? Much has been made of those implications but it is difficult to believe that the bill will make the slightest bit of difference to kids with kids. We must remember that this bill is about not necessarily what ought to happen but at what point people should find themselves on the wrong side of the criminal law. The bill fails to deal with several of the recommendations of the Wood royal commission regarding predatory conduct. It is interesting to note that, under the Crimes Act, police only ever seriously pursue allegations of predatory conduct and, in doing so, are faced with the 14-16 effective ages defence. This bill is not impressive.

I am not sure that it was intended to omit all that was left out of the bill, but certainly no justification has been given in this House or in the other place for those omissions. I believe we should work through some amendments that would not change the actions of the police with respect to predatory conduct in the context of homosexual relationships but give police new powers to deal with predatory conduct in the context of heterosexual relationships. Some people will say that I should support the second reading of the bill, move my amendment in Committee and take it from there. However, nothing will force me to vote for the second reading of this bill in its present form. For the reasons I have outlined, I intend to oppose the second reading of this bill, in the full knowledge that we will proceed to the Committee stage any way. I look forward to considering the amendments then.

The Hon. MALCOLM JONES [8.45 p.m.]: I sympathise with the issues that confront young homosexual men. However, as the courts do not currently impose sentences on young gay men who are in breach of the age of consent, I cannot see how the Crimes Amendment (Sexual Offences) Bill will change their lives substantially. It serves no purpose other than to bring court practices in line with the law. I think the accessing medical facilities argument is a red herring for the same reason. I am yet to hear of a doctor, hospital or medical agency refusing treatment on the basis of a gay man being under the age of consent.

Like the honourable member for Orange, I have a gay son, whom I love dearly. My primary concern is his welfare. My priority is to protect young gay men from, not expose them to, predatory, manipulative older gay men. However, in that context, I believe the bill contains more negative aspects than positive ones. I am not prepared to sign off on a deal that will assist in any way the Dolly Dunns or Philip Bells of this world. I am sure that lowering the age of consent will assist in any number of ways the abhorrent lifestyles of the legion of paedophiles who every night seek to entice young men in the areas around Central station or along the Darlinghurst wall. Mission Beat workers can direct any doubting members to locations where they can best observe this practice. The police are fully aware of these predatory activities but continue to turn a blind eye.

I am sure that this bill will be passed—albeit without my support. I am pleased at least that its retrospective clauses will be removed. I do not particularly care about New South Wales conforming to other States or other countries; that is not a valid argument. Similarly, the argument about gender-based equity in age of consent laws is not valid. The important issue to me is simply not to give paedophiles any more latitude than they currently enjoy. I considered voting for the bill as a gesture of solidarity with my son. However, the prevention of paedophilia must take priority.

This bill has received very special treatment this week. Last night the Legislative Council suspended sitting for about 40 minutes until the ringing of a long bell and then the bill was debated for only a further 40 minutes. We are sitting tonight—a Thursday night—to debate the bill but not vote on it. I find that bewildering.

I wonder why this bill is receiving such special treatment. As far as I know this issue was not part of any election promise made to anyone at the last election—although it was, as Mr Ian Cohen pointed out, an election promise in the 1995 general election. But that was eight years ago. The introduction of this bill three weeks into a new parliamentary term makes me curious as to why it is receiving special treatment at this particular time. I ask the Government to respond to my questions in order to avoid provoking undue curiosity. I oppose the bill.

The Hon. MICHAEL GALLACHER (Leader of the Opposition) [8.50 p.m.]: I am pleased to speak in the debate on the Crimes Amendment (Sexual Offences) Bill. At the outset I indicate that I intend to oppose this legislation. That will probably come as no surprise to those I have spoken to in the past couple of days. Those who heard me speak on a prior bill will know that the position I am taking is consistent with the position I took during earlier debates in this Chamber. I have listened intently to the debate on this matter. Like the Hon. Tony Burke, I too congratulate all honourable members on the way they have conducted themselves during the debate on a matter of extreme sensitivity and importance to all of us. Each and every one of us has come to debate the matter from different perspectives.

The Hon. John Ryan gave an outstanding presentation of his interpretation of his Christian beliefs with respect to the age of consent, the subject of this legislation. Others have brought their own perspective to the debate and I too wish to take the opportunity to put on the record my reasons for opposing the legislation. I acknowledge the argument that those supporting the legislation have put—an argument seeking equality and fairness—and in normal circumstances I would have given that considerable weight when making my decision whether to support the bill. However, the legislation goes beyond questions of fairness and how homosexuals are treated under the law. I realise the obvious pain and discomfort many have gone through because of the way the law treats them. I am concerned about the point raised earlier by the Hon. Tony Burke: the predatory implications of this legislation.

Honourable members know of my employment prior to becoming a member of Parliament, but what I have not spoken about often and what few would know is that when I first joined the New South Wales police service, instead of being sent to a police station, where most trainees were sent, I was picked out for some reason for something special. I found out that the reason was that at the time I was the shortest member of the New South Wales police service. I weighed about 65 kilograms; I was little more than a racing greyhound. At the academy, when we were waiting to find out what stations we were going to, my name was left out. I approached the senior sergeant on the parade ground and said, " You have missed my name." He said, "No, we haven't, we have somewhere very special for you to go." I said, "Where is that?" He said, " You are going to the vice squad." At that stage I thought a vice was for holding wood or metal in place. As an 18-year-old I had absolutely no idea where the vice squad was.

I love it when I hear parliamentarians talking about baptisms of fire and the challenges they have had to face. Finishing school in October and coming out of the police academy in February to find myself shortly thereafter walking in the front doors of the vice squad was a baptism of fire of mammoth proportions. It introduced me to a world that I would suggest most honourable members—I would like to think all honourable members—would have no real understanding of. It is a subterranean world. It is frightening. I pray that none of you or your families have to see it. There are predators; there are people who pursue the children we are entrusted to protect. Unfortunately, the boat has left the dock when it comes to young women, but it is my view that there is still an opportunity for us to protect young boys and keep them from harm as best we possibly can.

I acknowledge that there are people who feel, rightly so, that the inequality in the system has dealt them an unfair hand, but we can protect children from being infected by these grubs who live in this subterranean world. We have the opportunity to do so by voting against this legislation. We should ensure that children are not infected by these people and that they have every opportunity to grow and develop in the best possible environment. This legislation, for all its good intentions of ensuring equality, at the same time allows the people who live in this subterranean world—the predators that I have spoken about—far greater access to our children, and we cannot let that happen. I listened closely to what the Hon. Tony Burke had to say and to his proposed amendments. They seem sensible and, consistent with the position I have taken, I believe they provide the greatest opportunity to stop those who wish to prey on children. However, the problem is that the legislation as a whole is not preventative; it is reactionary. After a child has been affected or interfered with by one of these people it is too late to apply the Crimes Act. The offender may well go to gaol—or he may not—but the child will serve a life sentence.

When I went to the vice squad at the age of 18 I was shown the Kings Cross area. I saw the prostitutes working on the street. I took on the role of a trainee police officer in the vice squad. I was supposed to stay in

that position for only three months but I stayed at its request for six months. I will never forget that six months. Darlinghurst Road was bright and well lit and the prostitutes were all on sale. Everyone could see them; they were very visible. It was confronting. Then I was taken to a different area in Darlinghurst. It was dark, and people younger than I was were standing around under trees around Green Park near St Vincent's Hospital, within a stone's throw of Darlinghurst police station. I would have thought, in the shadow of the church on Oxford Street, that that would have been a safe area. Cars with only one person in them, often expensive cars, kept driving past. These people were not stopping and talking to the young boys to ask directions. There were two different worlds. There was an inequality in the way prostitution was exposed in this area as well. What I saw at that time will stay with me forever.

I do not apologise for the position I have taken in relation to this legislation. I acknowledge the argument about inequality, but there is no argument when it comes to protecting children. I intend to support the amendments foreshadowed by the Hon. Tony Burke. I am also concerned about the issues relating to teachers and the provisions in this legislation for incest. I am concerned about sexual intercourse with a child of 16 or 17 years of age by someone in a position of authority. The matters raised by the Hon. Tony Burke warrant clarification from the Minister in his reply. Equally, we need to ensure that the law will come down hard on anyone who dares to even consider interfering with or assaulting children. This legislation does that, but we have to go further and prevent them from getting near our children. For those reasons I oppose this legislation.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [9.00 p.m.]: Like the Leader of the Opposition I oppose the bill. Other speakers have quoted from the *Bible* and, much to the disappointment of some and the relief of others, I will not quote further from it as I believe it is totally inappropriate to do so. I have been moved by what has been said by speakers on all sides of the debate, but no-one spoke more poignantly than Russell Turner in the Legislative Assembly—it was only a short contribution—and he has now been joined by the Hon. Malcolm Jones. Both of those fathers have gay sons and they expressed their concerns in an outstanding way. Those members and their families have continuing and strong emotional bonds with their sons, but they have taken a different point of view. Russell Turner reinforced his understanding of his son and his support and belief in him in a noble way. The Hon. Malcolm Jones indicated that at one stage his son was in a vulnerable position which he did not want other boys to find themselves in.

As honourable members know, the National Party has decided to vote against the bill. Many contributions have referred to the way a conscience vote should be interpreted. When a bill similar to this was last before the House, who is to say that members who voted at that time did not vote in accordance with their conscience? Who is to say that when members of the National Party made the decision to vote against the bill—and with one exception they were all of the same view—that we did not do so in accordance with our conscience? That is the same as someone who believes that a conscience vote should be a vote that reflects what is right for society rather than what is right for them. They are all valid arguments. In this debate no-one has belittled the differing points of view and decisions that have been made. Only gay people, their families and friends understand the problems of being gay.

I want to put my feelings on record. That might appear to be gross, but I do not intend to offend anyone. I do not have a problem with consensual sex between two 16-year-olds, whether they are homosexual or heterosexual. I do not have a problem with homosexuals who are 16 and 17 years old, 17 and 18 years old, or a 19-year-old and a 21-year-old. They are in a common age group and no-one is in a position of influence and experience to improperly prevail over them. An argument has been put about the different ages at which males and females mature. On average, females reach maturity or adolescence probably two years before boys.

That is not always the case, and that is not a perfect example. If a 16-year-old boy was asked about his understanding of the world, his maturity and his ability, he could be the equal of a 21-year-old or 22-year-old. It would not be uncommon for another 16-year-old boy to only have the maturity, understanding and worldliness of a 12-year-old. Boys differ greatly depending on their family, background and maturity. If the provisions of the bill were applied to that 16-year-old with the maturity of a 20-year-old or a 21-year-old we should not limit his potential relationships to someone who is 21 years old. It is unlimited: it could be someone who is 25, 30, 35, 40 or older.

The amendments foreshadowed in a previous speech need to be looked at carefully. Perhaps I have put my concerns inelegantly and crassly, but they are my concerns. I understand that Scandinavian legislation addressed the age differences. I do not have a copy of that legislation because I have not done the research. We were presented with a simplistic graph showing the countries with a 16-year-old age of consent but the issue is just not that simple. In getting this right we have to be careful not to give fuel to the bigots of the world and encourage the Jean Lennanes of this world who undertake mad witchhunts.

We should not encourage appalling situations such as with Franca Arena naming a judge. Franca was standing at the far microphone and I was sitting at the table when she named Judge Yeldham. I lent across the table to Franca and asked, "Franca, what if he is innocent?" Looking back on it, I think he was. I think he was a victim of his age, his homosexuality, his class, and a witchhunt. I believe that he made mistakes around the edges but he was not a deliberate paedophile. In all these considerations we have to be very careful in what we do. I suspect that I will be criticised by the gay lobby, but I hope I am not. I am probably one of the few Gays that will not be outed on this issue. I hope the gay lobby is as understanding as the many members of that lobby whom I have met. They are my concerns. I indicate again that I will not support the bill but I will support the amendments foreshadowed by the Hon. Tony Burke.

Reverend the Hon. FRED NILE [9.12 p.m.]: As honourable members would anticipate, the Christian Democratic Party opposes the Crimes Amendment (Sexual Offences) Bill. Both members of the party, in following their consciences, oppose the bill. The bill is described in its introduction as an Act to amend the Crimes Act 1900 to provide for equal treatment of sexual offences against males and females and to increase the penalties for sexual offences against children and for other purposes. But as has been shown in this debate, it is actually a bill to lower the age of consent. However, I am pleased that the Australian Labor Party Government will allow its members a conscience vote, as will the Liberal Party. Conscience votes are allowed only on certain bills, and this is one. I understand that conscience votes will also be allowed on the Greens' euthanasia bill and a bill dealing with human embryos. The National Party has taken a party position on the bill. Some people might criticise it for that but I think that view can be justified because the party's position on lowering the age of consent is very clear.

For the interest of some of the new members I say that in speaking to the bill my position is different from that of most members of Parliament in that I worked full-time as a director of the Festival of Light Community Standards Organisation from 1974 until I entered Parliament in 1981, and maintained an honorary role from then until 2002. I am now acting in the role until a successor is found. Because that organisation has as its aim the promotion of purity, love and family life, it took a certain position—with which I obviously agreed—on many of the proposals presented to Parliament dealing with homosexuality, the age of consent, pornography, and family law and divorce. I was a paid campaigner on those issues so I had to investigate the propositions involved. From 1981 when I was elected to Parliament I have opposed what I regard as the liberalisation of laws or the repeal of laws that had been on the State's books for many years.

My position meant that as well as studying the bills as presented I had to study the immediate and long-term effects. This meant studying what was happening with these issues in other countries, especially the United States of America. Most of the issues arose in that country and that is where the gay and women's liberation lobby groups originated. In due course they also developed in Australia. Study of the issues and the organisations gave me a wider perspective than perhaps some members have when they look solely at a bill as presented in this Chamber. I have an extra burden because I often have information about the strategies of various organisations on issues. They have a clear-cut agenda in regard to those issues. A minor or innocent change that they support is often part of a wider strategy disclosed in the internal material of those organisations. Sometimes I am able to obtain such information through people in the organisations sending documents to me or it may come across my table in various other ways. So my attitude toward the bill is influenced by that background.

Some new members may not realise that I moved the motion that sent the paedophile reference to the Wood royal commission into police corruption. I had been working with members on both sides of the House. The Hon. Deirdre Grusovin had a very strong concern about paedophilia. For some years we had been discussing how to get an inquiry into the paedophile network. It was almost impossible: the doors were locked on that issue. But following various events it became a high-profile issue. The Hon. Franca Arena, in her enthusiasm and perhaps naivety, took up the issue vigorously. I was advised that the Labor caucus passed a motion to expand the royal commission into the paedophile network. I was very pleased when I heard from people who let me know what goes on within caucus that the decision had been made.

Then I received further information that next day the motion had been overturned and therefore would not be put into effect. I was able to obtain a copy of the motion. I moved it in the upper House, in the belief that, as it had been passed by caucus, Labor Party members in the upper House would be likely to support it. After a debate in this place the motion was passed. The result was that the royal commission into police corruption had added to its inquiries a paedophile reference. That was a complicated way of progressing the matter—it probably complicated the royal commission as well—but we were unable to find another way in which to proceed. That was the best we could do.

Many good things came from the royal commission. The Hon. Tony Burke has referred to one result that was used in a negative way. I refer to the use of the words and the report of Royal Commissioner Justice Wood as if he were the main proponent of the move to lower the age of consent. The honourable member covered that issue in his speech. Though I was deeply involved and concerned about these issues, I cannot recall any public announcement that the royal commission was inquiring into that matter—in other words, inviting submissions from church groups, parental groups and other concerned organisations. I now know that many homosexual groups made submissions urging the lowering of the age of consent. Other submissions may have been presented opposing that view, but there certainly was not any widespread publicity about that reference, as there should have been.

As the person who had moved the motion to institute an inquiry into the paedophile network, it was a million miles from my mind that the royal commission would even consider the question of lowering the age of consent, and consequently support its lowering, even by way of the wording of a review. That was the exact opposite of the intention of the reference, which was to expose the paedophile network; to find out why no action was being taken by police regarding that network; to consider ways to increase police powers, if necessary by legislation; to look at ways to strengthen age of consent laws; and, if anything, to raise the age of consent and give honest police—there seemed to be a number of corrupt police, because they had information on which they did not act—a weapon to use against the paedophile network and individual paedophiles, that is, an age of consent law.

Basically, paedophiles seduce children. Later, I will explain how. The ages of those children can, in the context of the law, range from sub-teenagers up to 18 years, or perhaps older. Paedophiles seduce them in such a way that technically the child is regarded as having consented. If the child has so consented, and there is no age of consent law, it is very difficult to lay charges against the offender. The strongest weapon that police have is an age of consent law. That is because, notwithstanding that children might say they consented, went with the offender or slept with him willingly, the offender is guilty of a criminal offence of breaking age of consent laws. This bill concerns age of consent laws, the purpose of which is to protect children from sexual abuse by adults who would seek their consent and seduce them.

No-one said, "Let us have age of consent laws to prohibit two 16-year-old teenagers from having sex." That was never the purpose of this law. It certainly did not start from that point. From the tenor of debate on this bill, it could seem that the original intent of the law was to stop teenagers having sex. That never was, and still is not, the purpose of the law. To emphasise that point, I ask: Has anyone been aware of a government education campaign quoting age of consent laws and telling teenagers, "You are not to have sex"? Of course not. Adults know that is the law—perhaps teenagers should know it too, but most teenagers would be ignorant of it. Even if they knew about that law, they would still be indifferent to it. I repeat, the aim of age of consent laws is to protect children under the age of 18 years from adult paedophiles. Some might think that is not correct, but I can substantiate my statement with historical documents.

I agree with Reverend the Hon. Dr Gordon Moyes, who became involved in a bit of an argument with the Treasurer about the Labor Government's mandate for this bill and its controversial bill about the use of cannabis or marijuana for medical purposes. In the interchange in the House the Treasurer said something like, "You should have known the Premier's opinion." We all know the Premier's opinion, as we all know the opinion of the Hon. John Brogden. But the fact that a prominent member of Parliament has an opinion does not enable us to draw the conclusion that the minute the election is conducted we will be presented with legislation reflecting that opinion. That is another question. The usual protocol for elections is for members who propose introducing legislation, certainly where there is some controversy about it, to announce that intention in their campaign or policy speeches or as soon as they get an opportunity to do so. The mere fact that the member of Parliament has an opinion does not equate to legislation.

Some members will have opinions on many issues. Mr Carr might have strong opinions on many issues. But we cannot expect bills to be introduced on those issues. The point I make to members is that knowing the opinion or stance of a member on a particular issue does not automatically mean we will be faced with debating a bill—as we are now, in the first few weeks of this sitting of Parliament. Not only was this bill not announced; it almost appears to be accorded priority by the Government. It could normally be assumed that governments, when re-elected, would have some grandiose ideas that they wish to give effect to by way of legislation. We are now debating an age of consent bill, and we may soon be debating another bill regarding medical use of cannabis, or perhaps others that the Premier has up his sleeve. It seems strange that a new Government not only failed to publicise these issues during the election but now gives priority to bills on those issues.

We thought this bill would be debated next Tuesday. Last night, on the ringing of a long bell, we were suddenly faced with debating the bill. We were sitting there with blank expressions on our faces. Members did not have their speeches. It almost got to the stage that the Minister could speak in reply to the debate, effectively putting an end to it. But one or two members spoke off the cuff and kept the debate going until the House adjourned. That seemed a strange way for a government to be handling a piece of legislation. I had never seen that happen before. We now understand that the Government, even though this is a conscience issue, would like all speeches on the bill delivered tonight so that the Minister may reply, effectively gagging further debate. I do not know whether some other members are still considering this issue, need to give further thought to it, need further resource materials, or so on. Some members might like to speak to the bill next Tuesday.

As sometimes happens on a Thursday, country members who had made travel arrangements could have left the House early—perhaps even before 5 o'clock, but let us say at 5 o'clock—in the belief that they will have a chance to contribute to this debate next Tuesday. If I were to conclude my speech now and nobody else sought to speak in the debate, the Minister could speak in reply, or even close the debate without speaking because this is an issue on which members have been allowed a conscience vote. Effectively, that would gag the debate. If some members returned to the Chamber next Tuesday expecting to make a speech on this bill, they would not be able to do so because the debate had concluded. That does not seem to be a fair way of conducting the business of the House.

If I finish, and another member present in the House sought the call, the Government could adjourn this debate until next Tuesday. But, if no other member indicated a wish to speak, the Minister could speak in reply to the debate, and the House would vote on the bill. That could give the impression—I emphasise the word "impression"—that the intention is to try to restrict debate on the bill. If there is no real problem, why not adjourn the debate when I finish speaking? Then, next Tuesday the Chair could propose the question, giving other members an opportunity to speak. If no-one else wishes to speak, the Minister could close the debate. I know that some members who have not spoken in this debate have left the premises. They could return on Tuesday in the expectation that they could speak in this debate.

Some honourable members who served in the previous Parliament know that we have had this debate before. In fact, the objects of the bill are to lower the age of consent for males to 16 years, making the age of consent for males the same as that for females, so that those males may engage in consensual homosexual acts, which in fact are buggery or sodomy involving a male of any age, not necessarily another male of 16. We debated this bill previously, in 1999, when it was introduced as a private member's bill by the Hon. Jan Burnswoods. She had been trying for some time to have the bill passed. Another bill was proposed by the Hon. Arthur Chesterfield-Evans. The Burnswoods bill was also the subject of a conscience vote. It is very hard to establish the numbers in a conscience vote because although I have very strong views, I try not to canvass honourable members or put pressure on them to tell me how they intend to vote, because that is inappropriate. Honourable members should be free to follow their conscience. A conscience vote is almost like a secret ballot. The media try to establish who intends to oppose or support the legislation, but I try to respect honourable members by not harassing or pressuring them.

It appeared that the Burnswoods bill would be passed, or, if not, that it would be very close. Unfortunately at that time my wife, the Hon. Elaine Nile, was very ill and was absent on sick leave. Because we both felt so strongly about the issue, she agreed to come in from her sick bed for the vote. The Hon. Jan Burnswoods believed that she should not be allowed to vote because she was on sick leave, but the Clerk ruled that if an honourable member comes into the House he or she can vote. I did not know at that point that her vote would defeat the bill. People have complained that it was defeated by only one vote, but if this bill is passed by only one vote, will they be as critical? Obviously, given the way the House operates, we accept the result if legislation is defeated or passed by one vote. We cannot question that; it is the only way we can function. We cannot require that some legislation has to have the support of two-thirds of the House and other legislation has to have only a simple majority. The higher level of support is a requirement in some countries on serious issues such as constitutional change.

This is a very cleverly drafted bill; it is a mixture of good and bad. Honourable members find themselves on the horns of a dilemma when they agree with some provisions of a bill but not others. This legislation lowers the age of consent and increases the penalties for child abuse. I am sure that honourable members support increasing those penalties, although, as the Hon. Tony Burke said, there appear to be some gaps in those provisions. That can happen in the drafting process, but I am not blaming the Parliamentary Counsel. It has been pointed out that the legislation contains no reference to a step-parent or stepfather, whereas those references are in the Crimes Act. That point should be studied in greater detail. I am sure that, in the main,

all honourable members support increasing the penalties for child abuse. Therefore, they are in a difficult position: they want to oppose half the bill and support the other half.

There are two ways to resolve that dilemma. The first option is to split the bill. That option was raised in the lower House, but the Premier was adamant in his rejection of it and the motion designed to achieve that goal was defeated. The second option is to introduce a bill containing the penalty provisions. Reverend the Hon. Dr Gordon Moyes has had such a bill drafted. It might help honourable members who do not want to support this bill but want the higher penalties for child abuse. They can vote against this bill and then support the Moyes bill. By doing that, we will get the best of both worlds: the age of consent amendments will be defeated and the higher penalties will be accepted.

If honourable members are genuine about having a uniform age of consent, they could achieve that instantly with an almost unanimous vote by increasing the age of consent for females to 18. If that injustice is the issue for some honourable members, that would be the solution. Many abuse cases are emerging, and unfortunately they are predominantly church related. We can only pray that it is not happening in other areas. It may be that it is being identified in that area first and that the same thing is occurring in other places. It seems strange that it is occurring to such an extent in church schools in all States, not just in Queensland.

Girls may be open to seduction by teachers who use their position of power. In the process, the girls might consent to sex. I have received a number of emails about girls who think they have fallen in love with their 30 or 40-year-old teachers and are cohabiting with them If interviewed by the police, the girls would say they are in love and are consenting partners. The only legal recourse lies in the age of consent laws, which would result in teachers being charged if they breach them. That is another reason to have age of consent laws, and perhaps an argument for increasing the age of consent. That would achieve uniformity.

Some honourable members quoted the ages of consent in other countries, which seem to range from as low as 12 years up to 21 years. On the chart we were given I noted that many countries, I presume Islamic ones, have "illegal" under the column "age". These countries do not have an age of consent because the activity is illegal regardless of a person's age. I hope I am wrong, but it appears that very highly organised paedophile networks are operating in our society, and perhaps in the United States of America and other Western countries. I wonder whether those networks are as active in countries with lower ages of consent, for example France and Spain. Perhaps those countries do not feel threatened by paedophilia because there is no threat. I have not researched in detail the level of crime in those countries, but we certainly do not hear about it. I know there were reports of a very active paedophile network in Belgium.

Often paedophile networks are not run by people whom we would regard as criminals, but rather by people in influential positions in society and people in leadership roles. Honourable members have referred to teenage suicide and the fact that the rate of suicide among homosexual teenagers is 300 per cent higher than among heterosexual teenagers. The Attorney General quoted from the 1994 Parliamentary inquiry into rural suicide and gave the impression, intentional or not, that the inquiry produced that figure. I can assure the House that it did not. I was involved in the inquiry. We visited many country towns and interviewed many parents whose sons had committed suicide. I do not remember hearing evidence of even one case of a person who committed suicide because of confusion about sexuality.

The converse argument is that the parents may not have known, or they did know and they did not want to tell the parliamentary inquiry. As we went from town to town I do not remember being flooded with evidence that suicide was the new epidemic among boys who thought they were homosexual. Sometimes boys are confused about their sexuality and the argument is that because of their confusion or their rejection they commit suicide. No-one would want anyone to commit suicide, regardless of that person's sexual orientation. However, to my memory no evidence came out of the inquiry to support the very serious claim that homosexual teenagers commit suicide three times more than heterosexuals teenagers.

There was a lot of debate in the other place about the retrospectivity effect of clause 48. Reverend the Hon. Dr Gordon Moyes referred to it in press releases, as did the media. As honourable members know, in another place the Government moved an amendment to remove that clause. A lot of people were concerned that the retrospectivity of clause 48 may interfere with police procedures. People were concerned that if clause 48 were passed, cases in the past few years involving boys aged between 16 and 18 would no longer be valid and no further action would be taken against the perpetrators of what was a crime. However, the deletion of the clause was a hollow victory because on page 73 of *Hansard* Mr Debus, in reply, said:

> I will explain. Nevertheless, the Director of Public Prosecutions [DPP] has a standing practice not to prosecute any past activities that have since become lawful. In effect, this provision will have no real practical effect.

That is the amendment to remove clause 48. He continued:

> Past consensual acts will not be prosecuted in any event.

That is the opinion of the Attorney General, so it is a legal opinion, based on his knowledge of the Director of Public Prosecutions. If the Parliament passes a law that changes the age of consent, even though the retrospectivity clause has been removed, the Attorney General says that it does not matter because the Director of Public Prosecutions will no longer prosecute adults who were involved with children aged between 16 and 18 years. Some serious cases have been reported in the media, some of which involve important people, that seem to involve boys aged between 16 and 18 years. I will not go into detail about those cases, but honourable members are probably aware of them.

There seems to be confusion about what we are discussing when we talk about the age of consent. What is the consent for? If a male wants to have sex with a young boy—they can kiss and so on—at law it means acts of sodomy or buggery. The Hon. Catherine Cusack pointed out something that she thought was very important, but I am not sure that she is correct. She said she believed that all female members in this House would support the bill and that male members would oppose it. She did not explain her statement, but she seemed to imply that as we have more and more female members, more and more bills, such as this and perhaps other bills, will be passed. I tried to weigh up the impact of her statement but I am still not sure what it meant.

One of my deductions is that male members of this House, and certainly male members who are not homosexuals, have an absolute abhorrence of an adult male committing sodomy on or buggerising a boy, especially their son. Through my discussion with males, I am aware that they feel very strongly about that. I would have thought that women would feel strongly about it also. I am trying to explain why male members feel so strongly about this issue. Perhaps the females are coming at it from another direction, from the point of view of two consenting teenagers, but they have missed the point. In my research I read a House of Commons Library research paper which deals with the age of consent for male homosexual acts, because I wanted to be clear about where the age of consent laws originated. The way we are debating the bill gives the impression that the age of consent laws were passed to prevent two teenagers of the same age from having sex. Historically, that is not true. The whole purpose of age of consent laws was to protect children from adults.

For members who are interested, a House of Commons Library research paper issued on 19 June 1998 provides a history of the age of consent laws. The research paper states that in 1885 there were increasing reports of enforced prostitution and the exploitation of minors. In those days, minors were people probably up to 21 years of age. At that time society felt the need to have some laws targeting the adult, rather than the child being sexually abused by consent. It is a grey area. If a child consents to sex, is it sexual abuse? Obviously the alleged offender would say, "I am not abusing the child; the child has agreed to co-operate with me and is therefore consenting." I am sure most members would agree that no matter how cleverly these people dress up the situation, they are in fact sexually abusing the child.

The Criminal Law Amendment Act 1912 introduced an age of consent. Debates about the age of consent are still taking place in the United Kingdom. In that country the age of consent has varied from 16 to 18 over the years, and the country still has an age of consent law. I assume that because Australia is a British colony, our Crimes Act simply adopted the British age of consent law. I doubt whether there was lengthy debate in this House or the other place—perhaps it was even prior to the bicameral Parliament—about whether we should have an age of consent law. Many of our State laws, including the age of consent law, were adopted from British laws.

The Wolfenden Report of 1957 recommended the age of 21 as the age of consent for male homosexual behaviour, to protect a teenager from an adult male. There has been much debate about the matter, and I understand that the latest debate has become extremely confusing. The United Kingdom has become part of the European Union, which is now giving directions to the United Kingdom as to what laws it should and should not have, and that is creating some tension in the United Kingdom. I understand that for a country to be a member of the European Union it has to abide by the decisions of the European Court. It is extremely important for all members of the House to understand the purpose of the bill, why we have an age of consent, and so on.

The bill is a protective measure to deter adult paedophiles. No doubt there will be much discussion about the extent to which the bill deters adult paedophiles. I hope it deters adult paedophiles in positions of

authority, causing them to think, "If I go too far in this situation, if I get caught, even if the child consents, I will be in big trouble and I will receive a hefty penalty." Earlier I referred to the fact that I have monitored changes to the law, such as changes to the age of consent law. I do not suggest that this will happen here in New South Wales in the near future, but members may be surprised to know that there is a strong movement in the United States of America to abolish the age of consent altogether. As with many other issues, lobby groups often campaign in stages. I have no evidence that the United States lobby groups are involved in the debate about the age of consent here in New South Wales—perhaps they are.

One of the most vocal groups in the United States is the North American Man/Boy Love Association [NAMBLA], a very powerful organisation with branches throughout the country. Large groups, holding large banners, take part in gay parades in that country. The group campaigns for legal sex between adults and children on the basis of consenting sex. It claims that there is no harm for a child if they have sex with an adult as long as it is based on consent. The group also campaigns for the total abolition of age of consent laws. After this bill is passed, perhaps in two or three years time there will be a debate in this House about why we need to have an age of consent law. It has been reported that over the past 20 years the age of consent law has not been used to prosecute a teenager. So that could be an argument for abolishing the age of consent law. However, I believe that the proponents of such an argument miss the point about the value of a deterrent—and hopefully it is a deterrent for some adult paedophiles if they know there is an age of consent law.

NAMBLA has published the group's aims and objectives on its web site, so I am not in any way misrepresenting the group. The historical background of the association is set out in a document entitled "Who We Are". The association was formed in 1978, and it has become a large and wealthy organisation. Referring to adult males of all ages justifying having sex with children, the association wrote:

> Freely-chosen relationships differ from unwanted sex. Present laws, which focus only on the age of the participants, ignore the quality of their relationships. We know that differences in age do not preclude mutual, loving interaction between persons. NAMBLA is strongly opposed to the age-of-consent laws and all other restrictions which deny men and boys the full enjoyment of their bodies and control over their own lives.

Another document on the association's web site speaks of pederasty, or a paedophile activity, in glowing terms. It says:

> Pederasty—that is, love between a man and a youth of 12 to 18 years of age …

Some of the reports on the royal commission's inquiry into the paedophile network were difficult to understand because code numbers were used for individuals. The intention of the royal commission was to not identify persons who had allegations against them. For some time people were not sure, for example, who was W1 and who was W17. The media were publishing reports about the inquiry without identifying individuals. However, as the inquiry continued and the evidence became clear, the commissioner released the names of individuals, principally because they were deceased. I think the protection of individuals' names is maintained today, even though there was overwhelming evidence of their activities. The royal commission heard evidence that the individuals had not been charged or brought before a court. There were two stages. First, the royal commission collected the information, and the information was then transferred to the police for the police and the Director of Public Prosecutions to prosecute. Until that happened, if the person was alive, the name and code number were not put together. One such deceased person was a former Lord Mayor of Wollongong. As I said earlier, these people may have influential positions, which also gives them considerable power over teenage boys who seek attention and so on.

Debate adjourned on motion by Reverend the Hon. Fred Nile.

ADJOURNMENT

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [10.03 p.m.]: I move:

> That this House do now adjourn.

PUBLIC ASSETS

The Hon. PATRICIA FORSYTHE [10.03 p.m.]: According to an article published in the *Sydney Morning Herald* on 13 May, the State Government is embarking on a major project to find, assess, reallocate or even sell off dozens of public buildings and vacant land that are potentially worth hundreds of millions of

dollars. The article suggested that the value of unrecorded assets could be well over $1 billion. Among the aims identified in a memorandum to all Ministers, departmental chief executive officers and others is one of "maximising the return to Government and the community through selling property", according to the article. Per se, this is not bad policy: Land use has changed significantly in recent years, in particular docklands and railway land. Not everything that is in Government hands should be sacrosanct, especially since it would seem that the buildings and land about which the article was written seem not to be on any current asset register. However, everything that is in Government hands should provide the basis for future community benefit.

Creating a register and proposing an asset sell-off is easy policy. Proposing policy that ensures a return to the community is more difficult. The House will be well aware of my long interest in increasing prosperity for regional New South Wales as well as my commitment to increasing prosperity for New South Wales while ensuring that New South Wales is competitive against other Australian States as well as other nations. Regardless of the theory of regional development to which one adheres, a common feature to all is the importance of infrastructure. Of course, there is no single path to regional development.

I well recall a discussion with a leading executive director from the United States of America during an inquiry on regional development undertaken by the Standing Committee on State Development in 1993 about the location factors underpinning his company's choice of various sites around the world. He summed it up this way:

> Selecting locations that had cheap land, good transport connections, diverse and quality educational facilities, first-rate health facilities such as access to a teaching hospital and, as well as all of the above, leisure facilities such as in the Arts and Sport.

For him, the choice was not only about economic considerations but lifestyle issues for his employees. The Queensland Government in its document "Creative Queensland Culture Policy 2002" put in place a policy which requires 2 per cent of all State-funded capital works worth in excess of $250,000 to be spent on integrating public art into the built environment. In other words, it has ensured approval of funding that links the arts with development. Victoria has also guaranteed a funding pool to assist arts development. What an opportunity New South Wales has with the announcement of the Property Disposal Assessment Panel and creation of the asset register to put in place a policy that sets aside a guaranteed percentage of funds with any asset sell-off as a funding pool to develop arts and leisure facilities in New South Wales. As well as its arts in buildings fund, Queensland has invested $110 million in its Queensland Heritage Trails, which is delivering 43 cultural tourism projects across Queensland.

New South Wales needs to benefit with tangible assets from every land or buildings sell-off. There is no point in the Premier lamenting the size of Sydney with his view that it has become too big, unless he is willing to give people a reason to stay in regional areas of New South Wales or give companies a reason to locate to those areas. In this the third term of the Government we need some vision in the policies enacted by the Government so that New South Wales can grow and prosper in a manner that will sustain communities into the future. The property boom that has underpinned our economy has provided the opportunity for short-term responses to issues, but that is not the basis of good policy. I call on the Premier not to see the creation of the asset register as the first step to asset disposal but as a step to the asset enhancement of communities across New South Wales.

GOULBURN REGIONAL ART GALLERY TRIPLE BOTTOM LINE EXHIBITION

The Hon. AMANDA FAZIO [10.08 p.m.]: Last Saturday I visited the city of Goulburn in my duty electorate of Burrinjuck and, after a fruitful meeting with about 20 or 30 local people, I had the pleasure of attending the opening of a new exhibition at the Goulburn Regional Art Gallery. The exhibition is called the Triple Bottom Line. It was officially opened by Rick Farley, who spoke about sustainable development. The theme of the Triple Bottom Line is investigating the conservation of our land and water by seeking a sustainable balance between environmental, economic and social impacts. The exhibition shows works by about 10 artists from the Goulburn area. It is quite an innovative way of drawing together the work of local artists and expressing their concerns about an issue that is of particular importance to people in regional New South Wales. The exhibition runs from 17 May to 13 June. If people are in the area I recommend that they go and have a look at it.

The Goulburn Regional Art Gallery is run by Goulburn City Council. This exhibition was assisted by grants from the New South Wales Ministry for the Arts and from the Department of Land and Water Conservation. There is a long history to this project, going back to September 2000 when there was a mass planting of trees in the Goulburn district as part of the Olympic Landcare project. That simple action, where

local residents and people who came in from other Landcare groups got together and planted a large number of trees near Pejar Dam, sparked interest in the local community as to what else they could do to highlight sustainable development. Following on from that tree planting, two tutorial seminars were held at the art gallery to help develop the theme of the exhibition Triple Bottom Line.

The range of media that was used by the artists was quite impressive. "Floating Trees" is an installation of branches of local gum trees, painted white and suspended from the ceiling of the gallery with tablets underneath in white plaster on which are displayed different messages about the loss of trees and the impact it has on our environment. "Floating Trees" was installed by Patricia Kelly using sticks, paint and plaster. There are a number of interesting exhibitions, including one that had an installation of rabbit traps and photos of rabbits. It shows the way in which rabbits have caused serious soil erosion in our country and how that has affected the ability of farmers to run sheep and cattle, and to grow crops. That installation was prepared by Alice Crawford, who also has a large number of black and white photographs relating to the old habits of rabbit trapping.

There is a series of digital prints by Kathy Gregan that show forest scenes. There is another small series of scanned and printed watercolour images by Diana Boyer that are very interesting and show the way in which the local landscape had been changed by farming practices. Suzette Boddington created an interesting array of screens using mixed media that dealt with changes in the Dalton Valley area. She used watercolours, prints, fabrics, photographs and embroidery. It was a really interesting view of how things have changed.

Displays include a series of watercolours by Susan Ducksbury; a series of clay, slips and metal sculptures by Bev Hogg, entitled "River: domestic 2003"; a series of mixed media on paper based on water usage, entitled "Cash flow", by Gayle McGuinness; and an installation of found materials, an installation in the floor of the gallery and a wall hanging entitled "Costing the earth" by Kirstie Chalker. The exhibition was put together by Jennifer Lamb, the curator of the Goulburn Regional Art Gallery, who was assisted by Sandra McMahon, the gallery assistant. The exhibition was well received by the 50 people who attended. The attendees were people involved in land care and interested in sustainable development. The artists explained their works to all who attended the opening. It is an innovative and commendable exhibition.

DROUGHT ASSISTANCE

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [10.13 p.m.]: I raise tonight the ongoing problems with drought assistance, in particular the provision of timely and appropriate State-based drought assistance. Members may recall that during question time two weeks ago I mentioned the delays farmers were experiencing in receiving assistance from the Special Conservation Scheme administered by the New South Wales Rural Assistance Authority [RAA]. One farmer who contacted me was from the Southern Tablelands. In late December 2002 he applied to the RAA for a low interest loan. By the time I raised the matter in early May, no money had been forthcoming. I raised the matter to ascertain whether the RAA was appropriately staffed and resourced to deal with the number of applications that were being received. The Minister for Agriculture and Fisheries, instead of responding to the issues I raised, chose instead to try to turn the attack onto the Federal Government, as is his way when confronted with any question or mention of the drought. After reading the Minister's response in *Hansard* that farmer wrote to me in the following terms:

> When I read the Minister's pathetic attempt to not answer the question, but use the opportunity to gain cheap political points against the Federal Minister, I was incensed by the contempt with which he was treating those that he was chosen to represent, including myself. Does the Minister think he is involved in some sort of mockery of real life, or does he realise that he is dealing with real people and their livelihood? I have still not had any response from the RAA and in addition to this I have had to inform my spraying contractor that I cannot afford to pay him for a job he did last week, and today I was forced to contact my fertiliser and spray supplier asking for an extra month to pay the $21,000 that I owe them. What do I do when the month is up?"

The letter clearly expressed the frustration that this farmer was feeling over the delay. The farmer was forced to get a credit card for cash advances while waiting for the RAA to get to his application for a Special Conservation Scheme loan. The whole point of a Special Conservation Scheme loan is that farmers have access to money at low interest rates, but that bloke was forced to get a credit card, with an interest rate of around 18 per cent, because the RAA had not acted quickly to assess his application. I am pleased to advise that, since my intervention in this matter, the farmer has now had his application properly assessed and he has been informed that he will soon receive the assistance he applied for in December last year. I am not pleased that it has taken so long for this matter to be addressed. I wonder what would have happened had I not raised this matter in the House.

I mention this issue tonight because tomorrow the Minister for Agriculture and Fisheries will again strap on his goggles, imitate Biggles, and take to the air on yet another taxpayer-funded charter flight, travelling

around the State on what he says are opportunities to inform the metropolitan media of the impact of the drought. However, it will invariably turn into another exercise in criticising the Federal Government. The Minister should be aware that there are outstanding issues with the provision of State-based drought assistance when he takes a swipe at the Federal Government. He should address those State-based issues as a matter of urgency.

One must wonder why the Minister did not take the opportunity, when he was flying around the Southern Tablelands, to call on this farmer to see if he could sort out his problems. I had already sent him the addresses of that farmer and others. In conclusion, I would like to address a couple of matters relating to drought relief funding that the Minister raised in question time yesterday. I take this opportunity to assure the Minister for Agriculture and Fisheries that I have been in contact with the Federal Minister's office on several occasions, the most recent being earlier this week, to urge them to move quickly on the outstanding exceptional circumstance applications for part of New South Wales. I have received a commitment from the Minister's advisers that every consideration will be given to the revised applications. [*Time expired*.]

BRINGELLY DEVELOPMENT

Ms SYLVIA HALE [10.18 p.m.]: There are many issues that highlight the hypocrisy of this Government, and urban sprawl is surely among them. On the one hand, the Premier criticises poor planning and its associated environmental and social problems, and on the other he actively entertains schemes that promote poor planning, worsening air pollution and exacerbate those social problems. The latest episode is the PlanningNSW's plans—not planning—for Bringelly. The department seriously contemplates releasing anywhere between 30,000 and 109,000 home sites at Bringelly, creating a city of up to 300,000 people on the south-western fringe of Sydney.

Yet the truly stunning aspect of this proposal is that it is a rehash of a decade-old Greiner Government scheme that was roundly denounced in 1989 by the then Leader of the Opposition and current Premier, who predicted that it would end up "a congested, overcrowded and polluted version of Los Angeles". If that prediction was relevant then, it is even more so today. Problems of air pollution have not gone away; in fact, they have worsened. An ambient air quality study in 2001 confirmed that the State's worst sites for ozone smog are to be found at Bringelly, St Marys and Liverpool. Air quality is not the only environmental problem that has been aggravated in the eight years since the Carr Government abandoned the Greiner scheme. The Hawkesbury and Nepean rivers are clogged with algal blooms, and inadequate sewage treatment poses an additional threat. The last remnants of the Cumberland Plains woodland are under siege at the Australian Defence Industries [ADI] site.

Any large-scale development in south-western Sydney should be ruled out on environmental grounds alone, even if all other things were equal. But other things are not equal. Not only is public transport virtually non-existent and infrastructure inadequate to meet current, let alone future, demands, but employment opportunities and access to services are also lacking. Labor member of Parliament and Federal Opposition spokesman for housing and urban development, Mark Latham, told the *Sydney Morning Herald* this week:

> The existing residential areas to the west of Liverpool—the Prestons and West Hoxton land releases—are without decent roads and services. Suburbs with tens of thousands of people have no child-care centres, libraries, recreation facilities or even traffic lights.

Who in their right mind would promote such a development? None other than PlanningNSW, which, two months ago at a meeting with Camden Council, was advocating the release of 60,000 housing lots covering an area of more than 9,000 hectares. Who will be happy to see the scheme go ahead? Certainly not Camden Council or the Western Sydney Regional Organisation of Councils, and most certainly not Mark Latham, who was stinging in his criticism. Mark Latham said:

> After years of saying that it is against urban sprawl, the State Government is now pursuing the worst form of sprawl—an environmentally unsustainable development without adequate transport links on the urban fringe. They have no public credibility to be talking about urban planning until the existing infrastructure problems in south-west Sydney are addressed.

Perhaps multimillionaire Tony Perich will be happy. His Leppington Pastoral Company is the region's largest land-holder. Perhaps any number of developers who have so generously contributed to both Labor and Liberal will be happy. It is patently clear that they and the coffers of the Labor and Liberal parties will be the only winners from this planning debacle. The Greens cannot identify even one redeeming feature in this proposal. There is no pretence, even by PlanningNSW, that it will in any way contribute to the provision of affordable housing in an area of overwhelming need. The department's own modelling indicates that the median house price for this development will be $440,000 and that the project is squarely targeted at upper middle-class families.

There can be no greater admission of failure than this proposal. It is a damning indictment of the Government's failure to address the real problems of Western Sydney, to do anything other than appease developers by resuscitating their wildest wet dreams—schemes that have been consistently and repeatedly rejected and condemned in the past, not least by the Premier himself. The people of Western Sydney deserve better than this. We need a genuinely sustainable Sydney—a vision that the Greens believe the Premier once shared. We need policies that provide creative, innovative strategies to accommodate population increase within the existing bounds of the city. Anything less is an admission of failure. Carving up yet more land on the city fringes is simply no longer an option.

FEDERAL GOVERNMENT FOREIGN POLICY

The Hon. IAN WEST [10.23 p.m.]: Tonight I refer to the sorry circumstances in which Australia is finding itself. Australians are becoming increasingly embarrassed to admit their nationality overseas because of the Howard Government's callous disregard for international conventions and laws. Australian citizens are now very alarmed. Australia is no longer a place in which we can feel comfortable and relaxed. The Federal Government is making Australians feel insular and insecure because of Howard's exploitation of the politics of fear. Australians are more and more afraid of their future. They are afraid for their children and they believe they live in a society that no longer cares.

We need to be alarmed not just because of the Howard Government's unhealthy, subservient one-eyed relationship with the current American regime, not just because it isolates Australia from its Asian neighbours and not just because we have spent multimillions of dollars on pre-emptive strikes. We need to be alarmed and angry because the fundamental principles and protections that we have relied upon have been systematically attacked and eroded. Over the past seven years the Howard Government has unravelled the basic tenets which made our country such a respected social democracy. Health, education and human rights are basic tenets of a civilised society, not to mention corporate governance. Piece by piece the Howard Government is dismantling the institutions and protections that have distinguished Australia.

I bow my head in embarrassment at the Howard Government's treatment of asylum seekers and the stolen generation of indigenous people. I bow my head and shudder at the unprincipled and planned attacks the Howard Government has perpetrated against working men and women on their right to collectively bargain, to enjoy a livable weekly wage and to balance work and family commitments. We do not want an American imperial-style minimum hourly rate that regulates the millions of working poor to being unable to live in dignity and provide for themselves and their families.

I bow my head in shame at the Howard Government's attacks on our egalitarian education system. We do not want an American-style regime where, if parents do not save from the moment a child is born, tertiary education is out of their reach. I join almost all Australians in revulsion at the systematic unravelling of our universal health care system. We do not want an American-style regime where people are turned away if they do not have health insurance. The Australian health system costs 8.9 per cent of gross domestic product [GDP] and everyone is looked after. The American two-tiered health system costs 14 per cent of GDP and more than 40 million people, including 6 million children, do not get health care. Why not? Because they cannot afford health insurance. Instead of improving life for families, the Federal budget just handed down by the Howard-Costello Government is making things worse—spending more than $1 billion on a miserly tax cut of $4 a week while destroying Medicare and charging more for education.

Quality health care must only be available on the basis of medical need and not on the ability to pay. Education should be available for our brightest minds and not be based on the size of budget of one's parents. The Howard Government has ripped out more than $5 billion from Australian universities. Student fees have jumped 85 per cent since 1996, while there are 20,000 fewer places and some degrees cost $100,000. Corporate tax cuts should not have the same priority as saving Medicare for Australian families. Health and education should have a higher priority than tax cuts for the top earners. Mr Costello did not even mention that the top few per cent of income earners will get superannuation tax cuts from his latest budget. All this while the Federal Government refuses to fund universal paid maternity leave for the first few weeks of a child's life. Child care is becoming inaccessible and more than 30,000 children cannot get a place in after school hours care. The Howard Government is spending $800 less per child care place than it spent in 1996.

TRIBUTE TO PROFESSOR PHILIP JOHNSON

The Hon. HENRY TSANG [10.28 p.m.]: I announce the sad departure of the late Professor Philip Johnson, who was the Chancellor of the University of Technology, Sydney [UTS], 1988 to 1998, from the time it was transformed from Sydney Technical College. Professor Johnson was a distinguished architect. For many years he was the Dean of Architecture at the University of Sydney, from 1968 to 1986, and a principal of O'Connor Smith and Johnson, a respected architectural firm. His contribution to education was phenomenal, and he transformed the UTS into a much-respected city university. When Federal funding for the UTS was cut Professor Johnson recruited overseas students and expanded his courses. More notably, the UTS worked with the industry. Students undertaking engineering courses, architecture courses and many other courses, worked with the industry. The UTS is much valued by the profession. When my son finished his Higher School Certificate he could have chosen to study at any university. I thought he would choose to attend my old university, the University of New South Wales, but he did not.

The Hon. Peter Primrose: What course is he doing?

The Hon. HENRY TSANG: He is undertaking his final year in architecture at the UTS. He could have chosen to study at the University of Sydney, the University of New South Wales or the University of Newcastle, but he chose to study at the UTS because it offered a part-time course. Most people who graduate from university cannot find a job because, although they know the theory, they have never worked in an office. However, the UTS used a system whereby students were required to work part time. Indeed, it offered architecture students opportunities, especially when they had worked part time or full time in a practice. The students are able to continue studying because they are earning an income at the same time.

The Hon. Peter Primrose: It is also a multicultural university.

The Hon. HENRY TSANG: It certainly is because it is close to the city. The UTS allows students to train through a TAFE college. Graduates automatically save one year by attending the UTS. The university provides good adult education and works well with overseas students. Under Professor Johnson's guidance the UTS made many innovations. Australian Master of Business Administration [MBA] courses are taught in English. However, the UTS has a campus in China where Chinese students can complete an Australian MBA course in their native Chinese language. Students from China or Hong Kong whose English proficiency is not great can do their course in Australia in Chinese—after all, they will probably run companies in Asia.

Professor Johnson was a wonderful chancellor and he had a famous son, Chris Johnson, the Government Architect. I know Chris well because we attended the same university in New South Wales and I worked with him in the 1970s. They were wonderful days when the Government Architect and his great staff designed beautiful buildings. Honourable members may remember how during the bicentenary celebrations the whole of Macquarie Street was transformed. I offer my sympathy to Professor Johnson's family: his wife, Jane, his sons, Chris, Tim and Simon, and their children.

Motion agreed to.

The House adjourned at 10.33 p.m. until Tuesday 27 May 2003 at 2.30 p.m.