LEGISLATIVE COUNCIL

Tuesday 27 May 2003

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

The President offered the Prayers.

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

TABLING OF PAPERS

The Hon. John Hatzistergos tabled the following papers:

Annual Reports (Statutory Bodies) Act 1984—Reports for the year ended 31 December 2002:

Charles Sturt University
Macquarie University
Southern Cross University
Technical Education Trust Funds
University of Newcastle
University of New England
University of New South Wales—Volumes 1 and 2
University of Sydney
University of Technology, Sydney
University of Western Sydney—Volumes 1 and 2
University of Wollongong—Volumes 1 and 2

Ordered to be printed.

PETITIONS

Freedom of Choice in Education

Petition praying that the rights of parents to freedom of choice in education be supported, and that any attempts to remove the exemptions in the Anti-Discrimination Act for Christian, religious and other non-government schools, churches and religious organisations be opposed, received from **Reverend the Hon. Fred Nile**.

Age of Consent

Petition supporting a uniform age of consent of 18 for both boys and girls and increased criminal penalties for sexual predators, opposing legislative retrospectivity, and praying that these issues be dealt with separately, received from **Reverend the Hon. Dr Gordon Moyes**.

BUSINESS OF THE HOUSE

Postponement of Business

Government Business Notice of Motion No. 1 postponed on motion by the Hon. Tony Kelly.

CRIMES AMENDMENT (SEXUAL OFFENCES) BILL

Second Reading

Debate resumed from 22 May.

Reverend the Hon. FRED NILE [2.40 p.m.]: As honourable members know, I commenced my speech on the Crimes Amendment (Sexual Offences) Bill last Thursday night. Since then the Hon. Tony Burke and others, in their speeches, have revealed many inconsistencies in the bill. Leaving aside the question of lowering

the age of consent, the bill has been shown to be faulty and contains major drafting errors. I do not know whether those errors were made by the Attorney General's Office or elsewhere. For that reason, the bill should be defeated on the second reading vote to allow the Government time to re-examine it. Ideally, the Government should separate the issues of lowering the age of consent and increasing the penalties for child sexual abuse. I know that all honourable members would support increased penalties for such offences.

The Government, and in particular the Attorney General, argued that the penalties for child sexual abuse would be increased. However, a detailed study of the bill reveals that for some offences the penalties have been lowered and for others there are no penalties. In other words, the powers that were previously exercised under the Crimes Act have been repealed and have not been replaced. An article in the *Sun-Herald* of Sunday 25 May headed "Red faces over teen sex bill slip-ups" noted some of the points made by the Hon. Tony Burke, particularly the fact that the bill removes the offence of a stepfather having sex with a 16-year-old stepdaughter. The bill also reduces the sentence for incest between a father and his biological daughter from eight years to seven years imprisonment. I believe other provisions in the bill are inconsistent with those in the Crimes Act.

Many honourable members took the bill at face value and assumed that all the penalties had been increased; they did not compare it with the Crimes Act. However, they have now had the opportunity to examine the penalties in a more detailed way. The Hon. Tony Burke and the Hon. Patricia Forsythe have foreshadowed that they will move some excellent amendments to rectify some of the errors in the bill. Although those members may support the lowering of the age of consent, their proposed amendments are further evidence that the section of the bill dealing with child abuse penalties contains major faults.

I compared the penalties in this bill with those in the Crimes Act. One anomaly that concerns many members is the omission in this bill of section 78D. That omission would mean that the Crimes Act would contain no provision for the removal of a child abuse victim from the care of an abusive guardian. Many members of this House are concerned also about a number of other matters. It would be preferable for the bill to be withdrawn by the Government, but if that does not happen it should be defeated at the second reading. That would enable the Government to get it in order before bringing it back to the House.

The Government moved an amendment in the other place to remove the section dealing with retrospectivity. However, the Attorney General has made it clear that its removal would not make any difference. In cases involving abuse of a child between the ages of 16 and 18 where the abuser may be claiming consent, this bill proposes that the age of consent be reduced to 16. The Attorney General, in his speech in reply on 21 May in the other place, said:

> Nevertheless the Director of Public Prosecutions [DPP] has a standing practice not to prosecute any past activities that have since become lawful.

According to the Attorney General, if this bill is passed, cases of sexual abuse of a male child aged 16 to 18 where the adult could claim consent will not proceed. The Attorney General continued:

> In effect, this provision will have no real practical effect. Past consensual acts would not be prosecuted in any event.

Many members who were concerned about the retrospective aspects of the bill may feel that their concerns have been addressed. But the mat has been pulled from under us because the Attorney General said that nothing will happen in any case. The Government seeks to lower the age of consent to obtain age equality between males and females. The Christian Democratic Party believes that the way to achieve age equality is to increase the age of consent for females to 18. All other legislation passed by this House over many years has stressed the importance of the age of 18, not 16.

For example, in criminal cases a person under the age of 18 is regarded as a minor, a child, and is dealt with in the Children's Court. Some of the young men who were involved in the vicious gang-rapes some time ago were 15, 16 and 17. Because they were under the age of 18 they were dealt with in the Children's Court and their names were suppressed. Pursuant to the Liquor Act people under the age of 18 cannot buy, sell, serve or consume alcohol in licensed premises or unlicensed restaurants. Under the Public Health Act people under 18 cannot buy or sell tobacco. Pursuant to the Births, Deaths and Marriages Registration Act people under 18 cannot change their name in their own right.

Pursuant to the Marriage Act 1961, people under 18 cannot get married in their own right. People under 18 cannot obtain a passport in their own right. Pursuant to the Wills, Probate and Administration Act people under 18 cannot make a will in their own right. People under 18 cannot obtain a drivers license without a

provision, according to the Road Transport (Driver Licensing) Regulation 1999. People under 18 cannot vote because of the age restriction in the Parliamentary Electorates and Elections Act 1912. Under the Firearms Act 1996 people under 18 cannot obtain a firearms licence in their own right. Under the Minors (Property and Contracts) Act 1970 people under 18 cannot enter into a contract except for the necessities of life. The logical resolution to the issue of inequality troubling some honourable members is to increase the age of consent to 18 for females. That is relevant because of the cases of abuse that are emerging. We have heard about young schoolgirls up to the age of 18, not just 16, moving in with 50-year-old teachers. Those girls need protection and we can provide that by increasing the age of consent to 18.

Honourable members have referred to the incidence of age of consent prosecutions in the past 20 years. I also referred to it on Thursday night. I cannot find the reference to it in the Attorney General's speech. However, I asked the Parliamentary Library Research Service to investigate, and I have been informed that section 78K of the Crimes Act 1900 prohibits homosexual intercourse with a male person between the ages of 10 and 18. Statistics compiled by the Judicial Commission of New South Wales dated March 2003 indicate that 74 offenders were sentenced under section 78K between October 1995 and September 2002. However, the Judicial Commission did not provide any details about the age of the victims at the time of the offence, but they were between 10 and 18. I would be surprised if there were no cases involving victims between the ages of 16 and 18. It is not true that these provisions are ineffective or that they are never used.

I am puzzled that, given these question marks about the bill, particularly the so-called increase in child protection penalties, the Attorney General has been boasting about the effort put into drafting it. He stated in the briefing note that he and his department had spent considerable time and effort in identifying the issues and including a number of additional safeguards to protect young people from exploitation. Why then are we finding these errors? It is not our job to draft legislation—that is the Attorney General's and his expert department's job. He should introduce legislation that is ready for debate. We may want to increase or lower penalties, but legislation should be in an appropriate form and ready for debate in this House. I do not know whether the Government intends to move amendments to rectify some of the errors or whether it will leave that to honourable members. This is a serious matter and it undermines confidence in the bill. That is why it should be defeated at the second reading and resubmitted—ideally as two bills, one dealing with the age of consent and one with the increased penalties.

A great deal more thought should be given to the penalty provisions. This is a major issue, partly because of the Governor-General's decisions and the cases in Queensland. We have witnessed a major change in the community's attitude to child abuse; that is, the community has no intolerance of it. Our child protection laws might be out of date and not in accord with public opinion. It might be more appropriate to increase the age of consent and the penalties to make the law stronger and to provide a more powerful deterrent.

Some honourable members have raised the basis of our laws and how we consider some issues debated in the House depending on our religious background. However, as a member of Parliament I believe, and I know that many others agree, that we are completely justified in seeking to uphold laws which embody or which are based on the Judeo-Christian ethic. The Crimes Act and many other laws in this State are based on that ethic. Countries such as Iran, Iraq and Pakistan have laws that reflect their Islamic religion. Nations develop laws based on a moral code. The moral code that underlies the law of New South Wales and Australia is based on the Judeo-Christian ethic. The lowering of the age of consent would undermine and weaken that basis of our law. We are not introducing a new law that is pro-Christian; we are saying that the existing laws are good, positive and workable, and should be retained. We are debating the watering down of Christian standards that are designed to protect children. We should think very carefully before we remove or weaken those laws. We are not legislating for morality in this debate. However, we are in danger of legislating for immorality. Very few bills introduced in this place have a moral direction; most seem to be designed to water down standards.

Some honourable members have said that as Christians they have no objection to these provisions, but that they do not believe they should impose their Christian values on society. That is a very dangerous attitude. Christians have been told not to get involved in politics because it is dirty and corrupt. As a result of studying the *Bible* I have realised that is not the correct interpretation. We are also told that even though we are Christians we do not have to vote as Christians. That is a double standard. It is sometimes said that if we vote as Christians we will be imposing Christian values on other people, and some honourable members find that difficult. Honourable members who are Christians should vote in accordance with their beliefs wherever possible. We do not always get that opportunity, but a conscience vote is an ideal time to do so.

If the bill is passed and the age of consent is lowered, the protection of children will be removed. We know that Jesus Christ emphasised in his teaching the need to protect all children from abuse, so we should do

nothing that would threaten or remove that protection of children. Not just Christians but every member of this House who is a father or mother should ask themselves, "By voting for this bill to lower the age of consent, am I voting for the removal of some vital protection for vulnerable children, particularly vulnerable boys?" I believe that every member must face up to that. I know that people who are members of certain groups are pressured into adopting a group position. However, rather than adopting a group position, each individual must examine his or her conscience, and that is what we should be doing in this debate.

As I have said on a number of occasions over the years, I regard the age of consent as being a deterrent to the paedophiles of our society. Sadly, it seems that paedophile activity amongst prominent members of society has occurred more often in Wollongong than in other parts of Australia. I refer to the paedophile activities of two former lord mayors of Wollongong, Tony Bevan and Frank Arkell. I acknowledge that although Frank Arkell was charged with a number of offences, because of his subsequent murder the prosecution did not proceed with court action. In May 1997 Frances Neville Arkell, a former Lord Mayor of Wollongong and a former member of the New South Wales Legislative Assembly, was charged with 29 child sex offences.

[*Interruption*]

As a member has asked for the ages of the victims, I will provide the ages of some of the victims. The Wood royal commission inquiry into paedophilia heard that over a 20-year period Tony Bevan had sex with hundreds of young boys between the ages of 11 and 17. He enticed children into his paedophile network by offering them aeroplane and speedboat rides, drugs, alcohol, money and so on. The victims gave evidence before the royal commission that they were filmed while engaging in sex acts so that this could be used as blackmail. If the boys revealed what was happening to them, Tony Bevan and the other men in his group would make certain that the photographs were seen by other people. In this way, the young men were influenced not to go to the authorities. The royal commission into the paedophilia network gave them the opportunity to come forward and give evidence. Many victims' names were concealed for privacy reasons; they were given code names as witnesses. However, as the evidence before the Wood royal commission unfolded there was no question but that the alleged paedophile activity had in fact taken place. I could recount many other examples of such paedophile activity.

In another case a person involved in the Bevan group in Wollongong was introduced to a person codenamed W17. According to the evidence presented before the Wood royal commission, W17 took a homeless 14-year-old boy from Wollongong to his South Coast farm and had sex with him over a period of six to eight months. The abuse of children by the members of this paedophile network is shocking, and this House should not pass amending legislation that would in any way make paedophiles feel they are on safer ground with boys aged between 16 and 18. The witness W26 gave evidence before the Wood royal commission that at the age of 13 he had encountered the former Lord Mayor of Wollongong, Tony Bevan, at the suburb of Windang. Bevan had taken him up in an aeroplane, fondled him, and introduced him to years of sexual abuse and male prostitution. Witness W26 also said that a scout master, W43, had crept up on him when the scout master thought he was asleep and had then abused him. That scout master eventually became a district commissioner in the boy scout movement.

As I said earlier, often these people hold positions of authority. I know that the Hon. Tony Burke, through his proposed amendment, has also indicated his concern about people in authority exercising that authority over naïve or gullible young boys, who are extremely vulnerable as they go through puberty and all the changes that occur in their physical and sexual development. I hope that as members come to vote on the bill they will take into account the activities of these groups and how they operate. In a briefing paper the New South Wales Parliamentary Library Research Service summarised the arguments in support of voting against the Crimes Amendment (Sexual Offences) Bill, particularly the provisions regarding the uniform age of consent. I will refer to some of the arguments set out on page 7 of that briefing paper. First, maintaining the age of consent at 18 for boys protects young men from psychological and physical harm, as physical and emotional development is said to occur two years later in boys. Therefore, boys need the extra time to determine their sexual identity and preference. A reduction in the age of consent could encourage predatory older males—which is the point I have been making—and also lead to a progressive relaxation of child sexual abuse laws. The briefing paper goes on to state:

> The *Crimes Amendment (Sexual Offences) Bill 2003* could be viewed as contradictory in its aims to lower the age of consent for homosexual males, but at the same time protect children from abuse.

In other words, the bill is in conflict with itself. The briefing paper continues:

> Some also argue that lowering the age of consent could increase the opportunities for an expansion of paedophile networks.

I would argue that that is not only a possibility, but that it will occur. The briefing paper goes on:

> It endorses promiscuous sexual behaviour amongst adolescent boys. The lowering of the age of consent may encourage adolescents to engage in homosexual activity at a younger age.
>
> It protects vulnerable and impulsive adolescents from such diseases as HIV/AIDS.

Although it has not been referred to in this debate, we all know that anal sex is one of the principal ways in which the disease spreads. Therefore we should not be encouraging that type of behaviour. The briefing paper continues:

> Young men are more likely to experiment with homosexual activity and subsequently to be "seduced" or "converted" to an unwanted homosexual lifestyle.
>
> It may encourage male homosexual prostitution.

As I have said, the Christian Democratic Party supports raising the female age of consent to 18 to remove any discriminatory aspect of the law. Reverend the Hon. Dr Gordon Moyes will move an amendment in that regard if the bill passes through the second reading stage, which we hope it will not. On Thursday night I gave evidence of the organisations in America that is campaigning to lower the age of consent or to abolish it. A similar organisation operated in Sydney—the paedophiles support network—from a post office box number, but it seems to have gone underground. I assume it is still active. The research paper says that 16-year-olds are treated as children in most aspects of their life—they cannot vote, they cannot hold a drivers license and they cannot watch X-rated movies—and that therefore a move to lower the age of consent is inconsistent with a number of norms of society. That is a summary of the main arguments against the bill. I understand that other honourable members have received correspondence from the Anglican Archbishop of Sydney, Peter Jensen, in which he indicated the view of the Anglican Church Diocese of Sydney. As far as I am aware, that view represents similar views held by the other main denominations. In a letter to me dated 16 May Archbishop Jensen said:

> Dear Mr Nile
>
> I am writing to urge you to vote against the Crimes Amendment (Sexual Offences) Bill 2003.

Members who are practising Christians do not necessarily have to obey archbishops, but they should take into account advice from leaders of the Christian church in New South Wales—in this case, in Sydney. I believe it is relevant to each one of us. Archbishop Jensen continued:

> The Anglican Diocese of Sydney welcomes and supports the Bill's attempts to increase penalties for those who sexually abuse children. However, this and the lowering of the age of consent are entirely different matters. One is about protecting children by deterring predators through harsher penalties. The other encourages predators as lowering the age of consent takes away the onus of responsibility on adults to act with integrity towards young people. Therefore we support calls to split the Bill so that the two issues may be debated and voted on separately.
>
> 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.
>
> 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. Considering that health and psychological research suggests that there are great risks associated with early sexual activity, it is irresponsible to permit adults to relate to 16-year-olds in a sexual manner. We do not allow 16-year-olds to participate as equals in our community in other aspects of life. What then are our motives in saying that they are able to participate as equals in a sexual relationship? When you are called upon to make your vote, please consider the best interests of our children.
>
> Yours sincerely
>
> Peter F. Jensen
> Archbishop

The Christian Democratic Party has received similar letters asking us to vote against the bill from the New South Wales Council of Churches, which represents many of the Protestant denominations: Baptist,

Presbyterian, Church of Christ, Salvation Army, Lutheran and so on. I refer to the speech made by the Labor member for Blacktown, Mr Gibson, in the other place. He accurately summarised the section of the bill that proposes to lower the age of consent. He said:

> The legislation is a total sham. I have no doubt that paedophiles will rejoice today because if the bill is passed tomorrow they will not be charged for any wrongdoing. Today it is against the law to live with a 16-year-old person. Any persons doing so would not only lose their job because of bad publicity, but they would be charged and found guilty. However, if the legislation is passed tomorrow, they will not be named and they will not be charged because there would be no charge to answer. We had an amnesty to enable people to hand in their firearms, which I can understand, but we are supposed to look after our kids. I cannot understand why we are providing an amnesty for paedophiles.

I share that view. I urge all honourable members to vote against the bill at the second reading. The Government should do away with the bill, redraft it, get rid of all the inconsistencies and all the problems with the penalties in the child abuse area, and return with two separate bills for the House to consider.

The Hon. ROBYN PARKER [3.15 p.m.]: Along with other honourable members in this place, I have thought long and hard about this issue. I place on record my appreciation of the many people who have sent me letters, faxes and emails presenting their point of view. I have read all of them, but the sheer overwhelming numbers have made it difficult for me to respond to all of them. However, I have taken on board all of their comments in establishing my conclusions and, regardless of whether they agree with my final view, I am sure all of the correspondents will rejoice with me in the greatness of our democratic system, a system that provides freedom of speech and accessible representation. I am disappointed that the Crimes Amendment (Sexual Offences) Bill confuses the issues regarding the age of consent and the increase in penalties for people who commit sex offences against minors. Linking these two issues has, to some extent, encouraged the stereotype that all homosexual older males are likely to behave in a predatory manner towards adolescent males. The two issues are completely separate questions, and I shall discuss them as such.

There has been a great deal of discussion regarding the exercising of a conscience vote on this bill. I cannot imagine that anyone would need to delve deeply into their conscience in order to support increased measures to protect our young people. In analysing an appropriate age of consent we are, by definition, determining the age at which a person is able to maturely make a decision of consenting to participate in sexual intercourse. The absence of consent to sexual intercourse is sexual abuse, regardless of age or gender considerations. Homosexuality is emphatically not the same as paedophilia. At a public forum last year I was asked whether I supported lowering the age of consent for homosexual males to 16. My response was that as a liberal, as a Christian and as a feminist I believe in equality, regardless of gender under the law. That said, it is appropriate to discriminate according to age in order to protect young people such as in the case of the legal age for drinking alcohol, smoking, driving, et cetera.

However, there has never been a suggestion that with any of these legal age definitions there should be a difference between males and females. When determining a legal age of consent, as legislators we need to ensure that we provide enough support to protect young people until they are able to make a rational and confident decision. Young people must be able to determine their own sexuality and not be discriminated against or stigmatised for the decision. New South Wales is the last State in Australia to discriminate in this way—28 years after South Australia and 20 years after Victoria amended their laws in this regard. Having established a case for equalising the age of consent, my concern is what age is appropriate. Existing legislation encourages stigmatisation and marginalisation of young gay men and exacerbates many significant health issues.

The law tells young gay men that they need protection from their sexuality, that it is criminal and that they will be treated more punitively than their heterosexual peers if they are caught. To be considered a criminal while coming to terms with one's sexuality is a burden that no young person should have to bear. Justice Wood, in his final report from the police royal commission, concluded that there was no rational reason for retaining a discriminatory age of consent. That report substantially dealt with issues relating to child protection. Justice Wood had available to him the best expert advice and research on this subject. His commission conducted a thorough examination into the relationships between child protection and the criminal law. It is perhaps the most thorough examination conducted in the State in recent times. At the end of that examination Justice Wood recommended an equal age of consent.

There is a widespread consensus that physical and emotional development occurs later in boys than in girls. That being the case, extra time should be allowed for boys to determine their sexual identity and preference. Weighing up this difference in maturation rates, balanced with a need to provide equality, it is my strong view that there is a valid argument for establishing an equal age of consent at 17 years. However, this bill

does not offer an option of setting an equal age of consent at 17 years. Because of this, should I dig my heels in and vote against the bill? If the age of consent were the only issue addressed in the bill perhaps I might. However, as a person concerned with the welfare of children I would risk losing the very positive benefits of legislation that aims to strengthen our child protection laws.

The bill provides a number of additional safeguards to protect all children regardless of their gender. The bill removes the existing defence of mistaken age against a charge of carnal knowledge. The bill contains a new circumstance of aggravation for offences involving child sexual assault by people in a position of trust and where the alleged victim was under the influence of alcohol or drugs. The bill rationalises Crimes Act offences to bring greater consistency to penalties involving child sexual assault. In short, these changes send an even stronger message that we will not tolerate abuse of children in this State. The bill as a whole contains amendments that will protect children from sexual assault. It contains numerous safeguards to protect them from sexual assault, which is a serious problem with complex solutions.

In its current form the bill fails in a number of areas to provide the child protection measures needed. It removes the provision making it an offence for a stepfather to have sex with his 16-year-old stepdaughter. It also reduces the sentence for incest between a father and his biological daughter from eight years gaol to seven years. The bill is confusing in the way it governs relationships between teachers and students, and makes it possible for teachers, who officially occupy a position of trust, to have sex with students once they have turned 17. I note the comments of the Hon. Tony Burke in relation to the bill and support his suggestion that people in authority over minors, as defined by the Wood royal commission, should face a criminal penalty for having sex with 16-year-olds and 17-year-olds under their authority, just as they would if the minor were younger than 16 years. This would include parents, step-parents, foster parents, custodians, guardians, schoolteachers, religious advisers, sports coaches and health professionals.

In conclusion, when assessing the proposed legislation I applied a number of tests to ensure that I had reached the right conclusion. As a mother I want children who are happy with the decisions they make in life, and who feel supported and accepted for the choices that they make. I want them to have the knowledge to observe safe sexual practices and not harm their health. I want them to live in a society that accepts and respects difference and does not judge on the basis of race, gender or socioeconomic status. As a parent and responsible adult I have a duty of care to ensure that the law protects children and reinforces our society's view of appropriate behaviour. As a woman I cannot support inequity on the basis of gender alone. However, I recognise, as history has shown, change in the law is only one step on the path to equality; it often takes society some time to catch up.

As a liberal I believe in the inalienable rights and freedoms of all people to equal opportunity and tolerance for all. As a representative of the people I have the honour and privilege to serve, I am committed to making decisions that take all necessary measures to eliminate discrimination, including discrimination on the grounds of sexual orientation. On balance—although my preference would be not to lower the age of consent for homosexual males to 16 but, rather, provide an equal age of 17 for both males and females—I will support the bill if the amendments foreshadowed by the Hon. Tony Burke, the Hon. Patricia Forsythe and others strengthen the provisions for child protection. Therefore, I urge honourable members to support the bill at the second reading stage. I look forward to debate during the Committee stage.

The Hon. PETER BREEN [3.26 p.m.]: I am grateful to follow the Hon. Robyn Parker in the debate on the Crimes Amendment (Sexual Offences) Bill. As she said, difficult issues are raised in the bill and there is no clear-cut, simple solution to them without some of the amendments that have been foreshadowed. I begin by expressing my gratitude to Reverend the Hon. Fred Nile for orchestrating the debate on the Crimes Amendment (Sexual Offences) Bill so that it was adjourned over the weekend to allow country members the opportunity to participate. I hope I do not cause him to regret his kind consideration.

Reverend the Hon. Fred Nile: I agree with free speech.

The Hon. PETER BREEN: Inevitably, Reverend the Hon. Fred Nile will not agree with my comments but, as he just said, he recognises free speech and my right to disagree with some of the comments made by him and by his colleague Reverend the Hon. Dr Gordon Moyes. I echo the comments of the Deputy Leader of the Opposition, the Hon. Duncan Gay, and say that it is not my intention to cause offence to other members with this contribution. As usual, I will argue on behalf of a minority interest but one that needs to be represented if we are to have a full and frank discussion on the important question of the equal age of consent for homosexual sex. The Hon. Duncan Gay made a couple of points that I would like to follow up on. First, he

made the observation that we hear too many *Bible* quotes in this Chamber. Second, he referred to the tragic circumstances surrounding the death of Judge David Yeldham, who was apparently a homosexual but not a paedophile. The difference between the two descriptions is vital in the context of this debate, and I will return to it later.

As to the *Bible* references, the Hon. Duncan Gay informed me after the debate that his grandfather had a saying, "When they wheel out the *Bible* it's time to count the cows." Having had the weekend to think about this, I wonder whether the Hon. Duncan Gay, with the support of the House, might amend the sessional orders so that the House adjourns to count the cows whenever honourable members quote from the *Bible*. The amendment to the sessional orders could be called the Gay grandfather clause. I tried counting the cows on the weekend at Lismore; it was an interesting diversion from this debate. I have nothing against the *Bible* per se—in fact, it is my favourite book—but I think it is unhelpful in debate on laws of the State for honourable members to seek the authority of God to support their various arguments. In case honourable members are worried about political correctness, I have the same objection to quoting from the *Koran,* the *Bhagavad-Gita* and other holy books. Claiming the authority of God to support what we say is simply fearmongering in the context of the secular laws of the State. So far as the present bill is concerned, the *Bible* is particularly unhelpful because our Lord and saviour Jesus Christ did not have one word to say about homosexuality.

During debate on the bill last Thursday evening somebody in the public gallery was sending notes to members offering biblical evidence for the homosexuality of Jesus Christ. I am not sure if that person is here today, but the notes were flying thick and fast last Thursday. The so-called evidence was based on the way the apostle John inclined his head on the breast of the Lord at the Last Supper. Perhaps the idea is not so silly. After all, the Catholic Church says that women cannot be priests because the Blessed Virgin Mary was not at the Last Supper. Like the war in *Fawlty Towers*, one is not supposed to mention the ordination of women in the Catholic Church, but many of us are hanging out for an old painting to turn up or a piece of papyrus in a stone jar or maybe a private revelation to an enlightened Pope articulating the unspeakable.

Quoting scripture is not the only way of claiming the authority of God for what we say, and those members who are ministers of established religions merely have to open their mouths for an inference to be drawn by many good people that the Lord himself is speaking. This is one reason that clergy of the established religions are not permitted to be elected to the House of Commons. How does one argue with a minister of religion about the authority of God? It is a bit like telling Jewish jokes: people from the Jewish faith can get away with it, but the rest of us fall silent for fear of the offence we might cause.

Reverend the Hon. Fred Nile: They have a dozen bishops in the House of Lords.

The Hon. PETER BREEN: But not in the House of Commons. It is not permissible to be a minister of religion in the House of Commons. Reverend the Hon. Dr Gordon Moyes made what I regard as an extraordinary contribution to the debate. He made what I would call a pre-emptive strike on homosexuals of George Bush proportions. For the reasons I have given I am loath to enter into debate with him about his remarks. However, after long and careful consideration of the issues over the weekend, I have concluded that some of his remarks need to be answered so there is no misunderstanding about the intentions of the bill. Again, I emphasise that there is nothing personal in what I am saying; I am simply answering his arguments. It is quite likely that he is right and I am wrong, but I still feel that the arguments need to be answered. Reverend the Hon. Dr Gordon Moyes said:

> For Christian people homosexual intercourse is not a Christian option.

He went on to say:

> … 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.

With great respect to the honourable member, that is a very narrow view of Christianity.

Reverend the Hon. Dr Gordon Moyes: Biblical.

The Hon. PETER BREEN: But still narrow. At the risk of being sent out to count the cows, I refer the honourable member to his *Bible*. As I have already said, our Lord and saviour Jesus Christ had nothing to say about homosexuality—I understand that he was fully occupied forgiving sinners—but the apostle Paul dealt with the subject in his writings. What the honourable member is concerned about is sodomy, not homosexuality. He said so in his speech. I quote:

> For Christian people homosexual intercourse is not a Christian option.

He uses the expression "homosexual intercourse", which is sodomy. If he were to consult the Jerusalem *Bible* or one of the other Catholic translations of Paul's writings he would find that what is prohibited is sodomy. The new King James version of the *Bible*, on the other hand, which I presume is the text used by Reverend the Hon. Dr Gordon Moyes, describes the prohibition of homosexuality, not sodomy. There are many homosexuals who do not commit sodomy and many heterosexuals who do. I will not go into detail for fear of giving honourable members too much information. However, it is the sodomisers, not homosexuals, to whom Reverend the Hon. Dr Gordon Moyes should be directing God's wrath, if that is how he gets his thrills.

Furthermore, I place on record my own observation that many practising Catholics are homosexuals, including some of my best friends. Indeed, the moral teaching of the Catholic Church has always been that a person in conflict with the church about homosexuality or any other moral teaching is obliged to follow his or her conscience. Pope John Paul II says that the fundamental dignity of the human person demands following one's conscience in the event of a conflict between the teaching of the church and one's conscience, provided only that the person remains open to the possibility of future enlightenment. That is the caveat that the Pope puts on that teaching, and it is a teaching that is as old as the Catholic Church.

As well as scripture and the church teaching, human experience informs our conscience on these things. When we last debated a bill lowering the age of consent I informed the House that my brother, a revered member of my large family, has been in the same homosexual relationship for what is now almost a quarter of a century. To suggest that my brother and his partner enjoy anything other than a perfectly natural and complementary life together is simply to deny the reality of human experience. From a medical and scientific point of view it is impossible to say with any degree of certainty why gay men are attracted to one another. It may be some environmental influence when they are growing up, it may be hormonal, it may be genetic, or it may be a combination of all three. For example, I am reliably informed that about 10 per cent of homosexual men have a damaged Y chromosome, so anyone making moral judgements about gay relationships does so at their peril.

I remember that at the installation of Dr George Pell as the Catholic Archbishop of Sydney, His Grace made a very moving address in which he said, amongst other things, that it is wrong to condemn people in prisons not of their own making. When the gay rights lobby challenged the Archbishop by wearing blue sashes in the cathedral he had no choice but to deny them the sacrament of the Eucharist. It would be no different if any other group denied church teaching in that way and openly flouted that teaching. However, I have no doubt that His Grace recognises the right of gay men to receive the sacraments and practice their religion according to the dictates of their conscience, no less than he would permit fornicators, adulterers and birth control pill poppers to do so.

For these reasons, I express the opinion that Reverend the Hon. Dr Gordon Moyes is not speaking on behalf of the world's one billion Roman Catholics when he says as a cold irrefutable fact that homosexual activity is inconsistent with Christian belief and practice. Reverend the Hon. Dr Gordon Moyes may be surprised to hear that a few other things he said were deeply offensive on a number of levels. His description of the soaring eagles mating in full flight was simply gross, the underlying message being that one needs to be heterosexual to do it on the wing and with such grace and style. He said:

> Now, some of you blokes might think you are good—

those are Reverend the Hon. Dr Gordon Moyes' words—

> but what I saw in the eagles was an incredible capacity for mating.

It is enough to take your breath away. His contribution was followed by that of the Hon. Catherine Cusack, who noted that women overwhelmingly support lowering the age of consent, as set out in the bill, from 18 years to 16 years. I was very pleased to hear the Hon. Robyn Parker also support that position. I went back to the vote in the other place and, sure enough, of the 22 women who voted on the bill in the lower House, only three opposed it. Over the weekend I consulted with my five sisters and my common law wife, who between them have 11 boys who are each affected in some way by this bill because they are postpubertal.

Each of the women in my life confirmed their support for the majority position of the women members of Parliament, namely, that we should get on with it and vote the bill into law. None of the women I spoke with supported the proposition that there is a queue of sexual predators out there ready to pounce on postpubertal boys as soon as the age of consent is lowered from 18 years to 16 years. It goes without saying that the vast

majority of young people who are likely to be the targets of sexual predators are young women, and my common law wife and my sisters would like to see their daughters protected, as they are by the strengthened provisions of this bill.

Reverend the Hon. Fred Nile: Increase the age to 18.

Reverend the Hon. Dr Gordon Moyes: Hear! Hear! Raise the age to 18.

The Hon. PETER BREEN: It is a mantra. New South Wales is the only State in the Commonwealth of Australia that does not have the age of consent at 16 years, and honourable members want to increase it. Another matter I shall mention is the important difference between postpubertal and prepubescent children for the purposes of the bill before the House. If I understood him correctly, the Hon. Tony Burke in his comments said that the argument with regard to predatory behaviour on prepubescent children is unhelpful in the context of the bill. In terms of the reach of the bill, I think the honourable member is correct in his observation, but there is also the important question of the legal rights and reputations of people who are charged with sexual offences.

The Deputy Leader of the Opposition mentioned the case of Justice David Yeldham, who was literally tormented to death by the allegation that he was a paedophile when, in reality, he was a psychologically battered homosexual caught on the beats. Language is important because it says much about who we are. Before I was elected as a member of this House, the Hon. Franca Arena screamed at me like a banshee when I told her that my friend John Marsden—the solicitor, not the writer—was no more likely to be a paedophile than the man in the moon. With the benefit of hindsight, I realised that Franca and I were probably berating each other about different things. I had known John Marsden since I was a teenager and I knew everything about his sex life—not from personal experience, I hasten to add, but because he has such a big mouth. If John Marsden were a paedophile, he would be the first to tell you. I also knew that he was not a sexual predator.

Franca Arena's information about John Marsden and others was based on false testimony from a number of people who were themselves victims of sexual abuse as children. Franca had every reason to be alarmed about the allegations, which involved the defilement of children—that is to say, paedophilia. However, the vast majority of the people making the allegations were motivated by revenge and greed, and their so-called evidence needed to be properly tested. Furthermore, many of their allegations were labelled paedophilia when they were allegations of underage sex. In the course of the present debate the words "paedophilia" and "paedophile" have been widely misused. For example—and again I emphasise to Reverend the Hon. Dr Gordon Moyes that it is not my intention to be personally vindictive or to attack him in any way—

[*Interruption*]

No, this is important. This has to be said. He said something and I simply want to put the other side of the argument. Reverend the Hon. Dr Gordon Moyes said in his very moving letter to honourable members that as a schoolboy he was approached by "a few teachers who were pederasts involved in homosexual sex." In the course of his contribution to the debate Reverend the Hon. Dr Gordon Moyes referred to his letter in this way, "I said I knew from my own experience what it was like to be approached by paedophiles." Reverend the Hon. Dr Gordon Moyes has blurred the line between paedophilia and homosexual sex, perpetuating the myth—and one referred to by the Hon. Robyn Parker—that paedophiles are homosexuals suffering from a psychosexual disorder. Of course, this is my own interpretation of Reverend the Hon. Dr Gordon Moyes's letter and remarks. I do not wish to suggest that he has deliberately set out to slur gay men, but many people confuse paedophilia with homosexuality in spite of the overwhelming evidence that the vast majority of paedophiles are sick and disturbed heterosexual males.

When John Marsden sued Channel 7 for defamation many of the people who came to light as witnesses for the defendant had given false information. I believe the police identified more than 30 people for Channel 7 whom the police said would give evidence of John Marsden's depraved and underage sexual activities. Of these, Channel 7 called 12 as witnesses in the defamation trial. John Marsden had never laid eyes on eight of them until the day they stood in court and gave evidence against him. One of the people who made false allegations against John Marsden, a man named Edwin Stalls, finished up collecting $135,000 under victims compensation legislation for sexual liaisons that never took place. New South Wales was and remains the only State or Territory in Australia where people can receive compensation as a victim without the requirement for a successful prosecution of the alleged crime. All one needs is a good story to receive a payout under the Victims Compensation Act. Over the years I have received many representations from people who have claimed to be victims, not of crime, but of mischievous claims for compensation.

Another concern I have about the language used in describing sexual activity between consenting males and females is the possibility of blackmail by people holding themselves out to be of a certain age and then declaring their true age after the event. Given the strict liability this bill imposes on age limits for sexual intercourse, I expect that a greater danger than the prospective predators will be the prospective blackmailers. For this reason it is important in our discussions on the bill to distinguish between paedophilia, which is a psychiatric disorder listed in the *Diagnostic and Statistical Manual*, and underage sex involving physically mature young people. Physically speaking, many teenagers are adults, and it is not a mental disorder for other adults to find them attractive. Healthy adults have sexual desires and it is the ability to manage and express those desires according to acceptable standards that define us as mature individuals.

Studies from the United States of America quoted in *Slayer of the Soul: Child Sexual Abuse and the Catholic Church*, by Stephen J. Rossetti, suggest that many priests are emotionally underdeveloped and unsuited to the celibate life. While child sexual abuse can never be excused, 90 per cent of priests and the religious who offend are not paedophiles, because their crimes are committed against postpubertal adolescents. The difference is important because mature adults can be treated while paedophiles are mostly a lost cause so far as rehabilitation is concerned. The John Marsden defamation case against Channel 7 is the logical conclusion of the horror that can follow when a person is falsely accused of being a paedophile. Although the case is over, including appeals, Channel 7 refuses to pay the damages or any of the plaintiff's costs, which now exceed $10 million. Recently I received a questionnaire from Channel 7 on a certain issue and I took great delight in sending it back with a note that I refused to answer any questions while Channel 7 continues to use its vast resources in the John Marsden case to debase the defamation laws. The bill will make young people vulnerable—I am sorry, will not make young people vulnerable to sexual predators.

Reverend the Hon. Fred Nile: You were right the first time.

The Hon. PETER BREEN: No, it was a slip of the tongue and I hope it was not a Freudian slip.

Reverend the Hon. Fred Nile: The Holy Spirit was guiding you.

The Hon. PETER BREEN: Well, the Holy Spirit got it wrong. The Holy Spirit was on a different case, not this one. As I meant to say, the bill will not make young people vulnerable to sexual predators. This is a complete furphy. There is no queue of sexual predators ready to pounce the moment the bill becomes law. We are not legislating morality or even regulating sexual conduct, simply removing young men aged 16 and 17 years from the risk of prosecution if they engage in homosexual activity. People do not act in a certain way because of the existence of a new law. On the contrary, the law identifies and describes certain activity after the event. Over the long haul, the existence of a particular law may influence our behaviour but, in the case of a law that equalises the age of consent, hopefully its consequences will be limited to recognising legal equality between men and women, and nothing more. I commend the bill to the House.

The Hon. DAVID OLDFIELD [3.47 p.m.]: I am only just recovering my voice, so I will be very brief. Suffice it to say that I do not support the lowering of the age of homosexual consent, or the lowering of the age of consent at all, for that matter. I have received a number of emails and letters, as I am sure other honourable members have, from people with views from both sides of the argument. Some have merely said "equalise the age of consent", and I was left to presume that they meant to lower the age of homosexual consent. One or two questions I sent back asking whether equalising perhaps meant raising the heterosexual age of consent to 18 were met with some concern.

I said pretty much all I needed to say about this issue in an adjournment speech some years ago when the guts of the issue were before the House. So, I will not strain my voice or bore anybody further today other than to say that the Hon. Peter Breen said there was no queue of sexual predators waiting for this bill to pass. I suggest to the honourable member that there is a queue of sexual predators but they are not waiting for the bill to pass—they are already active, and this bill will merely serve to make those activities legal. I am most concerned with that, as that will certainly be the case. The Hon. Tony Burke has already picked up some matters that the Government has shown a great deal of embarrassment over, and I expect those matters to be dealt with in due course.

The Hon. CHRISTINE ROBERTSON [3.49 p.m.]: I support the Crimes Amendment (Sexual Offences) Bill. I have listened with interest to members who have attempted to formulate valid and logical arguments to justify the illogical difference in the age of consent between heterosexual males and homosexual males. The current distinction in the age of consent did not come about because of reasoned policy argument. It

is a matter of history that the present age of consent for male homosexual behaviour is the result of a political compromise that came out of this place almost 20 years ago. It was the best compromise that could be reached when this Parliament took the much more critical decision in 1984 to decriminalise consenting homosexual sexual relations. To argue that the unequal age of consent has any other basis flies in the face of logic as well as history.

Further, the arguments against this bill that boys mature later than girls are not based on logic. No member who has put forward this argument has explained why heterosexual boys are allowed to have sex at 16 and homosexual males are prevented from engaging in consensual sex until the age of 18. Surely, for this argument to be consistent, all boys, regardless of sexual orientation, would be prevented from engaging in sex until they had reached the age of 18. This inconsistency has not been explained by any members because it cannot be supported by a policy argument that does not have its roots firmly in prejudice and bigotry.

In my years as a public health practitioner in the New England-North West areas of the State, I saw first-hand the personally destructive effects of such prejudice and bigotry on young individuals. The reason that this bill should be supported is simple: equality. We cannot in good conscience maintain a law that was born out of a political compromise that discriminates purely on the basis of sexual orientation and has a demonstrably negative effect on young gay men. The President of the AIDS Council of New South Wales [ACON], Adrian Lovney, has written to all members of Parliament asking them to support the bill. I believe that his letter shows us the practical effects of this law. His letter states that ACON has received counsel's advice regarding section 78Q (2) of the Crimes Act 1900, which relates to "soliciting, procuring, inciting or advising". In the advice, counsel stated that ACON staff are prevented from providing advice and support to young gay men under 18. Mr Loveny states in his letter:

> In practice this means that young gay men who are the ones most in need of information about HIV/AIDS and safe sex can come to ACON seeking that information and support, and our staff risk criminal prosecution if they give it to them.

This problem also applies to the health services throughout rural New South Wales. Studies show that young people are having sex. An arbitrary age of consent is not going to stop them from doing so. We have to ensure two things. Firstly, that our children are prepared as best they can to deal with growing up. This is achieved through educating them and providing them with information. It will not be achieved by being in denial about adolescent sexuality. Secondly, we have to ensure that we have strong and effective sexual assault and child sexual assault laws that protect everyone from unwanted and non-consensual sexual advances. This bill will ensure that all our young adolescents are treated equally, and will strengthen and expand the protection of our children through increased penalties for child sex offences. I support the bill.

The Hon. DON HARWIN [3.53 p.m.]: It is a matter of record that in this House on 9 September 2001 I made a speech in an adjournment debate calling for a Government bill to equalise the age of consent in New South Wales. I welcome this bill and I will support its second reading. At the very heart of this debate is a discussion of whether it is legitimate to have a provision in the Crimes Act that discriminates against one section of the State's population. The law in New South Wales is now very different from the law in every other Australian State. We are the last State that has discriminatory age of consent provisions. This bill will remove those discriminatory provisions. In my view, the House should start from the presumption that all Australians should enjoy the same legal rights and have the same protection under the law. Therefore, the burden of proof must always be on those who want to depart from this principle to prove their case. They must demonstrate that discriminatory provisions are justified and that they are achieving a public good. In my view, the opponents of this bill in both Houses have not yet discharged this burden.

Three arguments are generally made against equalisation of the age of consent. In earlier times, the House could not debate the matter of this bill without frequent reference to issues of faith. Why this issue occasions such debate and not debate on any number of other features of the human condition—for example, poverty—is not clear. I thank the Hon. John Ryan for his thoughtful contribution to this debate and his explanation of his journey to a position of support for the bill. It is important that those with genuine religious convictions reflect on what he said and understand that religious convictions are not a sufficient basis for holding up reform of the age of consent laws.

The second point we hear made frequently concerns maturation. It is argued that boys mature more slowly than girls and it is appropriate for them to have a higher age of consent. The research on this issue is clear: while there are differences in the physiological maturation of boys and girls, there is absolutely no evidence that there is any difference in their sexual development. There is disagreement on how early sexual orientation develops. Some say it is genetic, others say it starts in pregnancy. But there is widespread agreement

among the relevant practitioners and researchers that sexual orientation is fixed by the overwhelming majority of girls and boys before the onset of puberty. So the notion of some extra breathing space for boys to make up their mind about their sexual orientation is a furphy in this debate. Also, it is regrettable that not one of the members who used this argument has come into Parliament and moved that the age of 18 apply as the age of consent for all 16- and 17-year-old males and not just for 16- and 17-year-old male homosexuals. The Hon. Christine Robertson also made this point in her speech. It begs the question: What is the real reason for those who put such an argument not to support an equal age of consent?

The protection of children from sexual predators is the third major theme of arguments against equalising the age of consent. The protection of innocent young lives from child sexual abuse is critical. We have heard in this debate about some of the heartbreaking consequences of child sexual abuse. That is why I welcome the increased regime of penalties in this bill for such offences. I am disappointed that some members who have argued against the reform of age of consent provisions on the basis of the need to be vigilant about child protection and tougher on perpetrators have criticised the genuine attempt to meet those objections in this legislation, at the same time as dealing with the discriminatory age of consent. It is regrettable that those members, who have argued in the past that they cannot support age of consent reform in the absence of more comprehensive child protection, are now calling for the bill to be split. In essence, they have had their previous objections met and yet they wish to maintain a discriminatory age of consent.

In any case, age of consent provisions concern consenting sexual activity whereas the activities of sexual predators, by definition, can never be consensual. A closer look at the history of the discriminatory age of consent provision also offers an insight into this argument about child protection. Prior to June 1984 all sexual activity between consenting homosexual males was illegal. Premier Wran moved a private member's bill to decriminalise homosexuality, with the uniform age of consent at 16. It is a matter of record that the differential age of consent of 18 was a compromise inserted in the bill for the sole reason of making it easier to obtain the majority needed to remove criminal sanctions for the bulk of homosexuals, who are aged over 18. In short, this discriminatory provision was a political fix to get the numbers, and it is completely misleading for any member to invest it with any wider significance. It is simply wrong to argue that this provision was developed as an integral part of the child protection regime. That is not why this provision came into existence. For child protection arguments to have any direct relevance to this debate, the proponents of this argument will need to show that equalising the age of consent for consenting sexual activity will lead to increased child sexual abuse in the future.

Pursuant to sessional orders business interrupted

QUESTIONS WITHOUT NOTICE

PUBLIC TRANSPORT FARES

The Hon. MICHAEL GALLACHER: I direct my question to the Minister for Transport Services. What action has the Minister taken to prevent any move by the State Transit Authority [STA] to follow CityRail in seeking to increase the price of the multi-trip tickets such as TravelTen and TravelPass by removing the discounts currently offered to commuters, particularly given that the STA has canvassed the removal of the discounts in its submission to the 2003 Independent Pricing and Regulatory Tribunal [IPART] fare review?

The Hon. MICHAEL COSTA: This is an extraordinary question. Clearly the Leader of the Opposition does not understand the process for setting fares and charges in this State. It is an annual process involving agencies making submissions to an independent regulator and decisions being made on the basis of those submissions. It is appropriate that an independent umpire makes the decision and it is not up to me to question those decisions. Just because an agency makes a submission for an increase does not mean that its preference will ultimately be the quantum of the increase. I suggest that the Leader of the Opposition learns how fares are set in this State. If he understood the process he would not ask such silly questions.

I challenge the Opposition to use the IPART process. An independent review of fares and the structure of rail and transport funding is being undertaken. I look forward to seeing the Opposition's submission to the Parry inquiry, and particularly how it will honour the unfunded promises it made during the election campaign and any it makes in the future. This is an opportunity for the Opposition to put up or shut up. If the Opposition

does not make a submission detailing how it sees public transport operating and if that submission does not contain funding options, it will stand condemned.

The Hon. Michael Gallacher: By your standards?

The Hon. MICHAEL COSTA: By the standards of the public of New South Wales, who overwhelmingly rejected the Opposition at an election less than two months ago because it has no credibility on these matters. If honourable members opposite are prepared to promise a range of measures without funding options, they have no credibility and the public will not be silly enough to elect them, as we found out at the last election. The challenge is there for Opposition members to make a submission to the Parry inquiry detailing their strategies and funding options for public transport in New South Wales. If they do not, I will remind them about it at every possible opportunity.

DEMENTIA

The Hon. AMANDA FAZIO: I direct my question to the Minister for Ageing, and Minister for Disability Services. What action is the Government taking to support people with dementia?

The Hon. CARMEL TEBBUTT: This is a timely and important question because today Access Economics released its report entitled "The Dementia Epidemic-Economic Impact and Positive Solutions for Australia". The report was commissioned by Alzheimer's Australia and is a general analysis of the economic and financial impacts of caring for people with dementia in Australia. I stress that the majority of issues and recommendations relate to Commonwealth policies and programs, such as the Pharmaceutical Benefits Scheme, residential aged care and research funding programs. This question gives me the opportunity to confirm that the recommendations relating to New South Wales are being addressed by the five-year dementia strategy. I heard on radio this morning some of the carers of people with dementia. One cannot help but understand and appreciate the impact on individuals and families of caring for someone with dementia.

The Government has been planning in detail since 1995 for the increasing need to provide services for people with dementia. Approximately 55,000 people in New South Wales have dementia, and that number will increase significantly as our population ages. It is crucial that we respond in a planned, sensitive, compassionate and equitable manner, and that is the purpose of the five-year strategy. The strategy is a guide for improving services and support for people living with dementia, their families and carers, and the Government has allocated $11 million over four years for its implementation. New South Wales leads the way in this regard. The future directions strategy builds on the success of the New South Wales Action Plan on Dementia 1996-2001, which was the first State dementia plan in Australia. The strategy is a collaborative effort between NSW Health and the Department of Ageing, Disability and Home Care [DADHC]. It adopts a comprehensive approach to dementia, ranging from diagnosis to palliative care. It emphasises the need for a public health approach encompassing prevention, early intervention and best practice management. Future Directions aims to support people so that they can participate in their communities for as long as possible, recognising that dementia affects not only those diagnosed with it but also carers, families and friends.

The New South Wales strategy has an early intervention focus and the first year of its implementation has seen the expansion of the number of dementia advisory services in selected planning areas across the State. DADHC-funded dementia advisory services promote local awareness of dementia, provide information, education and support and link people to assessment and support services with a particular emphasis on early detection. We now have 12 dementia advisory services that receive $860,000 in recurrent funding from the ageing program and 11 services that receive $680,000 in recurrent funding from the Home and Community Care [HACC] program. A HACC-funded professional dementia network provides valuable peer support, a forum for group problem solving, information sharing and expert advice on service models and research for dementia specialists working in these areas. Dementia is a priority area in the HACC program.

The Department of Ageing and Disability Services is leading a number of initiatives such as the development of dementia assessment and management protocols for people with intellectual disabilities, the evaluation of existing accommodation and service support models for younger people living with dementia, and community awareness initiatives targeting the general community and people from culturally and linguistically diverse communities. In addition, NSW Health has developed a dementia assessment tool for use with people from non-English speaking backgrounds and is leading several initiatives relating to Aboriginal communities. The Government welcomes the release of the report. It will provide further information to assist it in responding to what can be a difficult and complex issue.

STAMP DUTY

The Hon. DUNCAN GAY: I direct my question to the Treasurer. Can he explain why a first home buyer in Bathurst is forced to pay more than $6,200 in stamp duty on a new house worth $240,000 when, as stated in the *Sun-Herald* of 18 May, a new home in the Campbelltown area would attract stamp duty of just over $3,500? Why is there such a discrepancy in stamp duty payable between regional and metropolitan areas and when will the Government end this blatant discrimination against country first home buyers?

The Hon. MICHAEL EGAN: I am delighted that after 5 months and 22 days the Opposition has finally asked me a question. This question, however, is breathtaking, in either its hypocrisy or its stupidity, or perhaps both. I recall my good friend the late, great Pat Hill warning me when I was elected in 1978 that I would quickly realise that the Liberal members were hypocrites and the National Party members—they were the Country Party in those days—were, what he described as, eejits. Only an eejit could ask a question about stamp duty. In less than three years this Government has provided some $311 million relief in stamp duty concessions to 109,000 people buying their first home, including more than 63,000 people in regional New South Wales.

Incidentally, the first time such a scheme was introduced in New South Wales, and it is the only State in Australia with a scheme as generous as this, there was a different threshold for metropolitan and regional properties. The very good reason for that is that the average cost of a house in regional New South Wales is very much lower than the cost of a house in metropolitan Sydney.

The Hon. Duncan Gay: There are similar prices in Campbelltown and Bathurst.

The Hon. MICHAEL EGAN: Similar prices? The fact of the matter is that for the price a person would pay for a one-bedroom unit in Sydney, in many other areas of the State one can buy a very nice three-bedroom home.

The Hon. Duncan Gay: Why do you charge country people more?

The Hon. MICHAEL EGAN: Because the average price of a home is different in metropolitan and regional New South Wales. The fact that more than half the beneficiaries of this scheme reside in regional New South Wales shows how fair the scheme is. Of the 109,000 recipients of this concession, 63,000 live in regional New South Wales. Speaking about hypocrisy, I note that today the Leader of the Opposition in the other place berated me for being over-reliant on property stamp duty. Yet, less than three months ago, during the State election campaign, the Leader of the Opposition in the other place was asked by John Laws on his radio program what he would do about stamp duty if he became Premier. Do you know what he said? Nothing. I will quote him exactly. On 5 March the Leader of the Opposition in the other place said, "We need the money." The Coalition certainly needs the money, because it made $7 billion worth of promises that it could never have afforded. It would have meant that taxes would have gone through the roof!

The Hon. DUNCAN GAY: I ask a supplementary question. In light of the Minister's answer, will the upcoming State budget contain any measures to end this discrimination—measures such as those outlined in the Coalition's First Home Plus Policy?

The Hon. MICHAEL EGAN: The budget will be brought down on 24 June. As I think I intimated to the House earlier today, it will be a very solid, strong budget. There are a number of differences between Labor budgets and Coalition budgets. One of them is that, generally speaking, Labor budgets are in surplus. We pay our way. We do not put the bill on the taxpayer, for future generations to pay. We pay our way; we have done it with surplus budgets. The last seven budgets have been in surplus, and we will have to wait until 24 June to see what the coming budget brings. But that is not the only difference between Labor and Conservative budgets. The other great difference is that Labor budgets, more often than not, actually reduce tax rates. It occurred to me not so long ago that I could not recall a single occasion on which a Coalition government in this State had reduced tax rates. I might be wrong: there might have been one instance that escaped my notice. But I have been following New South Wales politics very closely—

The Hon. Duncan Gay: Point of order: My point of order relates to relevance. The question was quite specific: Will the Treasurer be addressing this issue in his budget, and will he be looking at the Coalition's policy on stamp duty, which was quite outstanding?

The Hon. MICHAEL EGAN: That is a very specific question: Will I be specifically looking at the Coalition's policy? Coalition policies are to put taxes up, budget after budget.

The PRESIDENT: Order! Is the Minister addressing the point of order?

The Hon. MICHAEL EGAN: No, I was continuing my response.

The PRESIDENT: Order! I was going to ask you to be relevant.

FIREARMS LICENCE SUSPENSIONS

The Hon. JOHN TINGLE: My question without notice is addressed to the Minister for Justice, representing the Minister for Police. Can the Minister advise the House how many firearms licences have been suspended or revoked, on the basis of an apprehended violence order [AVO] or a telephone interim order [TIO], since the enactment of the Firearms Act 1996? Can the Minister provide details of the number of firearms licences restored after those orders were overturned or revoked? Is the Minister aware that AVOs and TIOs may be sought maliciously or vindictively, with the express purpose of depriving law-abiding firearms owners of their licences and legally owned firearms, even though the licensee has committed no offence? Will the Minister review the mandatory 10-year ban that is imposed when the order is issued, even though the grounds for the order might not be upheld? Will the Minister consider giving the Commissioner of Police discretion as to the term and effect of such a ban, where the grounds for the order have not been upheld?

The Hon. JOHN HATZISTERGOS: I will refer the question to the Minister for Police, obtain an answer, and advise the House accordingly.

NATIONAL MULTICULTURAL MARKETING AWARDS

The Hon. JAN BURNSWOODS: My question is addressed to the Minister for Justice, and Minister Assisting the Premier on Citizenship. Will the Minister advise the House what the Government is doing to encourage businesses to communicate effectively with a culturally and linguistically diverse community?

The Hon. JOHN HATZISTERGOS: The Government is committed to recognising the linguistic and cultural assets of the people of New South Wales as a valuable resource for maximising the development of the State. The Government's commitment to valuing diversity and its continuing dedication to a multicultural New South Wales is reflected in its ongoing strong support of the National Multicultural Marketing Awards. Last Thursday I attended the Community Relations Commission's National Multicultural Marketing Awards to officially launch the awards. The awards play a pivotal role in celebrating the efforts of organisations and agencies that harness the cultural diversity inherent in our community.

The National Multicultural Marketing Awards encourage and reward innovative marketing projects that value the importance of multiculturalism and mutually partake in the economic prosperity of our cosmopolitan society. Last year's winners of the awards provide examples of how culture, language and religion can, instead of marginalising sections of the community, become assets which enrich community life and make for good business. McDonald's of Punchbowl was recognised for offering the choice of Halal food to its clientele, thereby increasing its customer base by 700 to 800 new customers. Mowbray Public School was given the grand award for implementing its Multicultural Network Program. The program facilitated an environment that welcomed a variety of cultures into the school's everyday life by dissolving linguistic and cultural barriers and encouraging migrant parents to take an active role in the school council and parents and citizens group. AAT King Tours, responding to international visitors' desire to experience Aboriginal culture, established an Indigenous Cultural Experiences Program. This innovation gave the company a competitive edge in the tourism industry, proving to be a lucrative venture.

The Government is committed to supporting the awards and similar initiatives that contribute to a harmonious community and a healthy economy. New South Wales is Australia's largest and most dynamic economy and is among the Asia-Pacific's most competitive and sophisticated business locations. Large overseas companies are taking advantage of our multicultural resources, with firms such as IBM, American Express and Reuters locating their regional headquarters in New South Wales because we represent a microcosm of overseas markets. The Government's commitment to promoting cultural harmony and diversity is reflected in a number of key new initiatives. The National Multicultural Marketing Awards and these new initiatives indicate the Government's commitment to harnessing multiculturalism for a prosperous community. I am particularly pleased that a number of organisations have this year accepted sponsorship of these awards, and that amongst those is the Federal Government's Australian Taxation Office, which no doubt seeks to benefit from them.

CANNABIS MEDICAL USE

The Hon. Dr PETER WONG: My question without notice is directed to the Treasurer, representing the Premier. On 20 May the Premier announced that the New South Wales Government is backing the trial of medical cannabis for chronic pain and wasting illnesses, and for those suffering from cancers. The Premier said that this is a compassionate scheme. He also said that individuals on parole, those convicted of illicit drug use, and those under 18, are not eligible for therapeutic cannabis.

On what medical grounds has the Premier made the decision that people under 18 years of age are not suitable for the therapeutic use of cannabis for chronic pain and wasting illnesses? Similarly, on what grounds has the Premier made the decision that those on parole and those convicted of illicit drug use cannot receive such medical treatment? Is it that the Premier fancies himself as not only a lawyer and a policeman but now also a qualified medical doctor? Why is the Premier using medicine to support his law and order debate when it clearly ought to be left in the hands of experts in the medical profession?

The Hon. MICHAEL EGAN: The Hon. Dr Peter Wong has asked a question with many parts and I have to admit that I cannot quite recall each one of those parts. For a detailed response I would have to refer it to the Premier. However, the Deputy Leader of the Government and the Special Minister of State, and Minister for Commerce is the Minister responsible for the Drug Summit initiatives. He might be in a position to respond to some of the matters raised by the Hon. Dr Peter Wong.

The Hon. Duncan Gay: Cannabis decriminalisation.

The Hon. JOHN DELLA BOSCA: In response to the interjection from the Deputy Leader of the Opposition, as the Premier has repeatedly said, the case against decriminalisation of cannabis for recreational use is stronger than ever, given the known health and social risks of cannabis use. The Carr Government has put in place a comprehensive range of anti-cannabis initiatives to reduce the demand, supply and use of the drug in our community for recreational purposes, particularly among young people. However, as a Government we have an obligation to minimise human pain and distress wherever we can. There is growing evidence from clinical studies and other research that cannabis may, in certain circumstances, relieve the symptoms of very serious and potentially terminal medical conditions. I note that the recent general support in principle for this initiative was as high as the Prime Minister.

The proposed medicinal cannabis scheme will be a compassionate scheme. A small range of extremely sick people will be able to access small amounts of cannabis to relieve their suffering from cancer, or HIV-AIDS-related wasting, nausea from chemotherapy, severe and chronic pain, and muscle spasticity from multiple sclerosis as well as spinal cord injuries. A wealth of medical evidence supports the idea that for these categories of illnesses cannabis can play a role in the treatment of the illnesses themselves or at least the painful symptoms. However, this is a last resort option and will apply only to people for whom conventional treatment has not worked to relieve their symptoms. Of course, not all these people will choose to take the option.

As referred to by the Hon. Dr Peter Wong, the scheme will be tightly controlled with strict safeguards, offences and penalties. The community will demand a scheme like this to be tightly controlled from many perspectives. The Government is of the view that the case against legalisation for the recreational use of cannabis is stronger than ever. People will be required to get a certificate from a doctor to prove their medical condition and the fact that their usual treatment no longer works. They will have to formally register annually with an office of medicinal cannabis in the New South Wales health department. Certain people will not be eligible to register, including those with certain prior drug convictions, and those on parole.

To avoid any unnecessary risks during the trial, people under 18 years of age and pregnant women will not be able to register. The Government will now work with medical, pharmaceutical and other experts to examine a variety of options to ensure that registered medicinal users have access to the drug. This may include a trial of cannabis-based sprays currently being developed in the United Kingdom by G. W. Pharmaceuticals, if these sprays are approved for release as pharmaceutical products. The Government intends to bring forward an exposure bill for consideration in the current session.

SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM

The Hon. JOHN RYAN: My question without notice is addressed to the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth. What information can

the Minister provide about the recent decision to transfer Supported Accommodation Assistance Program [SAP] services from the Department of Community Services to the Department of Housing? Why was this decision not subject to consultation, as outlined in the State Government's contract, with non-government agencies? What formal procedures will be conducted to ensure that all affected stakeholders are consulted? Is there any chance of a decision being reversed after this consultation with stakeholders?

The Hon. CARMEL TEBBUTT: The Hon. John Ryan asked a question about an important service, the Supported Accommodation Assistance Program. This program provides support to people who are homeless, or at risk of being homeless—particularly young women escaping domestic violence—as well as a range of other clients. The Government announced the transfer of the program to the Department of Housing. I am aware that people in SAAP services have raised significant concerns about this proposal. I am currently undertaking discussions with the Minister for Housing, and I am examining the issues that people have raised. I look forward to informing the House of further developments in due course.

GREY NURSE SHARK PROTECTION

The Hon. TONY BURKE: My question is directed to the Minister for Agriculture and Fisheries. Given estimates of the declining numbers of grey nurse sharks, what is the new fisheries Minister going to do about saving the grey nurse shark from extinction?

The Hon. IAN MACDONALD: Grey nurse sharks are endangered species under both State and Commonwealth legislation. Today we know they are placid, slow-moving, and quite graceful in the water. In the past, however, grey nurse sharks were falsely blamed for attacks on humans because of their fearsome looking teeth. This meant the sharks were hunted and killed out of fear. In the early 1900s the grey nurse shark was also hunted for its flesh, skin and liver. Today the greatest threat to the shark is accidental capture by recreation and commercial fishers, and the damage done by fishing hooks. Grey nurse sharks are now a favourite attraction for scuba divers and are often described as the labrador of the shark world.

In 1984 the New South Wales Government was the first government in the world to declare the grey nurse shark a protected species. The Government has continued its proactive role in protecting the grey nurse shark in recent years. In May 1999 the grey nurse shark was listed as a vulnerable, threatened species. In August 2000 that was upgraded to endangered status. In December last year the Government set up 10 special areas along the State's coast as grey nurse shark critical habitats. Harmful fishing and diving practices are banned in these areas. These bans include: bans on commercial set-line fishing and a ban on fishing with wire trace or bait when anchored or moored; bans on night diving; bans on feeding, touching and harassing sharks; and bans on using electronic shark repelling devices.

Unfortunately, grey nurse shark populations are still critically low. NSW Fisheries has given me new advice based on its latest research from a $220,000 two-year tagging program. Researchers are tagging 50 sharks and have surveyed 57 sites along the New South Wales and south Queensland coast. The best indications from that research showed that there are probably between 300 and 500 hundred grey nurse sharks left in the wild, which means a real risk exists that the grey nurse shark could become extinct within the next 40 years. I am committed to working closely with the community to try to prevent this from happening.

The research also gave us an idea of how many sharks are being killed each year, both accidentally and deliberately. Of the tagged sharks involved in the recent research program, 17 per cent had been hooked since they were tagged. Autopsies were also carried out on grey nurse sharks that were accidentally caught or killed. About half of these sharks had hooks in the mouth, throat or gut. An autopsy carried out on a tagged grey nurse shark found dead near Maroubra discovered a large shark hook jammed in its throat. That shark also had another smaller hook in its jaw and was found to be suffering from septicaemia.

Even the breeding patterns of the grey nurse shark threaten its survival. The species only breeds once every two years and then only produces a maximum of two pups. They also inhabit areas where there is great pressure between commercial and recreational fishing and their breeding cycles. Accordingly, I have asked for a discussion paper to be prepared and it will be released for public consultation. Public submissions will be reviewed by independent international shark expert Dr John Stevens, who is the senior principal research scientist, marine research, with the CSIRO in Hobart and an acknowledged world expert, having worked on sharks for over 30 years. The Government is committed to taking further action to prevent the extinction of the grey nurse shark. I look forward to the proposal to enhance the survival of this vital shark in New South Wales waters and look forward to the report that Dr Stevens will present so that we can take action, if required, before the end of the year.

VILLAWOOD DETENTION CENTRE

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question without notice is directed to the Minister for Community Services. In reply to a question from me on 5 December last year the Minister stated that the Department of Community Services [DOCS] had no jurisdiction over the Villawood Detention Centre. We have seen evidence in a *Four Corners* program and extensive documentation in "The Heart of the Nation's Existence—a review of reports on the treatment of children in Australian detention centres" released today by Chilout and Marcus Einfeld about the appalling treatment of Australasian correctional management under the Department of Immigration and Multicultural and Indigenous Affairs [DIMIA]. It would seem that the Government should take action at Villawood Detention Centre. What is the basis for the opinion that the Government has no jurisdiction over Villawood? Is there a memorandum of understanding with the Commonwealth? If so, can it be made public, and if not, why not? If there is such an arrangement, does the Government have an opinion from the Solicitor General that the memorandum overrides the Commonwealth constitutional responsibility for the site or does the Government only have a DOCS—

The Hon. Greg Pearce: Point of order: The question clearly asks for a number of legal opinions. Under the sessional orders legal opinion is not permitted during question time.

The PRESIDENT: Order! A question may not ask for an expression of opinion. I would ask the member to rephrase the question and try again but the time allowed him to do so has expired.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You mean leave the question as was stated?

The PRESIDENT: Order! I have ruled that the point of order is upheld.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: There were a number of questions. Surely the Minister may answer up to the point where it was ruled out of order.

The PRESIDENT: Order! The Minister may answer those aspects of the question that do not ask for an opinion and are, therefore, in order.

The Hon. CARMEL TEBBUTT: I will respond to those aspects that I am able to. Although I appreciate the sentiments of the honourable member and know that he has strong feelings about children in detention centres—and they are feelings shared by many members in this House—nonetheless, as I have indicated previously to the honourable member, the Villawood Detention Centre is operated by the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs and the New South Wales child protection legislation, known as the Children and Young Persons (Care and Protection) Act 1998, does not apply to children and young people in the Villawood centre. The department has provided me with that information based on legal advice.

I know that some people would like to use the New South Wales legislation to progress issues with regard to their concerns about the detention of children in the Villawood Detention Centre, but I do not think that is possible because the legislation does not apply. DOCS can investigate reports received about individual children confined in the Villawood immigration detention centre—and we have done so—but we can only do it if DIMIA invites DOCS in. When this occurs, as it has in the past, DOCS can only undertake assessments and make recommendations to DIMIA about required action.

YOUTH DRUG COURT

The Hon. CATHERINE CUSACK: My question is addressed to the Special Minister of State, representing the Minister for Juvenile Justice. Did the Department of Juvenile Justice have 6,734 contacts with young people from 2001-02? Of these thousands of alleged young offenders, how many faced either drug-related charges or drug-dependency issues? Why is it that only 49 alleged drug offenders were referred to the Youth Drug Court Program [YDCP] and only 26 of these young people were actually accepted into the program? Has the YDCP been evaluated and, if so, what is the result?

The Hon. JOHN DELLA BOSCA: The question as framed overlaps some of my responsibilities as Minister responsible for the implementation of Drug Summit initiatives. However, I think it is appropriate, given that it is substantially about juvenile justice matters, that I refer it to my colleague the Minister for Juvenile Justice and ascertain an answer for the House as soon as practicable.

COMPANION ANIMALS LEGISLATION

The Hon. CHRISTINE ROBERTSON: My question is directed to the Minister for Local Government. Will the Minister update the House on the Government's review of the Companion Animals Act 1998?

The Hon. TONY KELLY: Honourable members will be aware that the Government has started its five-year review of the Companion Animals Act. The original landmark legislation was the first of its kind in Australia, providing for microchipping and lifetime registration for cats and dogs. Now the details of more than 850,000 cats, dogs and their owners are recorded on the register. Through the register and the Government's veterinary service, Petline, thousands of cats and dogs have been reunited with their owners. If the dog belonging to the Hon. Michael Egan had been around at the time that microchipping was introduced, it would probably have been returned—although it is likely that it would have run away again.

At one stage my son was living with my brother and he brought a dog from the farm to Sydney. When he moved out, he left the dog with my brother. The dog ran away but it was returned within about three days. Honourable members will recall the story of Teardrop, the 18-month-old Labrador who escaped from her family home near Richmond in Sydney's north-west. Ten days later she was found wandering the streets of Nundle, some 340 kilometres from her home. She was picked up by Tamworth City Council rangers, who were operating on a resource-sharing, contract basis within the shire of Nundle.

A check of her microchip revealed her owners' details. Upon being contacted, they drove to Tamworth and were reunited with Teardrop that very day. I wish to make one thing clear about the review. Its aim is to consolidate the work already done by the Government in the key area of local government; it is not to rehash old debates. When drafting the original legislation more than 10,000 submissions were received from the community, animal welfare organisations and councils. All those submissions were considered and the Government developed the legislation in close consultation with councils and the community.

The Hon. Duncan Gay: Point of order: The Minister is misleading the House. He indicated that he was not going to retell old stories. In fact, during the last Parliament the former Minister in the other House used the story of Teardrop.

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

The Hon. TONY KELLY: I have never told the story before. The Government does not intend to widen the Act to cover snakes, fish, ferrets, rabbits, frogs, pet lambs or any other animals kept as pets. We will not allow rangers to raid homes to seize or kill cats or dogs. We will not ban specific breeds or give particular breeds special status. We will not weaken our powerful dangerous dogs legislation, which is amongst the toughest in the world. I would encourage anyone with an interest in the Companion Animals Act, particularly councils and animal review organisations, to make a submission to the Act review. Anyone wishing to do so should send their submissions to the Department of Local Government, Locked Bag 3015, Nowra, New South Wales, 1541, or send an email to *CAActreview2003@dlg.nsw.gov.au*.

TANDOU LTD WATER ACCESS LICENCE

Mr IAN COHEN: My question is addressed to the Minister for Transport Services, Minister for the Hunter, and Minister Assisting the Minister for Natural Resources (Forests), representing the Minister for Infrastructure and Planning, and Minister for Natural Resources. This year, while some 22,000 people at Broken Hill who previously had high security water are literally living out of a trough at the Menindee Lakes as a water resource, the cotton growing business Tandou has used 100,000 megalitres out of the same Menindee Lakes system. Has the crop been grown outside the scope of Tandou's access licence, particularly as New South Wales has been drought declared since June 2002 and this crop was planted in September 2002?

The Hon. MICHAEL COSTA: I will take advice from the relevant Minister and come back to the House on it.

CITYRAIL SECURITY SERVICES

The Hon. ROBYN PARKER: My question without notice is directed to the Minister for Transport Services, and Minister for the Hunter. Will the Minister explain how he calculated his advice to the House on

22 May that $24 million was being spent by CityRail on private security services when CityRail's submission to the Independent Pricing and Regulatory Tribunal review of CityRail fares lodged six days earlier clearly states that in 2001-02 security contract services cost $39.8 million and are forecast to cost $34.7 million this financial year?

The Hon. Melinda Pavey: It is all in here.

The Hon. MICHAEL COSTA: It may well be there but it does not mean that it is an accurate interpretation of anything. The figure I used was in advice from CityRail. If the honourable member—

The Hon. Michael Gallacher: Table the advice.

The Hon. MICHAEL COSTA: I hear all the screams and shouting from members opposite. It astounds me that—

The PRESIDENT: Order!

The Hon. MICHAEL COSTA: —they purport to be shadow Ministers but they do not understand how the process works. They should take advice.

The Hon. John Della Bosca: They'll never become Ministers.

The Hon. MICHAEL COSTA: As the Special Minister of State makes the point, members opposite will never become Ministers, so we will not have to worry about this. However, theoretically, if they were to become Ministers they would have to take advice from their agencies and departments. That is how the process of government works. If I quoted a figure of $24 million it would have been based on advice from the relevant agency. If the Hon. Robyn Parker has information that she wants clarified, I can certainly obtain a clarification. However, she should understand that that clarification will be on advice from the relevant agency.

The Hon. Michael Gallacher: You do not know. Caught out again!

The Hon. MICHAEL COSTA: The Leader of the Opposition interjects again. I set him a challenge today—a challenge that I will continue to remind him about—that is, to make a submission to the Parry inquiry. We all know that he has made some mistakes in terms of rail safety. Here is a chance for him to redeem himself and to put in a sensible, well thought out submission to the Parry inquiry outlining the Opposition's policy on transport and funding options. If he is not prepared to do that, he has no credibility on any matter to do with rail and certainly no credibility in relation to particular details of rail. The short answer is that the figure I have quoted publicly would have been on advice. I am happy to clarify that advice if the Hon. Robyn Parker has relevant information.

INDUSTRIAL RELATIONS COMMISSION AWARD WAGE DECISION

The Hon. IAN WEST: My question without notice is directed to the Minister for Industrial Relations. Will the Minister inform the House of the outcome of the 2003 New South Wales State wage case?

The Hon. JOHN DELLA BOSCA: I thank the honourable member for his ongoing interest in industrial matters and the welfare of employees across the State. Honourable members will be aware of the Australian Industrial Relations Commission's decision earlier this month, on 6 May, to increase Federal award wages by the two-tier increase. Honourable members will also be aware that the New South Wales Government sought the flow-on of the national increase to State awards without delay. I am pleased to report that earlier today the New South Wales Industrial Relations Commission handed down a decision providing for the two-tier increase, available to employees under State awards.

The New South Wales commission has decided to flow on a $17 per week increase in award rates up to $731.80 per week, and a $15 increase in award rates above $731.80 per week. Before the New South Wales commission, all parties agreed that there was no good reason to oppose the flow-on of the national increase to State awards. The Government's evidence indicated that the New South Wales economy is travelling well and could sustain the relevant increase. This morning the commission agreed with the Government's assessment. The increase will flow to individual awards on application by the award parties.

This is another example of how the New South Wales system is capable of providing a quick response to issues affecting the State's workers and their employers. The New South Wales commission brought on the proceedings for the State wage case within days of the Federal decision being handed down, and today handed down a decision only three weeks after its Federal counterpart. In particular, the adoption of the wage increase demonstrates the capacity of New South Wales to respond in a meaningful way to the needs of low-paid workers in this State.

In Canberra a Senate committee is inquiring into poverty in Australia. It has heard evidence of the struggle of lowly paid workers to cover the basic needs of their families. Wage increases such as that awarded by the commission today are crucial in keeping New South Wales workers above the poverty line. I also note that today's decision was handed down in Newcastle, demonstrating the commitment of the State Industrial Relations Commission to regional areas of New South Wales. In his opening address the President of the commission, His Honour Justice Wright, acknowledged the role played by the Hunter region in the evolution of the commission. The first case ever heard by the commission's predecessor was in Newcastle in 1902.

I also echo the president's acknowledgment of the significant contribution of the people and enterprises of Newcastle and the Hunter Valley to the State and national economies. The Government supports the commission and its continuing role as an independent umpire providing a stable, co-operative and productive industrial relations climate in New South Wales. The Federal Government would like to abolish that co-operative and productive system, which has served the State well for more than 100 years. The State Liberal Party has avoided stating whether it would allow that destruction to occur. Indeed, the Liberal Party moved the Leader of the Opposition out of the industrial relations portfolio because the fact that he was not prepared to make a statement on the matter was becoming increasingly embarrassing.

However, he did propose an additional layer of bureaucracy. That was the Leader of the Opposition's contribution to the debate—the great lassez-faire party of Menzies, the party of economic liberalism. What was the Leader of the Opposition's great contribution to the industrial debate? To put another layer of bureaucracy into the commission. We would have an Enterprise Agreement Commission duplicating the commission's role. The independent New South Wales Industrial Relations Commission has again made the right decision, a balanced decision, for New South Wales workers and their employers.

NEWCASTLE PORT ENVIRONS CONCEPT PLAN

Ms SYLVIA HALE: I address my question to the Minister for the Hunter. My question refers to the proposal for the development of the Newcastle port area and the Hunter flood plain. Will the Minister confirm that the Newcastle port environs concept plan was developed in accordance with the New South Wales flood-prone lands policy and which manual—the 1986 or the 2001 ungazetted version—is being used for the public consultation and assessment process?

The Hon. MICHAEL COSTA: Clearly that question has a range of detail in it. I am happy to take advice from the relevant bodies. I do not know whether the actual plan comes within my portfolio. It may well come within the portfolio of the Hon. Craig Knowles, so I will take advice.

The Hon. Michael Gallacher: Obviously, I don't know what I'm Minister for, Minister.

The Hon. MICHAEL COSTA: No. Obviously, the honourable member does not understand that our regional ministries do not take over the role of individual portfolios. He should realise that it is up to the Government to structure its affairs how it wants, not how the honourable member wants to have particular questions answered. It appears to me from the nature of the question that it may well be within the portfolio of the Minister for Infrastructure and Planning, the Hon. Craig Knowles, so I will take advice from him on it.

RAIL INFRASTRUCTURE CORPORATION RAIL SAFETY AUDIT REPORT

The Hon. CHARLIE LYNN: My question without notice is directed to the Minister for Transport Services, and Minister for the Hunter. Given the Minister's continued protestations on 30 April and on 20 May this year that he was unaware of the existence of the 2002 Rail Infrastructure Corporation rail safety audit, will he inform the House why he remained unaware that under the Rail Safety Act the Rail Infrastructure Corporation is required to be audited by the Transport Safety Bureau each year?

The Hon. MICHAEL COSTA: There is some confusion on the part of the honourable member. On a number of occasions I have been asked about a specific report, and I have made the point that I do not know

whether such a report exists. I am obtaining advice as to whether such a report exists. If the honourable member is asking, as I think he is, whether there are obligations under the Rail Safety Act for audits to be conducted, I am certainly aware of obligations for audits to be undertaken. That is a different question from the one asked of me about a particular report.

[*Interruption*]

The Leader of the Opposition interjects that we need a script. I have given him the opportunity to have his own script, that is, to put in a submission to the Parry inquiry. I will follow that up. The challenge has been made for him to put in a detailed submission to the Parry inquiry, including funding, and I will remind him of that from now until the next election.

BEIJING 2008 OLYMPIC GAMES BUSINESS OPPORTUNITIES

The Hon. HENRY TSANG: My question without notice is addressed to the Treasurer, and Minister for State Development. Will the Minister please inform the House how the Government is promoting New South Wales expertise to Chinese Olympic agencies and companies in the run-up to the 2008 Olympic Games?

The Hon. Patricia Forsythe: This question has been asked a number of times before.

The Hon. MICHAEL EGAN: No, it is only the second. Since the Sydney 2000 Olympic Games many New South Wales companies have gained international reputations for their expertise in sports venue design, construction and technology. They have successfully competed for international projects, including the Athens 2004 Olympics, and are now bidding for valuable work in Beijing. Eleven New South Wales companies are currently represented in final tenders for six major construction projects covering seven venues for the Beijing Olympic Games. These projects include the national stadium, the swimming centre, the indoor stadium and Olympic village, and are valued at about $A3.5 billion. Further projects are in the tender phase in Qingdao, the location for all the 2008 Olympic sailing events.

It is understood that Australian companies are involved with more than 40 per cent of the consortia shortlisted for the Beijing projects. That is quite an impressive statistic. More Australian companies are involved in the final tenders than companies from any other country except China. The Department of State and Regional Development and the Premier's Department have established the Sydney-Beijing Olympic Secretariat to promote New South Wales Government and business experience and expertise in Beijing. Strong relations have been established with the mayor and deputy mayor of Beijing, the Beijing Organising Committee for the Olympic Games and agencies of the Beijing Municipal Government. Strong connections have also been built with leading Chinese construction companies, enabling direct introduction and promotion of New South Wales expertise to the chief contenders and consortia leaders for the major venue construction projects in Beijing.

Our reputation from the Sydney 2000 Olympics is a unique asset and we are continuing to capitalise on it. Yesterday I had a meeting on quite unrelated matters with the chief executive of BHP Steel. He was telling me that the use of steel in the Sydney Olympic Stadium had resulted in its use in many other stadia around the world, including one in Guangzhou which was for the All China Games. It really was a spectacular building with a very impressive design that made an enormous use of steel. In many ways New South Wales and Australia are benefiting from the Sydney 2000 Olympics and the attention that we were able to gain from around the world at that time.

GREAT WESTERN HIGHWAY CARRIAGEWAY

The Hon. MALCOLM JONES: My question is directed to the Minister for Transport Services, representing the Minister for Roads. Given the enormous expenditure on the recently completed stretch of the Great Western Highway between Blackheath and Mount Victoria, why has this major arterial regional road been constructed to have only one carriageway in a westerly direction?

The Hon. Michael Gallacher: Is this my portfolio?

The Hon. MICHAEL COSTA: I expect better from the Leader of the Opposition. At least one person on that side must understand how the Westminster system works. If a Minister refers a question relating to another Minister's jurisdiction, it is not because he does not know the answer; it is because that is the way it is done. Members of the Opposition have been out of government for a long time and will be out a lot longer. We

need to educate members of the Opposition on how it works. They have been out of government so long they do not understand it. I am familiar with the piece of road the honourable member is asking about. I drove along it recently and asked myself the same question. I will get an answer from the Minister for Roads and refer that answer back to the honourable member.

WHEAT STREAK MOSAIC VIRUS

The Hon. RICK COLLESS: My question without notice is directed to the Minister for Agriculture and Fisheries. Is the Minister aware that ongoing surveys have identified the wheat streak mosaic virus to be widespread and well established throughout South Australia and Victoria, and have now identified the virus to be on a southern New South Wales property as well as in Tamworth? What detection and eradication measures is the Minister taking to protect New South Wales wheat farmers to ensure their industry is not devastated by this virus?

The Hon. IAN MACDONALD: This is a pertinent and important question. Wheat streak mosaic virus is being found at an increasing number of sites in Victoria and South Australia. The virus has now been confirmed at nine sites in Victoria and eight in South Australia, where another five sites are suspect. Unfortunately, the disease has now also been confirmed at two farms in southern New South Wales as well as at the two research facilities at Tamworth, where positive identifications were made previously. The two farms were picked up in a comprehensive survey being carried out by NSW Agriculture as part of national surveillance for the disease.

The two research facilities in New South Wales where the disease has been confirmed are the Sunprime wheat breeding facility at Tamworth and NSW Agriculture's Tamworth centre for crop improvement. These two research-breeding facilities have been placed under quarantine. The quarantine will remain in place until a decision has been made on the feasibility of eradicating the disease. At both of the sites in Tamworth the infected plants and all hosts in the vicinity have been or are being destroyed.

[*Interruption*]

The PRESIDENT: Order! The Minister has the call.

The Hon. IAN MACDONALD: The Deputy Leader of the Opposition obviously missed the point. I was saying it has been discovered on two farms in southern New South Wales. NSW Agriculture has sampled wheat, barley, oat and triticale plants in its glasshouses and in the field at Wagga Wagga, Temora and Cowra. The samples are being analysed by the CSIRO in Canberra. No positive diagnosis has been made to date.

NSW Agriculture has also taken several hundred samples from farms and roadsides across the State, including commercial crops and volunteer cereals, and alternative hosts, such as millet, maize and wheats. Six mixed cereal-grading trials that were sown by NSW Agriculture on private properties have been destroyed. Other trials that have been sown will be destroyed as the plants emerge from the ground. I can confirm that NSW Agriculture has cancelled all trial wheat plantings on private property. The National Management Group is waiting on advice from the Federal Department of Agriculture, Fisheries and Forestry on a benefit cost analysis of attempting eradication or accepting that the virus is endemic. The National Management Group has deferred a decision on the matter until later this week, when I will have further information.

SYDNEY CONVENTION AND VISITORS BUREAU INTERNATIONAL CONFERENCES TENDERS

The Hon. IAN WEST: My question without notice is to the Treasurer, and Minister for State Development. Will the Minister advise the House of Sydney's recent successes in winning major international conferences?

The Hon. MICHAEL EGAN: As I have said in the past, the 2000 Olympic Games were a unique asset for Australia in many ways and enhanced Sydney's reputation as an international business centre, an exciting tourist destination and a popular location for major conferences, meetings and exhibitions. Our investment in key visitor infrastructure for the Games means that Sydney now has a range of hotel accommodation, conference and exhibition facilities, transport infrastructure and visitor amenities that are up there with the best in the world. Since the Games, the Sydney Convention and Visitors Bureau has won bids for 97 conventions over the next decade, through to 2012. These conventions will attract an estimated 142,000 delegates to Sydney and generate more than $500 million in direct spending. One such event is the Lions Club

International Convention in 2010. Sydney won the event over two short-listed United States cities—St Louis, Missouri, and Reno, Nevada. The Lions annual convention is one of the world's largest and most lucrative gatherings of its kind. It regularly attracts between 20,000 and 30,000 visitors from more than 100 countries to the host city.

The Hon. Duncan Gay: Why did Rotary go to Brisbane?

The Hon. MICHAEL EGAN: Probably because they made a mistake. Last year's Lions annual convention in Osaka, Japan, achieved a record attendance of nearly 50,000 delegates. With 25,000-plus people likely to visit Sydney for the week-long convention, it is estimated that the event will generate more than $91 million in expenditure benefits for the New South Wales economy. In addition to the Lions Club convention, other major convention wins for Sydney include the Eighteenth World Congress of Neurology in 2005, with an expected 7,500 delegates; the Seventh International Orthodontic Congress in 2010, with an expected 6,000 delegates; and the World Congress of the Transplantation Society in 2008, with an expected 5,000 delegates. Honourable members may be aware of the very successful transplantation games that are held, I think, on an annual basis. Only a few years ago Sydney hosted the World Transplantation Games.

Reverend the Hon. Dr Gordon Moyes: What about hair transplantation?

The Hon. MICHAEL EGAN: I do not think it goes that far. Certainly, there are participants who have had heart transplants. I congratulate the Sydney Convention and Visitors Bureau on its success in promoting Sydney as a destination for international business conventions and events.

If honourable members have further questions, I suggest they put them on notice.

STATE TRANSIT AUTHORITY DIRECTOR MR TONY SHEPHERD

The Hon. MICHAEL COSTA: On a number of recent occasions I have been asked questions about the resignation of Mr Tony Shepherd from the board of the State Transit Authority. Several of the questions related to letters sent by Mr Shepherd. I seek leave to table documents that my office and department have received from Mr Shepherd on these issues. The documents show that I was made aware of a potential conflict of interest. Subsequently, I sought legal advice, the legal advice was taken, and Mr Shepherd resigned. The House may note that the attached documents confirm that he resigned in writing on 13 May.

Leave granted.

Documents tabled.

Questions without notice concluded.

SEXUAL OFFENCES LEGISLATION

Personal Explanation

Reverend the Hon. Dr GORDON MOYES, by leave**:** I refer to a speech made earlier in this place by the Hon. Peter Breen. First, the Hon. Peter Breen said that I do not understand the difference between homosexual sex and sodomy. I place on record that I do and that I do not blur the distinction between the two. On this matter the Hon. Peter Breen has misrepresented my views. Second, the Hon. Peter Breen said that I indicated that homosexual paedophiles in my school had to be one or the other. The fact is that homosexual teachers preyed on young male students in my school.

MILLENNIUM TRAINS

Return to Order

The Clerk, pursuant to the resolution of the House on Wednesday 7 May 2003, tabled documents relating to Millennium trains received today from the Director-General of the Premier's Department and referred to in paragraph 1 of the resolution, together with an indexed list of documents.

The Clerk also tabled a return identifying documents that are considered privileged and which under paragraph 4 of the resolution should not be made public or tabled. In accordance with the resolution the Clerk advised that the documents were available for inspection by members of the Legislative Council only.

CRIMES AMENDMENT (SEXUAL OFFENCES) BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. DON HARWIN [5.07 p.m.]: Prior to question time I referred to what I considered to be the three key arguments that have featured in debate on this bill both in this House and the community. For child protection arguments to have direct relevance to this debate, those who use them would need to show some correlation between equalising the age of consent for consenting sexual activity and the suggestion of an increase in the incidence of child sexual abuse in the future. To directly address this issue, four years ago, when debating private member's legislation introduced by the Hon. Jan Burnswoods, I threw down the gauntlet on this very point. In short, I asked the opponents of equalisation to demonstrate that the removal of a higher discriminatory age of consent in States such as Western Australia, Queensland and Tasmania had led to an increased incidence of child sexual abuse in those jurisdictions. I am still waiting for any evidence to be presented that would support this argument on child protection against this bill. At that time no evidence was forthcoming, and I suspect there will not be any this time either. The three principal arguments that have been offered in opposition to the removal of discriminatory age of consent provisions are, in my view, highly suspect. The opponents of this bill have not established that the ongoing operation of the discriminatory provisions is justified, nor that it serves any public good.

In conclusion I will briefly dwell on the major issue which is at the heart of most of the concerns about this bill but which is rarely referred to in the debate; that is, prejudice. Sadly, that is the core issue. Some of the correspondence we have received has been blunt and has contained clear prejudice against homosexuality. In a bizarre way I find these emails and letters preferable to the tangled web of obfuscation that characterises most of the others, in which the correspondents come up with elaborate arguments to avoid giving voice to the prejudice that is often at the root of their concerns. In his book *A Place at the Table*, Bruce Bawer writes:

> Certainly there is no other prejudice in which people feel more morally justified; no other prejudice that reaches so high into the ranks of the intelligent, the powerful, the otherwise quite virtuous; no other prejudice, therefore more deep-seated and polarising.

In essence, it is as though this homophobia is the last respectable prejudice. Until honourable members have felt a punch to the head or a kick in the stomach, until they have been rejected by a parent or a friend, or until they have lost a job or been denied some other sort of advancement, it will be difficult for them to understand what this insidious prejudice is all about. In every society throughout history a small percentage of citizens has had an involuntary, emotional and sexual attraction to the same sex. Different societies have dealt with this minority in different ways. New South Wales, like other societies of Anglo-Celtic origin, has tried to deal with homosexuality by way of prohibition. That has been the cultural context and, unsurprisingly, it has fostered the prejudice that is characteristic of homosexual experience in our society. Interestingly, that is not the case in other countries such as those in continental Europe, where the Code Napoléon has been adopted. No piece of legislation can ever hope to overcome this cultural context and dissipate that prejudice. However, this bill will perhaps help to remove the last statutory provisions in our State that make that prejudice respectable.

The Hon. CHARLIE LYNN [5.12 p.m.]: The Crimes Amendment (Sexual Offences) Bill is a bill 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 have had the opportunity to review the contributions of most honourable members, and some have been better than others. I particularly commend the contribution of the shadow Attorney General in the other place, Andrew Tink, for the quality of his research and the presentation of his arguments against the bill. I also commend the courage of my National Party colleague Russell Turner in the other place and the Hon. Malcolm Jones in this House for their moving contributions to the debate. The contributions of Reverend the Hon. Dr Gordon Moyes and the Hon. Tony Burke deserve special mention. Today's contributions by the Hon. Peter Breen and the Hon. Don Harwin are also worthy of mention and, in particular, the Hon. Don Harwin's comments about prejudice. I concur that no-one deserves to be stigmatised in our society, but that can be remedied by education and tolerance. Also deserving of special mention is the contribution of the honourable member for Camden. It was almost incoherent. I am not sure whether that was due to the late hour or because he thought he was at a Camden Council meeting and that a few off-the-cuff comments would do. It was an embarrassment and the people of Camden deserve better.

Why has this bill been introduced so soon after the State election? Is it a diversion because of the recent horror stories about the state of our rail infrastructure? Is it because the truth about hospital waiting lists has been disclosed? It is because the condition of schools has been revealed? Is it this arrogant Government having a

bit of fun with a wedge issue between the progressive and conservative elements within the Coalition? Is it something more sinister? I have a real concern about the motive behind the content, the cleverness and the timing of this bill. My initial assessment of it was that it was very clever of the Government to link the increased penalties for child sexual assault to the lowering of the age of consent for young men from 18 to 16 years of age. Any honourable member who dared to vote against the lowering of the age of consent would be accused of going soft on predators who sexually assaulted young children because they would automatically be voting against tougher penalties for those offences. It is very slick politics. I hope that no member of this Parliament opposes the increased penalties proposed in this bill. However, to link them to the lowering of the age of consent is too clever. The Government has been too smart by half by employing that tactic, as was exposed by one of its own members, the Hon. Tony Burke, who revealed that the maximum penalty for a father convicted of sleeping with his 16-year-old daughter would be reduced from eight to seven years imprisonment. Even more unforgivable is the fact that the bill removes the prohibition on a stepfather sleeping with his stepdaughter.

I have attended a number of Youth Insearch camps at which the majority of the disadvantaged kids were from broken homes and were there because they had been sexually abused by their stepfathers. They would be devastated to learn that this Government does not consider that to be an offence. I am sure that that is not an intended outcome of the bill, because if it were I believe that all honourable members who voted for it in the other place and those who have indicated that they will vote for it in this House would change their vote—at least I hope they would. I thank the Hon. Tony Burke for discovering this anomaly and others during his forensic, objective analysis of the bill. He also stated that in supporting arguments for and against the bill some honourable members have claimed that young homosexual men have a 300 per cent higher rate of suicide than heterosexual men. The figure was also quoted to me in the submission of the AIDS Council of New South Wales. The Hon. Tony Burke advised that the only reference to the figure he could find was in a December 1998 document from Youth Studies of Australia entitled "Better dead than gay? Depression, suicide, ideation and attempt among a sample of gay and straight identified males age 18 to 24" by Jonathon Nicolas and John Howard. He went on to make a number of observations that are worth repeating if that is the study from which the 300 per cent figure was drawn. He said:

> 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 figure comes from is not those 110 people but only 20 people. Although those people were not asked the reason that they 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.

The Hon. Tony Burke conceded that he might not have had the right document. However, it was the closest he was able to find in his search for the facts. That is another reason that this bill should not be before us today. If we are being called upon to make an important social decision—one that is causing great angst in our community—we should have access to the facts so we can base our decisions on truth rather than on figures plucked from the air by supporters of the bill. Prior to the Hon. Tony Burke's analysis of the bill, the *Daily Telegraph* reported that another section of the bill would be scrapped. It would unintentionally have allowed men to have sex legally with male child prostitutes aged 14 to 18 as long as they looked to be more than 18. Unintentionally? As long as they looked over 18? That is a predator's defence, if ever there were one. The Attorney General should hang his head in shame for presenting a bill on such a sensitive and controversial issue with such an "unintentional" consequence. In the form in which the bill was introduced by the Attorney General, it would have been more apt to call it the sexual predators protection bill 2003.

We were also concerned when we discovered the provision for retrospectivity, which was cleverly tucked away in the bill. I commend my colleague the shadow Attorney General, Andrew Tink, in the other place for discovering this repugnant part of the bill, and I am pleased that the Attorney General has since removed it. Such a provision, which would allow stepfathers to legally sleep with their 16-year-old stepdaughters and would remove the past crimes of sexual predators, would indicate either that the bill has been drafted in undue haste or that there is something more sinister. I cannot understand the need for haste. This issue was not raised during the recent election campaign, a period when our entire community was focused on the policies of the various political parties. It did not register in the media as a major community concern, there were no letters to the editors in State or local newspapers, and there were no callers badgering talkback radio demanding that these reforms be addressed. I can only assume that the community was comfortable with the current law in regard to the age of consent. The issue was not raised by the Labor Government as part of a progressive social agenda for a third term in office.

A further concern relates to the report of the Wood royal commission, which has been referred to by other speakers. On page 1079 of his report the commissioner said, "The question whether there should be any

change in the age of consent is uniquely a matter for the community." Judging by the number of calls and emails I have received on the issue, the community is strongly opposed to the bill. I have received more feedback on this issue than I have received on any other issue during the seven years I have been a member of this place. Clearly, the community has not been consulted on this bill. Accordingly, I wish to quote from a number of the submissions I have received, to ensure that the community's concerns are placed on the record as part of this debate. I received a letter from Peter Jensen, the Archbishop of the Anglican Church Diocese of Sydney, which read:

> I am writing to urge you to vote against the Crimes Amendment (Sexual Offences) Bill 2003.
>
> The Anglican Diocese of Sydney welcomes and supports the Bill's attempts to increase penalties for those who sexually abuse children. However, this and the lowering of the age of consent are entirely different matters. One is about protecting children by deterring predators through harsher penalties. The other encourages predators as lowering the age of consent takes away the onus of responsibility on adults to act with integrity towards young people. Therefore we support calls to split the Bill so that the two issues may be debated and voted on separately.
>
> 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.
>
> 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. Considering that health and psychological research suggests that there are great risks associated with early sexual activity, it is irresponsible to permit adults to relate to 16-year-olds in a sexual manner. We do not allow 16-year-olds to participate as equals in our community in other aspects of life. What then are our motives in saying that they are able to participate as equals in a sexual relationship?
>
> When you are called upon to make your vote, please consider the best interests of our children.

Many of the submissions I have received are from community leaders, parents and people who have conducted a fair amount of research on this issue. I received an email from Mr Michael McGarrity, which read:

> I write to you today as a concerned person in your community, a concerned voter in this constituency, a concerned parent and as an individual person with a conscience.
>
> Your position is a responsible and difficult one—public office necessitates the understanding that the decisions you make today may well affect the future of our society for generations to come. I appreciate that you have very weighty responsibilities, since it is important that the values that you present are the values of the people, not just of this generation, but of the generations to come.
>
> The fundamental values of the nation, culture and broader society—not just of a wealthy, vocal or influential minority—are in your hands, and for generations to come your voice will have influence; for good or bad, depending on the measure of wisdom you apply to the process of decision making.
>
> It is clear that there is a need for change in some areas of law and governance; as we become a more educated society hopefully we learn from the mistakes of our forefathers. It is also clear that there is a concomitant need to retain those laws and modes of government which protect the populace; particularly those who are unable to exercise their own rights by reason of age, disability, lack of education, etc.
>
> It is increasingly difficult to make sense of many of the decisions made in courts and legislative offices—including the New South Wales parliament. These offices, which are intended to represent the interests of the public, appear frequently to produce decisions and laws which bear little relation to the position of the mass of the populace.
>
> The kind of assault on the national conscience has significant consequences. Our children struggle to find direction in a world where the social landscape is constantly redeveloped, goalposts are no longer fixed and milestones that mark progress are constantly moved. The very structures that define the culture that we expect them to grow up into are frequently rearranged to suit the interests of influential minority groups, regardless of the impact that they will have on the succeeding generations. Our children have no way of establishing values, no means of understanding the current climate or predicting what it will fly tomorrow—we are guilty of destabilising them.
>
> As succeeding generations have been seen to improve academically, so we have also sought to encourage them to make decisions at a younger age. However, our greatest values have been that we have placed expectations in areas that have frequently not developed at the same rate. We have placed expectations on our children to make decisions that they are not emotionally or socially equipped for, and in so doing we set them up for failure, exploitation and hopelessness.
>
> We deny them discipline and cannot understand why they fail to behave in a disciplined manner. We deny them moral foundations and cannot understand why they live in immorality. We deny them the liberty to mature through childhood and cannot understand why they are so immature as adults. We deny them stability and cannot understand why they are unstable. We feed them a diet of violence and pornography and cannot understand gang rape …

> We set ourselves up as legislators and fail to utilise the law for the very purposes it was intended. We can live without generation's double standards but our children will not—they will take their own lives and very possibly the lives of others; they will live down to the level of our expectations …
>
> So the opportunity is before you to establish another double standard for our children—"You cannot drink alcohol, smoke tobacco, vote for a candidate who will vocalise your views, watch pornographic movies, or join the armed forces because you are intellectually, physically, physiologically, emotionally and legally considered a child until you are 18 years of age … however, you are intellectually, physically, physiologically, emotionally and legally considered an adult if you want to engage in homosexual activity.
>
> It is difficult to reconcile engagement of discussion on this issue at the same time as there is intense pressure to expose public figures associated with allegations of abuse of power; particularly where it involves illegal and inappropriate sexual activity.
>
> How will history remember you? Will you be the member who bowed to pressure from the lobby who sought to exploit young people, or will you stand up as a protector of the young people of our state and nation. Will you be someone that future generations applaud or abhor …
>
> I hope that this email will provoke some thought, and look forward to your reply stating that you will vote against the Bill to lower the age of consent for boys participating in sodomy from 18 to 16 years of age.

An email from Hazel Rawson of Orange stated:

> I have never written to an MP before now.
>
> I have four children, one of whom is living in a homosexual relationship currently. Their ages are 36, 34, 31 and 29.
>
> As a family, we have handled the situation honestly, painfully, sometimes wisely, sometimes unwisely—but although my husband and I don't agree with our son's choices, we have told him we are 'for him and will not close any doors against him', if that makes any sense.
>
> Whatever our view is, homosexual people are welcome into our home with understanding and compassion.
>
> I believe my thoughts on the current bill re. lowering the age of consent from 18 to 16 who engage in homosexual acts are valid and responsible.
>
> At the age of 16 not one of my 4 children (3 sons and 1 daughter) were responsible enough to make responsible choices on a lot of levels. They are all intelligent, and have great jobs in the teaching, social work and counselling areas of the community.
>
> I strongly urge you to protect the young people of our State by voting against lowering the age of consent of homosexual acts.

I received an email also from the Reverend Paul Cohen, who is the parish minister of the Anglican Parish of Malabar with Lord Howe Island. Reverend Cohen is the director and chairman of Workventures Ltd, the chairman of Randwick Community Drug Action Team [CDAT], the director of Kooloora Community Centre, Malabar, the secretary of the parents and citizens association at Malabar public school, a board member and the Anglican representative of the New South Wales Council of Churches, a board member and the Anglican representative of the New South Wales Ecumenical Council, and a board member of the South Sydney Anglican Regional Council. He stated:

> I urge you to:
>
> PLEASE VOTE AGAINST THE PROPOSAL TO LOWER THE AGE OF CONSENT TO 16 (16) FOR HOMOSEXUAL MALES.
>
> PLEASE VOTE TO ALLOW THE SPLITTING OF THE BILL (so that the proposed legislation to increase penalties can be voted on separately).
>
> PLEASE VOTE FOR AN AMENDMENT TO RAISE THE AGE OF CONSENT FOR ALL PERSONS TO EIGHTEEN (18) - UNIFORMITY AT 18, NOT 16!
>
> I believe that the age of 16 is too low to be the legal age of consent as most 16-year-olds exercise very little autonomy in their lives. For example, many are still in school and live at home. At the age of 16 our society does not permit them to vote, buy tobacco products, buy alcohol, join the armed forces, marry, change their name or obtain a passport.
>
> Young people are largely dependent on adults at the age of 16. Considering the health and psychological risks associated with early sexual behaviour … it is irresponsible to allow 16-year-olds to be sexually active, especially given that we do not allow them to participate as equals in our community in other aspects of life.
>
> In my experience 16-year-olds are vulnerable to sexual predators. At this age they are still growing and developing into adult maturity both physically and psychologically. A fluidity of sexual orientation is also commonly experienced in these developing years particularly among males.
>
> In a study of 1001 homosexual or bisexual men almost 40% reported that they had been encouraged or forced into abusive sexual contact before the age of 19 by people, predominantly males, on average 11 years their senior.

Reverend Cohen gave his reference for that statement as:

> Doll, L.S.; Self-reported childhood and adolescent sexual abuse among adult homosexual and bisexual men in Child Abuse and Neglect. Vol 16(6) Nov-Dec 1992. Elsevier Science Inc., US. (abstract)

Reverend Cohen's email continued:

> Sexual abuse during childhood or adolescence also leads to physical and mental illness:
>
> > "Child or adolescent sexual abuse was significantly associated with mental health counselling and hospitalisation, psychoactive substance use, depression, suicidal thoughts or actions, social support, sexual identity development, HIV risk behaviour and risk of STDs including HIV infection".

He gave the reference for that statement as:

> Bartholow. Emotional, behavioural, and HIV risks associated with sexual abuse among adult homosexual and bisexual men, in Child Abuse and Neglect. Vol 18(9) Sep 1994. Elsevier Science Inc. US. (abstract).

The email continued:

> My point is that abusive sexual relationships can and do occur in the adolescent years and that the damage caused to victims is severe. In the interest of potential victims of abusive, sexual relationships:
>
> I strongly urge you NOT to vote for the age of consent for homosexual males be moved to 16; AND to vote FOR measures to set the age of consent at 18 for ALL; AND to vote to split the Bill.
>
> Yours hopefully,
>
> Paul Cohen.

Dr John and June Court wrote to me on 19 May in the following terms:

> We would like to urge you to vote against the lowering of the age of consent for homosexual acts. If equality with heterosexual legislation is the aim then, we would suggest, the age of girls should be lifted to 18, particularly as we now have numerous immigrants whose tradition is to marry off their adolescent daughters to much older men often against the girl's will.
>
> The arguments always used for the protection of the under eighteens are more cogent than ever in an age of exploding internet child pornography and resultant child abuse. The potential for an adolescent boy to be lured into a self-destructive relationship and lifestyle by a wealthy and wily older male is magnified by this bill.
>
> Protection against prosecution already exists for sexual relationships between teenagers of similar age, so just what does this Bill hope to accomplish if not legalising yet more decadence in our society under the guise of "human rights" and "non-discrimination".
>
> Parliament should not allow itself to be captive to a relatively small group of activists and media who are driven by their own personal pain and decadent lifestyles to destroy the great and good standards of our society. These elements are described as "Progressive" but one has to ask just what would the societal end-product of this progression be if we were all to go along tamely with their agenda. As it is, to our shame, we have been publicly silent for far too long, allowing legislation to pass unchallenged which has resulted in explosion of abused children all in the name of freedom of choice for adults.
>
> We do implore you to vote against this Bill.
>
> Kindest regards
>
> Dr. John and June Court.

Mr John Lean of Orange wrote:

> Honourable member of Parliament,
>
> **re: the Bill to lower the age of consent for boys who engage in homosexual acts of sodomy**
>
> I am very disturbed that this Bill is being introduced into parliament. I urge you to vote against it.
>
> I am a youth worker with 27 years experience and I work with teenager boys in this age group. I am convinced that most could not handle this freedom emotionally. Give them another couple of years and they are much more mature and settled. Eighteen is a more suitable age from my experience and from talking with them. Many I come across don't even have armpit hair at 16 - they are still children!
>
> At 18 they are also less prone to the advances of older males wanting to exploit their sexuality. They are emotionally different people to 16-year-olds.

How can we condemn the Governor General for not taking proper steps to protect boys of this age group and then turn around a few days later and consider legislation to give permission for older males to seduce 16 year old boys and have sex with them? This has to be the ultimate hypocrisy!

The argument to bring the age of consent into line with girls to prevent discrimination is not valid either. Nature actually discriminates against boys in this regard and we can't change it by legislation. It is well recognised that boys lag behind girls in their physical and emotional development by about two years. That means things are OK as they stand!

I urge you to please consider your vote. How will you feel if an older male seduces your 16 year old son/grandson in the prime of his teenage years? Will you be glad they were both able to express their sexuality or will you be remorseful that you created the climate for this to happen?

Our 16-year-old boys need our protection.

Sincerely
John Lean.

Stan Sapolinski emailed me in the following terms:

Gentlemen

I have just heard about this legislation. The argument for the legislation is that this law would bring it into line with the "general" age of consent which is 16.

I am strongly against this law being passed as it demonstrates yet another step towards society saying "anything goes" etc. Who is going to benefit from this??? It goes against my standards as a Christian and as a member of society.

My son is 16 this year so I can truly relate to the weight of the argument. This legislation, if accepted, has a potential to destabilize peace of mind of many fathers and mothers and make it easier for sexual predators to find their preys. If passed, I will be opposing it at the local community level (in Baulkham Hills) to begin with.

Dr Greg and Mrs Merle Foote wrote:

Greetings! This is the first time we have felt prompted to send an email to a State Govt Minister, so we assure you it is important to us.

We have heard that there is a Bill going before the NSW Parliament on Tuesday, to lower the age of consent for homosexual acts for boys, from 18 to 16 years. It appears to us, that this legislation will allow sexual predators of both sexes free licence to prey upon our teenage sons. Homosexual men in particular, who openly admit to a predisposition to teenage boys, could claim they have consent, and not be prosecuted, thus be free to keep on with the sexual acts.

In Australia we are privileged to have laws that prohibit boys from joining the army, voting in parliament, buying cigarettes or knives, being admitted to pubs or clubs; even watching R rated movies under the age of 18 years. This is to protect 16-17 year olds who are vulnerable to sexual predators, because they are still developing into adult maturity. The psychological impact on any person preyed upon by unscrupulous people has a lasting negative effect on their lives. At 16 it is not easy to say "NO", because of immaturity, and could result in suicide. Some males are very mature at 16, most are not. It seems to us that reducing the age of consent to 16 places our children in greater danger from homosexuals. Because we are both Counsellors, we have insight into the trauma that can be caused, not to mention the risk of contracting AIDS or other venereal diseases.

The media and parliamentarians have attacked the Governor General, Dr Peter Hollingworth for failing to protect parishioners from paedophiles. The Governor General admitted his error of judgement, and it seems to us that it is entirely unfair to criticise this man, and then go ahead and clear the way for far greater acts of sexual perversion.

We are concerned that Labor is putting this Bill to the Parliament. As it stands we are very unsure of voting Labor in the future, when such Bills are being contemplated.

Yours sincerely,

Dr Greg & Mrs Merle Foote

John and Janine Grocott from Padstow stated:

As concerned parents and grandparents the Bill to lower the Age of Consent for boys concerns me. If boys under the age of 18 cannot:

Join the army
Hold a full driver's licence
Vote for our Parliamentarians
Watch R rated movies
Buy cigarettes, knives or alcohol
Be admitted to clubs and pubs

Why does the N.S.W. Parliament think that at aged 16 our children are sexually mature?

The reason we have age laws as listed above is as a society we recognise that children are vulnerable and need protection.

The media and politicians have attacked the Governor General, Dr Peter Hollingworth, for failing to protect parishioners from paedophiles. Isn't it interesting how the NSW politicians who have supported this Bill are acting in the same way as Dr Hollingworth, by failing to protect children?

THEIR HYPOCRISY IS UNBELIEVABLY DISGUSTING!

As our voted representatives in the NSW Parliament I would like you to consider leaving the Age of Consent for boys at 18 years old. You may want to protect our girls by increasing the Age of Consent for girls to 18.

If this is not an important Bill and age does not matter then maybe we should lift all restrictions for children, eg. licence to drive, admissions to pubs/clubs, purchasing and consuming alcohol or cigarettes.

Thank you for your time.

Yours sincerely,
John and Janine Grocott

The Hon. Jan Burnswoods: We have already heard these.

The Hon. CHARLIE LYNN: I am putting these email messages on the record because Justice James Wood believed that this was a matter for the community. The bill has been rushed in and we have not had time to canvass the community.

The Hon. Jan Burnswoods: Several speakers before you put the same emails on the record.

The Hon. CHARLIE LYNN: They have not. I have done my own research. We have not had sufficient time to consult with the community. I am expressing views from people who are representatives of the community—church leaders, community leaders and concerned parents and grandparents. If we had been given sufficient time to consult with them, we would not have to go through this process. They have not had that opportunity so I will be their spokesman in this Parliament and put their views on the record. Dr Colin Wellings from Leonay stated:

As a father of three sons I urge you not to vote for the legislation before the Upper House in regard to lowering the age of consent for homosexual relationships to 16 years. Boys are not allowed by law to join the army, vote for our parliamentarians, watch R rated movies, buy cigarettes or knives or be admitted to pubs or club is under 18 years of age. The reason we have these laws is because society rightly recognises that children are vulnerable and need these levels of protection. Sixteen year olds are vulnerable to sexual predators as at this age they are still growing and developing into adult maturity, both physically, emotionally and psychologically. Why should they be placed in even greater danger from these homosexuals with a predisposition to paedophilia?

Please vote against this legislation.

Ian and Wanda Taylor from Caragabal wrote in the following terms:

Dear Member of Parliament

We would like to state our objection to the implications of this bill. We object to the age of consent for boys to be involved in sexual acts being lowered to 16 yrs. At this stage they have not yet fully matured either physically or emotionally, they are not considered old enough to vote, buy alcohol or tobacco, watch explicit sex scenes in "R" rated movies and yet you are now saying that they should be considered mature enough to take part in these sexual acts. What are you thinking? Do you consider your own teenagers old enough to deal with these matters? We know that our society is messed up enough now with teenagers and young adults who are emotionally a mess due to early sexual relations that they were not ready for.

Jack and Annette Blair stated:

There are important issues that should be taken into consideration when voting on the Age of Consent Bill which relate to private autonomy versus social responsibility. Legalising a lower age of consent below the age of 18 would impact on marriage, family and individual relationships (marriageable age = 18) and increased social problems for adolescents.

The following represent some of the problems:

1. Greater risk of both heterosexual and homosexual predation.

2. The "celebration" and acceleration of sexual "maturity" at a time of sensitive adolescent psychological growth and development subjects young people to intense pressures.

3. Impressionable and psychologically immature young people would face an earlier attraction to a promiscuous lifestyle.

4. Pre-adult exposure to high-risk, infection-attracting STD behaviour;

5. The prospect of emotional instability and relational destabilisation as adolescents struggle to cope with the pressure of early sexual competitiveness.

6. The experience of unresolved gender identity confusion through a period of physiological, biological and psychological changes in their lives as part of the transition to adulthood.

7. A single or several homosexual experiences does not necessarily imply a homosexual orientation yet some counsellors and gay activists insist that such youth should "accept their homosexuality", which merely sabotages their confusion.

8. Peer pressure to conform and perform may result in increased casualties amongst youth such as greater dysfunction and lead to more homelessness and suicides;

9. Lowering the age of consent expands the field for both heterosexual and homosexual predators while legalising the behaviour. It provides support for the aim of homosexual paedophile movements campaigning to ultimately abolish any age of consent.

Making some behaviour legal encourages more people to engage in that behaviour than if it were illegal—that is just plain common sense. With a lowered age of consent the community could expect an increase in adverse youth social statistics such as HIV/AIDS cases and other social infections; health and psychological problems and suicide.

What kind of person would want to legally expose 16 and 17 year old adolescents to greater developmental risks at a time in their lives when they need protection, help and guidance towards adult maturity?

Comments concerning homosexual pedophilia:

A. In 1979 two homosexual researchers, K. Jay and Andrew Young in New York, in their large study of homosexual behaviour revealed that 27% of males and 6% of females chose minors as their first preference for sexual activity.

Thus, lowering the age of consent would increase the seduction of 16 and 17 year olds by homosexual predation whilst exposing these teenagers to the risk of STD's. "The significance of homosexual pedophilia lies in its incidence and prevalence—the risk of homosexual child molestation is 10 to 20 times more likely than that for heterosexuality". *(Source: "The gay nineties" by Dr. P. Cameron, Adroit Press, Franklin, Tennessee, 1993, pp. 59-68).*

"Pedophilia is statistically closer to homosexuality than heterosexuality: whilst the larger NUMBER of pedophiles are heterosexual (as one would expect) the largest PROPORTION are homosexuals". *(Source: "Homosexuality and the politics of truth: by Dr. Jeffrey Satinover, Baker Books, Grand Rapids, Michigan, 1996, p. 188.). [This amounts to about 30-40% of child molestation cases in America from a homosexual population of around 2%.].*

3. Since 1983 the North American Man-Boy Love Association (NAMBLA – an association of pedophiles) has been a member of the International Lesbian and Gay Association (ILGA). In 1985, 1986 and 1990 ILGA made affirmative policy statements supporting the recognition of pedophilia. *(Source: NAMBLA statement released Midtown, New York, 15 November 1993; also NAMBLA website, March 1997).*

4. A vote in favour of the Age of Consent Bill could be seen as favouring the extension of pedophilia and support for the aims of the pedophile movements (e.g., the Netherlands and the USA etc.), to legitimise their sexual activities with minors.

5. "From a 1996 review of 135 research studies, no biological, genetic or hormonal factors were found as a primary basis for a homosexual orientation". *(Source: "The biological theories reappraised" by William Byrne and Bruce Parsons, in Archives of General Psychiatry, pp. 238 and cited in "The politics of truth" by Dr. J. Satinover, Baker Books, Grand Rapids, Michigan, 1996, p.14).*

Thus, there is no conclusive evidence for the oft repeated claim of the homosexual movement that they are, "… *born that way and cannot change* …". The slogan is strategic propaganda. This also includes homosexual pedophile, the 1 in 4 of the Jay and Young study.

6. In 1996 the Australian Medical Association (AMA) stated that 83% of all cases of HIV/AIDS in Australia were homosexual men. *(Source: Medical Journal of Australia, 164, 1996, 715.)*

Thus, lowering the age of consent would have the effect of sanctioning the sexual activity of 16 and 17 year olds so that there would be more, not less risk of exposure to STD's, HIV/AIDS etc., placing an ever escalating public burden on the economic costs to the nation and a disproportionate use of limited resources.

The worst case scenario would be that those who vote in favour of lowering the age of consent will be promoting the agenda of the pedophile movement and supporting the extension of the incidence and prevalence of pedophilia in the community.

It will be interesting to see and to publicise those who vote in favour of the Bill. We hope you will give the issues raised your serious consideration and oppose the current Age of Consent Bill.

Yours faithfully
Jack and Nanette Blair
… Glenhaven

Another letter stated:

In light of the deep concern in our community currently regarding sexual abuse, particularly of young people, I would urge you to vote against this Bill when it comes before the Legislative Council in the coming week, as expected.

The argument in favour of the Bill, that it brings New South Wales legislation into line with other jurisdictions, is not a compelling one. Rather, I would urge you to help make New South Wales the one place in our Commonwealth where young boys, who are so vulnerable to seduction by those wanting to take advantage of them sexually, can be safer until they reach a more mature age.

Please vote against this Bill.

Julie Davies

In another letter Glen and Lee-Anne Cusack wrote:

> Dear Members of Parliament,
>
> We are writing to you to express our concern as parents to the passing of the age of consent from 18 years to 16 years for boys and to accept the passing of this bill.
>
> This bill will allow our young boys to become victims of sexual predators. Homosexual with a predisposition to paedophilia in particular.
>
> At present, we hardly open a newspaper where we don't read about some judge, priest, politician or high standing person in society being charged or accused of abusing some poor child. Passing this bill says that this is OK.
>
> Our boys are not allowed by law to join the army, vote for our parliaments, watch R rated movies, buy cigarettes or knives or be admitted to clubs and pubs under the age of 18. These laws are put into place to protect our young boys due to their vulnerability: Passing the bill will put our boys in danger of a life of abuse, self destruction, poor self esteem and will even lead some of our boys to committing suicide.
>
> This matter was not raised prior to the election and we cannot comprehend how a group of people think that they can make such a decision on behalf of all the parents in Australia. It makes us wonder if there is an accusation that is about to be publicised, which the government is trying to ensure that one of their own will be protected.
>
> Parliamentarians and Media have attacked the Governor General, for failing to protect his parishioners from paedophiles. He has publicly admitted his error, however, the NSW Government and parliamentarians who have supported this bill are perpetuating a far greater judgement upon our sons and daughters. Their hypocrisy is unbelievably disgusting,
>
> I stated previously, that our boys cannot vote for your government until they are 18, what gives you the right to vote for such a bill to be passed against our boys which could result in them never making it to the age of 18 because of such disgusting predators in our society.
>
> As parents of 2 young boys, it is our responsibility to raise and protect them to the best of our ability until at least they reach the age of 18. At the age of 16 young boys are very vulnerable as they are changing into adulthood, they are still developing both physically and psychologically. Haven't they and we as parents got enough worries raising them in this society than to worry about them being legally assaulted by a sexual predator at this stage in their young life?
>
> We ask you to look deep inside your heart, and think "what if it was my son", not just the sons of your people, but your own son, surely this would convince you to vote against the passing of this outrageous bill.
>
> As said earlier, we as parents have a duty to protect our sons from sexual predators and so do you!
> Regards
> Glen & Lee-Anne Cusack

In an email Beat Mueller stated:

> I write concerning the Age of Consent Bill recently introduced into State Parliament. It is a welcome move that the government has granted a conscience vote on this extremely sensitive issue. I hope you will exercise your vote with careful regard to the your own moral sense and for the views of the people in your electorate as they are expressed to you, especially this Bill affects the welfare of vulnerable young people not yet old enough to vote at all.
>
> The Governor General's situation shows that as a society we are at present more alert and concerned than ever about child sex abuse. It is extraordinary then that the NSW Parliament is trying to make it easier for older men to prey on young and vulnerable boys. The law should still stand as a warning. It is much more than a matter of alleged discrimination against boys in their mid-teens who consider themselves homosexual.
>
> The proposal to lower the age of consent for teenage boys from 18 to 16 would significantly widen the scope for such abuse. Boys on average mature about two years later than girls. Many boys of 16 or 17 are still far from mature and may be confused about their sexuality. If an equal age for males and females is thought important, it would be far better to raise the age for girls to 18, as they too may need such protection. The real welfare of teenagers is at stake.
>
> Thank you for your consideration of this most important matter.

In a letter Philip Waller wrote:

> I am writing to express my concern at the recent introduction into State Parliament of the Age of Consent Bill. I feel that reducing the age of consent for boys from 18 to 16 years will be a wrong decision. I consider 16 year old boys generally to be imature and possibly confused about their sexuality. I urge you to vote against this bill.

Richard Eason wrote:

Dear Parliamentarian,

The NSW Parliament has almost passed a bill to lower the age of consent for boys from 18 years to 16 years. It will allow sexual predators of both sexes free license to prey upon our teenage sons. Homosexual men openly admit a predisposition to young teenage boys

The media and parliamentarians have attacked the Governor General, Dr Peter Hollingworth for failing to protect parishioners from paedophiles. He has admitted his error, but the NSW parliamentarians who support this bill are perpetuating a far greater error of judgement upon our sons and daughters. Their hypocrisy is disgusting.

Boys are not allowed by law to join the army, vote, watch R rated movies, buy cigarettes or knives or be admitted to pubs or clubs under 18 years of age. We have these laws because we recognise that children are vulnerable and need protection. 16 year olds are vulnerable to sexual predators as at this age they are still growing and developing into adult maturity, both physically and psychologically. Why should they be placed in even greater danger from those homosexuals with a predisposition to paedophilia? Not to mention the heightened risk of contracting AIDS, a virtual death sentence.

An email from Andrew Lubbock of Newtown reads:

Dear Mr Lynn,

I am writing to you concerning the impending vote on legislation regarding the age of consent for boys in NSW. As a father of a young boy, I urge you to consider voting against the proposed lowering of the age of consent.

Please consider the following reasons.

Boys are not allowed by law to join the army, vote for our parliamentarians, watch R rated movies, buy cigarettes or knives or be admitted to pubs or clubs under 18 years of age.

The reason we have these laws is because our society rightly recognises that children are vulnerable and need protection. 16 year olds are vulnerable to sexual predators as at this stage they are still growing and developing into adult maturity, both physically and psychologically. Why should they be placed in even greater danger from those homosexuals with a predisposition to paedophilia? Not to mention the heightened risk of contracting AIDS …

Please vote against the proposed changes to the legislation regarding the age of consent for boys in NSW.

The media and parliamentarians have attacked the Governor General, Dr Peter Hollingworth for failing to protect parishioners from paedophiles. Peter Hollingworth has admitted his error of judgement publicly but the NSW Government and parliamentarians who have supported this bill are perpetuating a far greater error of judgement upon our sons and daughters. Their hypocrisy is unbelievably disgusting.

Please vote against the proposed changes to the legislation regarding the age of consent for boys in NSW.

Yours faithfully,

Andrew Lubbock

Frank and Judith Vitens from Fishing Point had this to say:

As concerned parents we are writing to all Honourable members of the NSW Upper House to express our total opposition to the proposed Homosexual Age of Consent Bill currently before the NSW Parliament. We respectfully request that you oppose this Bill for the following reasons.

We believe that this proposed Bill is discriminatory to have a law that allows teenagers to engage in any sexual activity when other laws do not permit them to participate as equals in our community. Most 16-year-olds are still at school, they are not permitted to vote, buy tobacco products nor alcohol, join the armed forces, change their name, watch explicit sex scenes in R rated movies yet under this proposed legislation they would be permitted to participate in such acts.

The reason we have such laws is because our society rightly recognises that children are vulnerable and need protection. 16 year olds are vulnerable to sexual predators as at this stage they are still growing and developing into adult maturity, both physically and psychologically.

Lowering the age of consent to 16 takes away the onus of responsibility on adults to act with integrity towards young people. If consistency must be achieved, then the age of consent for all sexual acts should be raised to 18 years with exemptions, that currently exist, for peers who wish to participate in a sexual relationship on equal terms.

It is outrageous that in the light of society's criticism of the Governor General's handling of sexual abuse matters while the Archbishop of Brisbane, the NSW State Government is seeking to remove what little protections exist for children.

It would be a massive case of hypocrisy that the Parliament would consider crucifying the Governor General for his lack of care in not protecting children from sexual predators and exploitation and at the same time consider reducing the age of consent for homosexual sex to 16 years.

Therefore we would respectfully urge you to oppose this proposed Bill with all your vigour..

Yours Faithfully,

Frank & Judith Vitens

From Mark Daly came this objection:

Dear Member

I am opposed to the proposal to lower the homosexual age of consent and urge you to vote against the Bill.

I believe that the majority of the community also opposes this Bill.

Equality would be better achieved by increasing the age of consent for all to 18.

Please vote against the bill

Arne Olander, children's minister at the Christian City Church, Oxford Falls, sent this email:

Dear Honourable Member of Parliament

It has come to my attention that you are currently looking at lowering the age of consent for homosexuals to 16 years of age.
To pass this bill would be a serious erosion of the morals that Australia has been built upon.
As a minister, I have counseled a number of homosexuals. So far, I've yet to meet a homosexual who feels completely fulfilled with their life.
When the lights go off and the party stops, those who are honest all seem to admit they believe they may be looking for love in the wrong places.
From my experience, I think it would be appalling to give an adult the right to introduce a minor to this type of lifestyle at the very tender and immature age of 16.
I'm sure we've all met 18 year olds, who have yet to understand what life is all about, let alone 16 year olds.
I implore you to reject this change to the current laws. I believe you would do Australia and its future a great dis-service by accepting these changes. Please stand up for what is proper and right, Australians voted for you expecting you to be people of insight and resoluteness. Please don't let us down.

yours sincerely

Arne Olander

The following email came from Rod Jefferson:

Dear sir,

I am writing to you with regard to the current proposed Bill regarding reducing the legal age of consent for homosexual boys. I am aware that you have the opportunity to submit a conscience vote for this bill next week.

I am writing to express my concern regarding this bill, and to request that you reject the proposal on the following grounds:

1) It is Gross hypocrisy to lower the age of consent for homosexual acts of sodomy (buggery) for 16-year-old boys during the current attacks on Dr Hollingworth concerning reported cases of sexual abuse. 2) Lowering the age of consent to 16 years will make boys vulnerable to seduction by adult paedophiles. 3) Lowering the age of consent will allow promotion of homosexuality to 16-year-old boys. 4) Lowering the age of consent will encourage further acts of sodomy (anal sex), which is the main method of spreading HIV/AIDS. 5) The demands for equal age of consent can be achieved by increasing the age of consent for heterosexual girls and boys from 16 to 18 years, so both boys and girls have the same age of consent—18 years, in accordance with the Marriage age.

Please consider this bill with care for the sake of our children and society.

Kind regards,
Rsj

RODD JEFFERSON

C. and B. Jennings sent an email containing one word: No. George Carfield had this to say:

Dear MLC,

I understand that the bill to lower the age of consent for boys from 18 to 16 years will be voted on tomorrow, May 27th, 2003. This bill has many serious ramifications and should be rejected by the upper house. Please vote against this bill!

At a time when the Governor General, Dr. Peter Hollingworth, has been condemned by the media and others for failing to protect Church young people from a paedophile priest, this proposed bill would open the way for far greater evil on all NSW young people. How incredible to suggest that all 16 year old Australian boys in NSW should be legal prey to homosexual men! How unbelievable that a government would condemn Dr. Hollingworth and then vote for a bill which promotes far more extensive sexual evil upon young people far beyond the borders of the Church. In fact, among those cases where the boys are under 18, some perpetrators are not convicted because the perpetrator claims that the victim appeared to be or claimed to be 18. It can be therefore be assumed that a consenting age of 16 would bring even younger boys of 14 or less into a similar situation in court.

Would any parent in NSW vote for the above bill? Would any parent in NSW want to subject their child/teenager to homosexual advances at a time when they still need protection to mature physically, emotionally and spiritually? Would any parent or any young person in NSW choose to expose themselves to AIDS?

I urgently ask you as an elected member of the NSW Legislative Assembly to vote against the bill to lower the age of consent for boys from 18 to 16. Please vote against it and protect our boys.

Sincerely Yours,

George Carfield

George Kokonis, in a letter to me, wrote:

I am a highly concerned Primary and Secondary School teacher from Melbourne Victoria, who has heard that the NSW Parliament has almost passed a bill to lower the age of consent for boys from 18 years to 16 years.

As a teacher of this age group every day for the past 6 years, and having spent numerous years in both paid and voluntary youth work, I am appalled at the thought of this legislation being enacted. Children at this age are so vulnerable, often very confused about who they are, struggling for meaning and acceptance and therefore are prime prey for those who would take advantage of them for their own sexual gratification.

Why is it that children at this age are not allowed to drive alone, buy or drink alcohol, vote and so forth? Simply because they are not yet adult. Allowing sexual predators of both sexes free license to prey upon people of this age is nothing short of disgusting. This sort of legislation only makes already vulnerable people more so.

As a victim of childhood sexual abuse myself I understand all too clearly how children can be targeted and groomed for exploitation. Our children must be protected at all costs and I urge you strongly to oppose the bill.

Yours faithfully,
George Kokonis.

In his letter, Mr Reverend Tim Barlin, for and on behalf of the congregation of the Culburra Baptist Church, wrote:

I write concerning the Age of Consent Bill recently introduced into State Parliament. It is a welcome move that the government has granted a conscience vote on this extremely sensitive issue. I hope you will exercise your vote with careful regard to your own moral sense and for the views of the people in your electorate as they are expressed to you, especially this Bill affects the welfare of vulnerable young people not yet old enough to vote at all.

The proposal to lower the age of consent for teenage boys from 18 to 16 would significantly widen the scope for such abuse. Boys on average mature about two years later than girls. Many boys of 16 or 17 are still far from mature and may be confused about their sexuality. If an equal age for males and females is thought important, it would be far better to raise the age for girls to 18, as they too may need such protection. The real welfare of teenagers is at stake.

The Governor General's situation shows that as a society we are at present more alert and concerned than ever about child sex abuse. It is extraordinary then that the NSW Parliament is trying to make it easier for older men to prey on young and vulnerable boys. The law should still stand as a warning. It is much more than a matter of alleged discrimination against boys in their mid-teens who consider themselves homosexual.

Thank you for your consideration of this most important matter.

Yours sincerely,
Rev Tim Barlin

Mrs Pat Thomas, in an email from TsavedbyJesus, stated:

To M.L.C. members. I am writing to you all to encourage you to vote against this Bill by the Attorney General when it is presented to the Upper House. I encourage you members who have voted already against it when it was presented the first time to continue to vote against it. I encourage you members who are undecided to vote against it. The reasons are firstly it goes against God and his teaching that man and woman complement each other sexually, spiritually and physically in union with each other. The other reasons are boys between the age of 14 to sixteen are working out their own identity and like girls some boys go through puberty slower than others. Their hormones are still in confusion. It could become open slather by the homosexual community to hit on young boys who are confused by their puberty and taken advantage of and have a bad homosexual experience that could ruin there lives. And have no recourse because it is LEGAL. I have a 14 yr old grandson and I am standing against this Bill to protect his innocence and the innocence of others. In the United Nations Bill on the Rights of a child it is up to those in parliament in all nations to legislate Bills to protect the Rights of children. Boys are not even legal adults until the age of 18 yrs. I find this Bill offensive and not protecting the rights of a child at all. Especially in the light of the Governor General Mr. Hollingsworth's comments on Child abuse. I find this very hypocritical that the Attorney General should even present this Bill to parliament. I have a Bi-election in my area of Londonderry on Saturday, the late Jim Anderson's seat. I have already phoned the Labor candidate who is running for that seat. I wont be voting for him as a protest vote as a Labor man introduced this Bill. I have encouraged my friends to vote independent. I plead with you all to vote against this Bill for freedom of speech as well. Every one who does not agree with homosexuality is labelled a homophobic. This Bill will open doors for child molesters to approach our teenage children as well. I ask you, no beseech you in the name of common decency for our community and society

to vote no against this Bill. If you have children, especially little boys, do you want them to grow up in a society which has passed laws not to protect them against a minority group who want to prey upon our children and using their local members of parliament to do it and present these Bills to allow them to do it legally. So they can get those extra votes in the next election. The Rights of a child even 16 yr olds are still legally under aged until 18 yrs. Even in the courts they have to be sent to juvenile detention centres. See the hypocrisy of this BILL. Please vote no against this Bill for our children and grandchildren's sake. It is your GOD given right to say no. Where in Scripture does this legislation say God would give his ok to a BILL like this? HE loves Children and would want you to protect them. Thanking you Mrs. Pat Thomas/Mother and grandmother.

Mr John Dickins of Rydalmere wrote:

This is a request that you vote against the bill currently before the Parliament to lower the age of consent for boys. As a father and grandfather, and one who has some involvement in dealing with the problems in the community, I am concerned at the impact that liberalising further such laws will have on our young people.

I don't have any scientific research, but from many years of observation and knowing children and young people who have suffered all kinds of emotional damage and physical loss, I believe the liberalisation of "moral" laws is having a long-term effect and our society is the worse for it. I don't believe young people of 16 have the maturity to make such a life impacting decision. Many at that age faced with a proposition from an older person are already influenced by difficult and dysfunctional family situations and are easy targets. We should not be making it easier.

Unfortunately homosexuality, promiscuity and a lot of other unhealthy things are being legitimised more and more in our society in the name of "freedom". But this freedom and enlightenment is not improving the heart and spirit of our society. Don't let this add to the problem.

John Dickins

Gordon Griffiths, in a letter to me, stated:

Dear Charlie,

I have been a father of a teenage son and a teacher who has taught many boys aged 16-18. Our Laws do not allow boys of this age to join the army, vote for you, watch R rated movies, buy cigarettes or knives or be admitted to pubs or clubs. These laws rightly recognise that boys of this age are vulnerable and need protection. If you choose to vote to lower the age of consent for boys from 18 years to 16 years you would single out sexuality as the one area where boys between the age of 16-18 are no longer vulnerable and in need of protection. You would also have to assume that sexual predators of both sexes did not exist and that they did not treat teenage boys as prey. Homosexual men in particular openly admit a predisposition to young teenage boys. Boys aged 16-18 are vulnerable to sexual predators. At this age they are still growing and developing into adult maturity, both physically and psychologically. A vote for this bill would place them in even greater danger from those homosexuals with a predisposition to paedophilia. Not to mention the heightened risk of contracting AIDS.

Many in the media and parliamentarians have strongly attacked the Governor General, Dr Peter Hollingworth for failing to protect parishioners from paedophiles. Peter Hollingworth has admitted his error of judgement publicly but I believe that the parliamentarians who support this bill are also failing to protect boys aged 16-18 from paedophiles, thus perpetuating a far greater error of judgement upon them. I am always troubled by what I perceive as a double standard.

As a father of two daughters I am also aware that girls aged 16-18 are also vulnerable to being preyed upon by older men and women.

Yours faithfully
Gordon Griffiths

Vivian Grice wrote:

Dear Mr Lynn

I write as a matter of urgency concerning the Age of Consent Bill recently introduced into State Parliament. As I understand, the government has granted a conscience vote on this extremely sensitive issue. I hope you will exercise your vote with careful regard to your own moral sense and for the views of the people not only in your electorate, but also across the state, as they are expressed to you. For this Bill affects the welfare of vulnerable young people not yet old enough to vote at all.

May I take this opportunity to present reasons why I would oppose the Bill in question, for unfortunately it mixes helpful legislation seeking to more adequately deal with paedophiles with laws that are deleterious to the long term welfare of young people who are still in the throes of forming their personal and sexual identities, and are therefore prone to persuasion and influence that they may lack the inner maturity and strength to oppose.

The proposal to lower the age of consent for teenage boys from 18 to 16 would, I fear, significantly widen the scope for potential abuse by older and sometimes predatory men, of younger people who are under some confusion about their sexual orientation. As I am sure you are aware, boys on average mature about two years later than girls. Many boys of 16 or 17 are still far from mature and, for various reasons, may be confused about their sexuality. If an equal age for males and females is thought important, it would be far better to raise the age for girls to 18, as they too may need such protection.

In this matter, the real welfare of teenagers is at stake. Legal ages of consent probably have little direct influence on teenage behaviour. However, retaining in law an age of consent does provide some level of protection for those who may become the

victims of some level of predatory behaviour by those older than them. I urge you to vote against this proposed reduction in the age of consent for males.

Thank you for your consideration of this most important matter.

Yours sincerely,

Vivian Michael Grice

Neville Mitchell from the South Granville Baptist Church wrote:

Dear Sir or Madam,

Re Age of Consent Bill

On behalf of the Congregation of the South Granville Baptist Church, I write concerning the Age of Consent Bill, recently introduced into State Parliament. It is a welcome move that the Government has granted a conscience vote on this extremely sensitive issue. I hope you will exercise your vote with careful regard to your own moral sense and for the people you represent, as they are expressed to you, especially as this bill affects the welfare of vulnerable young people, not as yet old enough to vote at all.

The Governor General's situation shows that as a society we are at present more alert and concerned than ever about child sex abuse. It is extraordinarily strange then that the NSW Parliament is trying to make it easier for older men to prey on young and vulnerable boys. The law should still stand as a warning. It is much more than a matter of alleged discrimination against boys in their mid teens who consider themselves homosexual.

The proposal to lower the age of consent for teenage boys from 18 to 16 would significantly widen the scope for such abuse. Boys on an average mature about two years later than girls. Many boys of 16 or 17 are still far from mature and may be confused about their sexuality. If an equal age for males and females is thought important, it would be far better to raise the age for girls to 18, as they too may need such protection. The real welfare of teenagers is at stake.

Thank you for your time in reading this and your consideration of this most important matter and its consequences.

Yours Sincerely

Neville Mitchell Administrator South Granville Baptist Church

Ms Edwina Stewart stated:

Dear Member of the Legislative Council

We write to urge you to oppose the lowering of the age of consent for homosexual activities from 18 to 16. Instead please raise the age of consent for heterosexual activities from 16 to 18; the age for BOTH should be 18.

What a crazy society where 16 and 17 year olds are NOT allowed by law to:

Buy alcoholic drinks
Buy cigarettes
Vote
Change their name

yet they are allowed to engage in heterosexual activities! People at age 16 or 17 are TOO YOUNG to engage in either heterosexual or homosexual activities. Australia already has one of the highest rates of youth suicide in the world and our youth do not need further stress.

Simon Crean on radio this morning in regard to the Governor-General said nobody should be in a public position who does not protect children from sexual offences. What utter hypocrisy it would be if you pass legislation to protect those now regarded as pedophiles—and some even want to make this RETROSPECTIVE!!—just WHO are they trying to let off the hook?

It is deceit for this State Government to group in one piece of legislation:

(a) tougher penalties (which all support) plus

(b) a lower age of consent (makes it easier for pedophiles by opening up 16 and 17 year olds to exploitation) plus

(c) a retrospective amnesty for those persons who have already committed sexual offences on underage youth. Is this the class of person that you really want to protect and support??

Please protect our 16 and 17 year old youth not pedophiles.

Surely you can, at the Committee stage, pass item (a) while rejecting (b) and (c).

Yours truly,
Mrs Edwina Stewart Mr Alexander Stewart

Greg Stigter wrote:

Dear Sir

I believe passionately that 16 is far too young for a young male to make a decision about their sexuality. They are still forming their self identity (sexuality being one aspect).

The proposed bill would make it legal for an adult to influence the minor. It allows adults to legally abuse their power over a weaker juvenile.

On the other hand, even contemplating that a person in their 20's, 30's etc could legally have intercourse with my daughter in four years time (she is now 12) makes me sick in the stomach and makes my blood boil. I'm sorry that I did nothing when the age of consent was lowered for girls.

Now is the right time to make good our error and increase the age of consent for girls to 18.

Your faithfully

Greg Stigter

Lesley and John Hicks stated:

Dear Mr Lynn,

I write concerning the Age of Consent Bill recently introduced into State Parliament. It is a welcome move that the government has granted a conscience vote on this extremely sensitive issue. I hope you will exercise your vote with careful regard to the your own moral sense and for the views of the people of NSW as they are expressed to you, especially as this Bill affects the welfare of vulnerable young people not yet old enough to vote at all.

The Governor General's situation shows that as a society we are at present more alert and concerned than ever about child sex abuse. It is extraordinary then—quite horrifying, in fact—that the NSW Government is trying to make it easier for older men to prey on young and vulnerable boys. The law should still stand as a warning. It is much more than a matter of alleged discrimination against boys in their mid-teens who consider themselves homosexual.

The proposal to lower the age of consent for teenage boys from 18 to 16 would significantly widen the scope for such abuse. Boys on average mature about two years later than girls. Many boys of 16 or 17 are still far from mature and may be confused about their sexuality. If an equal age for males and females is thought important, it would be far better to raise the age for girls to 18, as they too may need such protection. The real welfare of teenagers is at stake.

Thank you for your consideration of this most important matter.

Yours sincerely,

(Mrs) Lesley Hicks, (Mr) John Hicks

Valerie Clarke stated:

Dear Hon. Charlie Lynn

I quote,

"It is discriminatory to have a law that allows teenagers to engage in sexual activity when other laws do not permit them to participate as equals in our community. Most 16 year olds are still at school, they are not permitted to vote, buy tobacco products or alcohol, join the armed forces or change their name.

The reason we have these laws is because our society rightly recognises that children are vulnerable and need protection. 16-year-olds are vulnerable to sexual predators as at this age they are still growing and developing into adult maturity, both physically and psychologically.

Lowering the age of consent to 16 takes away the onus of responsibility on adults to act with integrity toward young people. "If consistency must be achieved, the age of consent for all sexual acts should be raised to 18 with exemptions, that currently exist, for peers who wish to participate in a sexual relationship on equal terms.

We would consider crucifying the Governor-General for his lack of care in not protecting children from sexual exploitation and, at the same time, consider reducing the age of consent for homosexual sex to 16. 16-year-olds are not allowed to watch explicit sex scenes in R-rated movies, yet under the proposed legislation they would be allowed to participate in such sex acts."

As you make your conscience vote on this Bill this coming week as a mother of 4 and grandmother of 8 I urge you to consider seriously the affects this Bill could have on our society. Our youth are exposed to enough problems today with the breakdown of family life, drugs and sex. Surely we need to protect our children not expose them. By voting for this Bill you will be exposing your children or grandchildren to be preyed on at a younger and more immature age. Surely this is not what we desire in the present child/sex abuse time we are living in.

Yours sincerely

Valerie Clarke

An email from Graham O'Brien read:

To all MLC'S

Please follow your OWN conscience when voting for this controversial bill - I agree with the following points and am quite concerned with this bill before you. I have had six children, and am aware of the vulnerability of boys at this age!!

Please consider carefully your power in this vote - is this truly for a good cause???

1 It is gross hypocrisy to lower the age of consent for homosexual acts of sodomy (buggery) for 16-year-old boys during the current attention directed towards Dr Hollingworth concerning reported cases of sexual abuse.

2 Lowering the age of consent to 16 years will make boys vulnerable to seduction by adult paedophiles.

3 Lowering the age of consent will allow promotion of homosexuality to 16-year-old boys.

4 Lowering the age of consent will encourage further acts of sodomy (anal sex), which is the main method of spreading HIV/AIDS.

5 The demands for equal age of consent can be achieved by increasing the age of consent for heterosexual girls and boys from 16 to 18 years, so both boys and girls have the same age of consent -18 years, in accordance with the Marriage age.

Signed Concerned Voter

An email from Alan Hood addressed to all members of Parliament read:

I am emailing you to encourage you to vote against the Homosexual Age of Consent Bill for the following reasons.

1. It is gross hypocrisy to lower the age of consent for homosexual acts of sodomy (buggery) for 16-year old boys during the current attacks on Dr Hollingworth concerning reported cases of sexual abuse.

2. Lowering the age of consent to 16 years will make boys vulnerable to seduction by adult paedophiles.

3. Lowering the age of consent will allow promotion of homosexuality to 16-year-old boys.

4. Lowering the age of consent will encourage further acts of sodomy (anal sex), which is the main method of spreading HIV/AIDS.

The demands for equal age of consent can be achieved by increasing the age of consent for heterosexual girls and boys from 16 to 18 years, so both boys and girls have the same age of consent -18 years, in accordance with the Marriage age.

Having worked with young people for a large number of years, especially with victims of abuse and also having worked in the gaol system mainly with 'Special Protection' inmates I would have to say that lowering the age of consent in any way, either for homosexuals or heterosexuals only encourages young people (who often have an inflated sense of their own self control and understanding of the emotional consequences of their actions) to be put into situations of pressure by others in the community who are predatory or misusing the power that comes with their age or position.

An email from Marjorie Emm from Camden read:

Dear Mr. Lynn,

I am writing you today to urge you to vote against the Bill to lower the age of consent for boys who engage in homosexual acts. Each such step is a step closer to the destruction of our society.

Thank you for your consideration.

An email from Mark Yeomans read:

As a concerned parent of 2 children, I write to you in regard to the proposed changes to be made to the age of consent laws, and wish to register my strong opposition to the proposal.

I find it hard to believe that the proposal is being put forward. Surely anything that can be done to put a stop to paedophile activity is to be encouraged, however the proposed changes would only encourage it! In addition, there are many other factors which should be considered including the spread of STD's.One of my main concerns is the fact that many paedophiles will be able to hide behind the new law (if passed) by claiming they were not aware of the true age of their victims.

At a time when the GG is daily lambasted for his handling of child sex abuse cases, it would be an act of gross hypocrisy to support these changes.

I urge you to vote against the bill.

Philip Gerber, the Director of the Professional Standards Unit of the Anglican Church Diocese of Sydney, wrote:

Dear Mr Lynn,

I am writing to express my deep concern for the proposal to lower the age of homosexual consent to 16. My experience, as the person currently responsible for weeding out sexual predators from youth activites in the Anglican Church in Sydney and responding to allegations is that boys in the upper teens are particularly vunerable because of their lack of maturity and judgment to male predators especially around the 16 to 18 year age range. They are less mature than girls of a similar age and need protection.

I could recount many stories of boys in this age who are preyed upon by older men. In fact the so-called "boylovers" actually encourage it. Read it for yourself on the net. The Bill plays right into their hands. I can understand the valid wish to de-criminalise peer activity under 18 and perhaps some exception needs to be made there but to simply lower the age of consent across the board will put many boys (and they are still boys) at risk.

Please reject the bill.

I wrote back to Mr Gerber to ask him for more information. He replied:

Dear Mr Lynn,

Thank you for taking a stand on this matter.

To find the stuff on the internet just do a google search on "boy lovers" or "paedophile" and you'll see a range of groups who actively espouse their perversions. e.g. the North American Boy Lovers Association. You'll find that if you open the various web sites it will turn your stomach.

Can I suggest a way through the whole issue, because the argument that a differential between women and men on the age of consent is discrimiatory has some force at least on the face of it. The real discrimination is against girls and young women who are not protected after they turn 16. There is an argument which the feminists are not raising (and I'm certainly no feminist) that to have the age of consent so low for girls at 16 is discriminatory against them.

What should be done is to set all the criminal ages of consent at 18 (same as voting, contractual ability etc.) and to introduce a defence of peer activity of say a 2 year band. It is not good to criminalise peer sexual activity for older teenagers no matter how we may view it morally. So make it a defence to any charge of underage age intercourse that the person charged is no more than 2 years older than the "victim". That way young people would be protected but not criminalised.

An email from Ian Smith read:

Dear Honourable Liberal Party Members,

As a very concerned father of a 16 year-old intellectually disabled boy, I want you to be aware of my very strong disapproval of any moves to lower the age of consent for homosexual sex. I know my boy is still growing and is far from mature enough to make any sensible decision in regards to such an important issue that would have major ramifications on the rest of his life. In fact, when only 14, he was actually approached in a public toilet but speedy intervention fortunately prevented any serious abuse from occurring. Unfortunately, the feeble response from the police was to say that because my son, even though he kept saying 'No', succumbed to continued harassment and put his arm around the other person and because he looks much older because of his height, the other person could claim it was 'consenting' and therefore proceeded no further other than giving a warning to the other party - at our request! Under the proposed legislation, would the predator who approached my son now get away with abusing a 12 year-old using the same arguments?

The law considers a 16 year-old a child and as such is not permitted to:

1. Buy alcohol or cigarettes
2. Gamble (even a $2 Scratchie)
3. View an R-rated movie
4. Enter in to a financial contract by themselves
5. Vote
6. Get married without parental consent

In light of this, what right as sensible thinking adults do you have to open the door further for homosexually-inclined peadophiles to molest our children?

If as some would argue, that there is a need to bring equality in legislation, why not increase the heterosexual age to 18 and so make it harder for paedophiles to abuse any child?

I ask you to vote against this harmful legislation and live up to the title 'Honourable'- to show courage and not pander to the pressures of a shameful minority group just to win a few votes - it did not succeed before the last election but I am sure that you will receive more praise (and votes) by saying 'NO' to any lowering of the Age of Consent.

An email from Pastor Ian Charles of Cobar Baptist Church read:

I wish to express strong opposition to the Age of Consent Bill recently introduced into State Parliament. Although it is a welcome move that the government has granted a conscience vote on this extremely sensitive issue, I implore you to exercise your vote with careful regard to the your own moral sense and for the views of the people of NSW as they are expressed to you, especially as this Bill affects the welfare of vulnerable young people not yet old enough to vote at all.

The Governor General's situation shows that as a society we are at present more alert and concerned than ever about child sex abuse. It is extraordinary then that the NSW Parliament is trying to make it easier for older men to prey on young and vulnerable boys. The law should still stand as a warning. It is much more than a matter of alleged discrimination against boys in their mid-teens who consider themselves homosexual.

The proposal to lower the age of consent for teenage boys from 18 to 16 would significantly widen the scope for such abuse. Boys on average mature about two years later than girls. Many boys of 16 or 17 are still far from mature and may be confused about their sexuality. If an equal age for males and females is thought important, it would be far better to raise the age for girls to 18, as they too may need such protection. The real welfare of teenagers is at stake.

Thank you for your consideration of this most important matter.

An email from Leigh Austin, a community worker, read:

To members of Parliament …

As a mother, community carer and teacher. I am aghast that this issue has raised its ugly head in parliament. Our laws are creating havoc in our society … we reap what we sow.

Casinos: gambling problems, broken families, embezzlement, 16 years for girls age of consent: Never has there been STDs in our society and unwanted pregnancies in our society as there is at THIS time. Statistics speak for themselves.

Single Parent Pensions. Too easy to walk out of a Marriage. Child support battles. Teenage pregnancies. Family courts are overflooded. Teenagers/children are unsupervised with working parents trying to do the job of both parents.

… and many more social issues, why because some person in parliament decided to throw away values.

PLEASE DO NOT ALLOW THIS TO HAPPEN. WE HAVE TECHNOLOGY FLOODING OUR MINDS WITH RUBBISH I.E. INTERNET PORNOGRAPHY ACCESSIBILITY IS TOO AVAILABLE TO EVERYONE, EVEN PRIMARY AGED CHILDREN WHO ARE NOT SUPERVISED. WE NEED TO BE VERY CAREFUL WITH WHAT OTHER DECISIONS ARE MADE TO BREAK DOWN THE MORALS OF OUR SOCIETY.

Come on MPs be brave don't you think it is time to stand up for something GOOD, this is another evil victory for our society if YOU allow this to happen.

Leigh Austin, Community Worker

I received the following email from John and Jan Wyndham:

As a member of the NSW Parliament you have a vital role to play in this state. The Parliament of which you are a member has almost passed a bill to lower the age of consent for boys from 18 years to 16 years. On the surface, this sounds rather innocuous, but the reality is that this legislation will allow sexual predators of both sexes free license to prey upon teenage boys of NSW. Homosexual men in particular, openly admit a predisposition to young teenage boys. Boys are not allowed by law to join the army, vote for our parliamentarians, watch R rated movies, buy cigarettes or knives or be admitted to pubs or clubs under 18 years of age. The reason we have these laws is because our society rightly recognises that children are vulnerable and need protections. 16-year-olds are vulnerable to sexual predators as at this stage they are still growing and developing into adult maturity, both physically and psychologically. Why should they be placed in even greater danger from those homosexuals with a predisposition to paedophilia? Not to mention the heightened risk of contracting AIDS, a virtual death sentence.

The media and parliamentarians have attacked the Governor General, Dr Peter Hollingworth for failing to protect parishioners from paedophiles. Peter Hollingworth has admitted his error of judgment publicly but the NSW Government and all state parliamentarians who support this bill are perpetuating a far greater error of judgment upon the young people of NSW. We find their hypocrisy is unbelievably disgusting and an abomination.

Are you going to be one of those who will go down in history as further destroying the morals in our community? Or are you going to show courage and vote against the legislation? We urge you to vote NO to this legislation and show yourself to be a person of integrity.

I received the following correspondence from William Jones:

Dear Member,

I understand that a further attempt will be undertaken to lower the age of consent for boys who engage in homosexual acts.

I also understand that you yourself voted for the bill on the last occasion and I would like to encourage you to please vote against this bill.

I would like to add the following points to encourage you.

I believe that it would be gross hypocrisy to lower the age of consent for homosexual acts of sodomy (buggery) for 16-year-old boys especially during the current attacks on Dr Hollingworth concerning the reported cases of sexual abuse.

Lowering the age of consent to 16 years will make boys very much vulnerable to seduction by adult paedophiles and we have seen this happen on a number of occasions over the last few years.

Lowering the age of consent will only allow and encourage the promotion of homosexuality to 16-year-old boys.

I believe that lowering the age of consent will further encourage acts of sodomy (anal sex), which is the main method of spreading HIV/AIDS.

I believe that the demands for equal age of consent can only be achieved by increasing the age of consent for heterosexual girls and boys from 16 to 18 years, so that both boys and girls have the same age of consent - 18 years, in accordance with the Marriage age.

Yours Sincerely

Will Jones

[*The Deputy-President (The Hon. Tony Burke) left the chair at 6.45 p.m. The House resumed at 7.45 p.m.*]

The Hon. CHARLIE LYNN [7.45 p.m.]: As I said earlier, I question the haste with which this bill to lower the age of consent from 18 years to 16 years for young boys has been introduced into the Parliament. During the recent election campaign the Government had the ideal opportunity to tell the people of New South Wales that it planned to lower the age of consent for young boys from 18 years to 16 years. In his report on the police royal commission Justice James Wood said that lowering the age of consent from 18 to 16 was a matter for the community. The community has not been consulted nor has the issue been canvassed fully with them. That is why I question the haste with which the Government has introduced the bill. I have received more emails and telephone calls in relation to this issue than I have on any other issue since becoming a member of Parliament in 1995. The only way the community can be heard is for me to place their concerns on the record of this House. This will give honourable members an idea of community concerns and I hope they will bear those concerns in mind when they vote on the bill. I have received correspondence from church leaders, community leaders, parents and grandparents throughout New South Wales. When I returned to my room during the dinner break I realised that I had received yet more submissions and faxes today. One was from Mrs Janne Peterson, who stated:

Dear Mr Lynn,

The hypocrisy going on in this country at the moment is sickening. On the one hand the Governor General was hounded and treated like a guilty criminal by the Federal opposition for not dismissing an Anglican Minister 40 years ago who committed carnal knowledge with an underage teenage girl and on the other hand the State government, at the very first sitting of parliament, introduced a bill that will encourage disgusting older paedophiles (many in high places) currently lusting for 16 year old schoolboys (and younger) to legally commit sodomy with them—all in the name of "anti discrimination". If the first commandment in some of our legislators religion is "thou shalt not commit discrimination", then I humbly suggest (and request) that instead of lowering the age of consent from 18 to 16 for boys (and thereby breaking the law of God to make our own laws) it would be better to raise the age of consent for girls to 18. How ludicrous is it anyway that 16-year-old girls can legally commit fornication at 16, and yet cannot legally marry without their parents consent until 18? The simple rule is two wrongs don't make a right, lowering the age of consent for boys is just that. I ask you instead to right the wrong by raising the age of consent for girls to the age of marriage—to 18 years.

I hope and pray that all MPs who voted the bill, whether they be Greens, ALP or Liberal (such as the opposition leader John Brogden) are all voted out at the next election. I will encourage all I know, including over 2500 readers all over NSW, who receive the magazine I publish, to support and vote 1 for the members and parties who oppose this bill. I prayed decent men and women will have the numbers in the upper house to throw it out.

I sincerely pray, hope and trust that yourself, the Hon. Charlie Lynn, MLC, are also one of those truly honourable and decent members of the Legislative Council who will oppose the lowering of the age of consent for older men to commit sodomy with school-age boys. I also look forward to hearing from you in this regard.

Sincerely,

Mrs Janne Peterson,
Editor, Good Report

I remind honourable members that my purpose is not to comment one way or another on these emails and submissions, but merely to put the concerns of the community on the record. Later in the debate I shall give my views on the concerns as presented to me. About half an hour ago I received a fax from Mr Paul Knobel, who said:

Dear Member,

Vote against the Crimes Act of 1900 Bill Amendments.

VOTE NO

Members are urged to reject the shoddy piece of legislation on the following grounds:

(1) it takes no account of teenage sexuality and ability to consent (eg. consent the low 16 is not a defence)

(2) the bill is not necessary as NSW probably already has a legal age of sexual consent of 16 as the Crimes Act of 1900 clashes with both the Anti Discrimination Act on two grounds, (a) homosexuality and (b) age.

Furthermore, the International Covenant for Civil and Political Rights guarantees equal rights. It is noted that the High Court has found that Australians have a "legitimate expectation", the Covenant will be applied to legislation

This legislation is not worthy of the great state of NSW. Vote against it at all stages.

In a letter Dr David Morsillo wrote:

Dear Honourable Member,

With regard to the proposal to unify the age of consent for both males and females by lowering it to 16 years of age. I wish to voice my opinion about this. I think that it would be:

gross hypocrisy, in view of the current media attention re mishandling of sexual abuse cases,

sending the wrong message to the community,

ignoring the basic biological differences between the different rates of maturation of boys and girls.

If this unifying must go ahead, why not make it 18 years of age, in line with the marriage act, and definitely leave out the retrospective aspect.

I respectfully urge you to consider voting against this bill in its present form.

Wayne Strachan wrote:

As a member of a community based church I wish to draw your attention to the bill which has been put before the parliament by the Hon. Bob Debus, MP known as the Crimes Amendment (Sexual Offences) Bill 2003. I would like to make known to you my concerns which I believe are vital to the proper assessment of this important bill. The following points are, I believe, significant reasons to oppose this bill.

The current age of consent protects young men from psychological or physical harm as physical and emotional development is said to occur two years later in boys. Therefore they need the extra time to determine their sexual identity and preference.

A reduction in the age of consent could encourage predatory older males and also lead to a progressive relaxation of child sexual abuse laws. The Crimes Amendment (Sexual Offences) Bill could be viewed as contradictory in its aims to lower the age of consent for homosexual males but at the same time protect children from abuse.

The lowering of the age of consent could increase the opportunities for an expansion of paedophile networks.

The bill endorses promiscuous sexual behaviour amongst adolescent boys. The lowering of the age of consent may encourage adolescents to engage in homosexual activity at a younger age.

The current age of consent protects vulnerable and impulsive adolescents from such diseases as HIV/AIDS.

The bill may cause young men to experiment with homosexual activity and subsequently be 'seduced' or 'converted' to an unwanted homosexual lifestyle.

The bill may encourage male homosexual prostitution.

The age of consent for females could be raised to 18 to remove the discriminatory aspect of the law. The Hon Gordon Moyes MLC of the Christian Democrats has argued that the age of consent for all people regardless of gender or sexuality should be raised to 18.

The bill may encourage a move to have the age of consent lowered further or even abolished.

16 year olds are treated as children in most aspects of their life - they cannot vote, hold a driver's licence or watch x-rated movies. Therefore, a move to lower the age of consent is inconsistent with a number of other norms of society.

In summary, I would call upon all parliamentarians to examine their own consciences regarding the protection of youth in our state. As our elected representatives, under God, you have the responsibility to safeguard the youth of our community by upholding morally responsible legislation which will not allow sexual predators to take advantage of young men still growing into maturity, both physically and psychologically. Given the recent resignation of the Governor General primarily in response to the accusations of media and community figures of not protecting the rights of innocent youth, one would expect our parliament to be more circumspect than ever in this regard.

A positive alternative to the bill in question would be to raise the age of consent to a uniform age of 18 years regardless of gender or sexuality in order to avoid sexual discrimination and promote child protection in NSW. Amendments to the current legislation which more specifically target paedophiles would also be welcomed as a positive move towards a safer community for young people in our state.

Luke Jewell wrote in a letter to Hon. Henry Tsang, a copy of which was sent to me:

> As Pastor of a local church meeting within your electorate I wish to draw your attention to the bill which has been put before the parliament by the Hon. Bob Debus, MP known as the Crimes Amendment (Sexual Offences) Bill 2003. I would like to make known to you my concerns which I believe are vital to the proper assessment of this important bill. The following points are, I believe, significant reasons to oppose this bill.
>
> The current age of consent protects young men from psychological or physical harm as physical and emotional development is said to occur two years later in boys. Therefore they need the extra time to determine their sexual identity and preference.
>
> A reduction in the age of consent could encourage predatory older males and also lead to a progressive relaxation of child sexual abuse laws.

I have been advised that the next speaker on this bill is an important speaker, and I am sure he will address some of the issues that I had wished to touch on in my contribution. For the information of members of this House I have endeavoured to put on the record the many serious concerns of the community about many aspects of the bill. I received also a submission from Reverend the Hon. Dr Gordon Moyes. I believe that his words in this Chamber outlining his arguments against the bill are compelling, given his extensive experience in social issues. As honourable members know, Reverend the Hon. Dr Gordon Moyes is a former parole and probation officer. He has trained some 2,000 counsellors over a 25-year period, and he ran the largest network of psychiatric hospitals in New South Wales. I urge honourable members to re-read his speech carefully because I believe he has more experience in this field than the rest of us combined. I also urge honourable members to take note of this comment in his speech:

> 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.

There is no need for this bill. It will have no effect on young people exploring their sexuality in their teens—and whether it be male-female, male-male or female-female is not an issue. The last thing young people will do is go to their local library to check on the legislative rights or wrongs of what is on their minds. It is absolute folly to think that we would have some sort of specialised police unit to check that what young people are doing is within the letter of the law. In his response to the debate in the other place the Attorney General said:

> Clearly it is reasonable to assume at the very least that a high proportion of young gay men are turned into criminals by the present law.

That is an incredible assumption for the chief lawmaker of our State to make. He has access to all the figures and if it is the case that young gay men are turned into criminals by the current law, we need to know how many young gay men between the ages of 16 and 18 have been charged over the past decade as a result of having sex and how many have been found guilty. I am certain there has not been one in the past 10 years—but I am happy to be corrected. I have no issue with young people in their teens or in their twenties exploring their sexuality as part of their journey to adulthood. My concern is the opportunity it creates for older sexual predators who know how to identify and manipulate vulnerable young men and women. The Attorney General kept referring to "little boys" and "little girls" in his response to debate in the other place. I put on record that I am referring to young men and young women. They are teenagers, not little boys or little girls. There is a general consensus that the age of consent of 16 years for young women is about right in today's society.

I am concerned about the impact this bill will have on young men. Reverend the Hon. Dr Gordon Moyes referred to the dispute over the percentage of young people who are born gay. He advised that 10 per cent, which is often touted, is not accepted by researchers anywhere in the world and that current research shows the incidence is between 1 per cent and 1.7 per cent. I do not know whether this is correct but I believe it would be closer to that figure than 10 per cent. However, regardless of the percentage, these young people should not be stigmatised in any way, and I do not believe that a 16- or 17-year-old gay man who sought information or advice on any issue involving his sexuality would ever be prosecuted. That would just not happened in today's society. If any law requires teachers or social workers to dob in such people who come to them seeking advice or support, we should change the law. I am talking here about young men who are not certain of their sexuality by the time they reach 16. I assume this is a small percentage of those who are born gay—probably less than 1 per cent—however I would welcome any research that might give a more exact figure.

The law as it stands might provide some protection for these young men while they work through their issues. It also stands as a barrier to older sexual predators who seek to take advantage of their vulnerability. This is not the only area of vulnerability for these young men. Take the example of a young man who might have been stigmatised for his sexuality in a country town and who moves to the city to get away from it. If he does not have a good job and is feeling insecure, there is a good chance he will drift towards areas of the city like Darlinghurst and Kings Cross. The same would happen with young men from dysfunctional families within the

Newcastle, Sydney and Wollongong areas. These are the areas frequented by older male predators. These predators are often sophisticated, rat cunning and manipulative. Often they belong to powerful networks. They befriend these young men, offer them some comfort and relative security to win their confidence, have a few drinks with them and move them on to drugs and then sex. If the young man is drunk or high on drugs, he will not be able to recall details that will stand up in the cold light of a courtroom. We have seen this in court reports of high-profile people in recent years. The victim is confused under cross-examination and is then believed to be an unreliable witness. The case is thrown out and the victim is thrown onto the scrap heap of life. As legislators we have a moral duty to provide legal protection to the vulnerable and that is why I will be voting against the bill.

I return to my original question of motive. I have to ask why the Government introduced this legislation when there was no community demand for it and given that it was not raised during the election campaign. Is it clever wedge politics or is it something more sinister? It just does not add up in my mind. Let me go back to clause 49 of the bill introduced by the Attorney General and later removed after it was exposed by the shadow Attorney, Andrew Tink. The clause provided:

> (1) It is a defence to a homosexual offence that is alleged to have occurred before the commencement of the Crimes Amendment (Sexual Offences) Act 2003 that:
>
> (a) both parties were not less that 16 years of age at the time of the alleged offence, and
>
> (b) both parties consented to the act concerned, and
>
> (c) the act concerned would not, if it had occurred after that commencement, otherwise be unlawful.
>
> (2) In this clause, ***homosexual offence*** means an offence against section 78K, 78L, 78N, 780, or 78Q,

Would clause 49 have excused offenders who had consensual sex with 16- or 17-year-old boys whether it was this week, last week, last year, 1998 or 1984? In the other place the shadow Attorney General asked the Attorney General to answer a number of questions. The Government did not answer those questions so I am going to repeat them because I believe they need to be answered even though the Attorney General has removed clause 49. The shadow Attorney General said:

> It seems to me that this provision has retrospective effect to make legal after the fact offences currently illegal. I looked to see whether there was as similar provision in the 1984 Crimes Amendment Act relating to homosexual intercourse, and I cannot see retrospective application of that Act. I have not been able to do an exhaustive search of the legislation in this State to find whether there is another example of retrospectivity to make lawful what is currently unlawful. If there is such precedence, I ask the Attorney General to indicate in his reply what it is. I cannot support the retrospectivity of this bill. For the benefit of all members, before the bill comes to a vote in the Chamber the Minister for Police should make inquiries of every local area command and every local area commander around the State to find out whether any matters are known to police that are offences as the law stands. Before a vote is taken the Minister for Police needs to indicate to the Chamber that he has made an inquiry and what the response is.
>
> The Minister then needs to go to every joint investigation response team—according to the *Police Service Weekly* of 18 November 2002 there are 21 joint investigation response teams around the State who assist the child protection squad—previously known as the Child Protection Enforcement Agency—to make the same inquiry and let every member of Parliament know whether there is outstanding any matter that could under current law lead to an offence having been committed. Every member of Parliament needs to have that information. It may well be a nil return all round, but the Minister for Police needs to take affirmative steps to find out so we know before we make a decision on that provision. Next, inquiries have to be made of whatever material was left over from the police royal commission. I think the papers went to the Police Integrity Commission. Some inquiry needs to be made about whether any outstanding matters from the royal commission may be affected by this amendment.
>
> For the sake of completeness that includes, both with respect to the royal commission and with respect to the police, basically any file that is not closed. I trust that after a royal commission inquiry that dealt with paedophilia police are in a position to provide such information without delay. Those records should be readily available and their provision should not unduly hold up consideration of this matter.

The other issue regarding the Wood royal commission that needs to be put to rest is the speculation concerning a secret report by the commission that has not been released. I ask the Government to advise if there are any reports from the Wood royal commission that have not been released to the public. These questions were ignored by the Attorney in his response to his second reading speech in the other place. I ask that the Minister in this House representing the Attorney General seek answers to these questions in detail and include them in the Government's reply before the bill is second read in this House. I also have a number of questions that deserve answers before this House votes on the bill. I want to know, as I am sure all mothers and fathers in New South Wales want to know—and all legislators should know—why the Carr Cabinet included the retrospectivity clause 49 in the Attorney General's bill. We all have a right to know the answers to the many related questions.

I therefore ask the Government to respond in detail to these questions before I discuss them further in this House. What information was provided to the Carr Cabinet to accept the retrospectivity clause 49 as part of the bill? What is the meaning of consensual sex in the context of clause 49, which was removed from the bill last Wednesday? Would consensual sex have included sex with male prostitutes? Would consensual sex have included sex with underage male prostitutes? Is the Carr Government familiar with the term "rent boy"? What is the effect of the date of the offence in operation of clause 49 in relation to underage sex? That is, would offenders in the 1980s and 1990s have any concern with prosecution for underage sex or has sufficient time lapsed to exclude the possibility of any charges? After how many years does the possibility of charging for having sex with underage boys lapse? Why was the Carr Cabinet so determined to include clause 49 in the bill, which would have given immunity to offenders who had sex with underage boys? Why did the Carr Cabinet include such a provocative retrospectivity clause in a bill that was already highly controversial? Who in the Carr Cabinet was involved in deciding to include such an outrageous clause 49 in the original bill? Certainly, the Attorney General and the Premier were included in that decision, but which other Ministers were included in that decision?

Is the Carr Cabinet aware of any individuals who would have benefited from clause 49 immunity? Is the Carr Cabinet aware of any legislators or, indeed, any members of the decision-making Cabinet that would have benefited from clause 49 immunity? Why did the Carr Cabinet desperately want to get that clause 49 immunity into the bill? Has any person associated with the drafting, the debates or the promotion of the bill been interviewed by police in regard to Operation Cori or any other police investigation into allegations of male prostitution? If so, should this information have been disclosed?

My final question involves the reports of the Royal Commission into the New South Wales Police Service. As I said earlier, there has been speculation of an unpublished report of that commission. I would appreciate an answer from the Government whether that is correct. If it is not correct, then the speculation can be put firmly to rest. If, however, there is an unpublished report, then I ask when will the report be published and what action has the Government taken to address any issues in it? I ask that the Government address these questions in its reply and before the bill is put to the vote. I have expressed a number of serious concerns that I have about the bill. I have also expressed the concerns of citizens throughout the State who represent local communities and church groups, and of community social workers and parents who have made direct representation to me.

Clearly, this legislation has been rushed into the Parliament without any community demand to do so. It is clear that there have been very serious deficiencies in the drafting of the bill, as identified by one of the Government's own members. It is clear that the community regarded the retrospective clause in the bill to be abhorrent. Further, it is clear that the community has not been consulted, as was advised by Justice Wood in his report on the police royal commission. I respectfully ask and plead with the Government to withdraw the bill, to answer the questions I have put and to allow community consultation, as suggested by Justice Wood, to proceed so that if and when the bill is brought back before the Parliament we are in a much better position to debate it.

The Hon. DAVID CLARKE [8.11 p.m.] (Inaugural speech): I also oppose this legislation. In speaking for the first time I do so with a great and abiding recognition of the responsibilities that my new office places upon me and with the hope that my time spent here will be productive in service to the people of New South Wales. I come to this House as one who by conviction and belief respects, supports and upholds its history and traditions. As a member of the Legislative Council I will resist with all the vigour I can any and all attempts to bring about this House's demise, to weaken its powers or to diminish its stature and traditions in any way.

Over the years many outstanding and distinguished members have served in this Chamber. The late Jim Cameron was a member whose values and social beliefs I identify with. He had a unique and inspirational capacity to espouse values in noble and uplifting language as befits such noble values. A former and distinguished President of the House, Johno Johnson, representing an historic political institution of our country, the Australian Labor Party, has also been courageous, forthright and determined, especially in his elevation of the family, his defence of the right to life of the unborn child and his denunciation of abortion. He continues to champion these causes outside this Chamber.

I deem it an honour to find myself serving in this House at the same time as Deputy-President Reverend the Hon. Fred Nile. I identify with many of the values that he so courageously and consistently enunciates for our State and for our nation. I believe that the membership in this place of the Hon. Michael Gallacher epitomises the Liberal Party's belief in the capacity of individuals to strive for achievement through their own efforts and sheer determination based on merit. He has come up from the grassroots through service to

the community as an officer of our police force and today sits here as Leader of the Opposition. Our party takes pride in his achievement. My good friend the Hon. Charlie Lynn, by instilling patriotism and pride in our young people for our nation's history by his work on the Kokoda Trail and elsewhere, serves Australia in a commendable and inspiring way.

Tonight I want to testify to my commitment to the truths of the Christian faith—the faith professed by the overwhelming majority of Australians. I acknowledge the truths of my own church in all its holiness and all its goodness. I accept its teaching authority in matters of faith and morals.

I believe that there are unchanging core values that give recognition to God as the supreme inspiration for good and that those values represent objective truths and ideals that have come down to us through 2,000 years of Western civilising tradition anchored firmly on Christian ethics. I give testimony that Christian ethics and Christian society have provided the major humanitarian advances for mankind: in the abolition of slavery and child labour, in universal education, in the rights of women, in the sanctity of monogamous marriage, and in the protection of the innocent and the vulnerable.

I would like to provide an overview of where I stand on a range of issues that confront our society. I believe that the majority of the electorate of New South Wales will agree with me on the majority of these matters. Those who disagree that they are the views of the majority should at least concede that they are views held by a significant section of the electorate. In any event, that section of the electorate, whether it be a majority or not, needs to be represented, and I intend to be one of those who will speak on their behalf. I start from the premise that philosophically I am a conservative. I believe in conservative principles. I believe in preserving and building upon institutions and concepts that have evolved over time through trial and error based on virtues and ethical foundations that link together.

I am a constitutionalist. I uphold the Constitution of Australia and the Constitution of the State of New South Wales. I believe in the separation of powers and the three tiers of government at Federal, State and local levels. I support, and always will support, the pivotal place of upper Houses of review—the Senate for the Commonwealth and the Legislative Council for New South Wales. I support the sovereignty of the individual States and New South Wales. I am a State's righter. I believe that the sovereign powers of Australia should be retained by Australians for Australians. They should not be surrendered to international organisations and foreign bodies. Nations do not need to give up their independence in order to live in peace and co-operation with each other.

I have never understood the inconsistency of those who call for a republic with the erroneous claim that it will in some way enhance our independence and yet find these same elements leading the charge to hand over Australian sovereign power to the United Nations organisation. I oppose the centralisation of power as an article of faith. Never were truer words spoken than when Lord Acton said that power corrupts and absolute power corrupts absolutely. I believe in the independence of the judiciary to interpret and apply the law. But the judiciary is not there to override the Legislature and write new law through judicial adventurism. The job of writing laws belongs to the people of Australia through Parliament; it does not belong to judges. For judges to go down that path is a dangerous attack on the fundamental doctrine of the separation of powers. It is a usurping of parliamentary democracy.

In supporting Australia's constitutional framework I endorse at the apex of that system the constitutional monarchy. I am a constitutional monarchist, not only because of tradition, emotion and symbolism but because it is the most tried and trusted model for the protection of our freedoms. That is why it was endorsed by a majority of Australians in all States, including New South Wales, not that long ago, and will continue to be endorsed by the majority in the future. I love the Australian flag, and I love it the way it is with that Union Jack placed in the top left-hand corner comprising those three Christian crosses and symbolising so many of the unifying characteristics of our nation: our history, our common language, our Parliament and democratic institutions, the rule of law, and our Christian heritage. Let the present Australian flag, that great symbol of our nation, fly for all the years of our future.

I look back on our history with great pride. I honour those who came to our shores in those early years from the British Isles. They came here as settlers, not as invaders as revisionists would try to have us believe. They overcame great adversity and they laid the foundations, starting here in Sydney, for our State and our nation. They sanctified our nation through their efforts, achievements and sacrifice. It is a monumental besmirching of their memory and a falsification of history to claim otherwise. God can give a vocation not only to individuals but also to nations. Great Britain had a vocation that brought great humanitarian advances to many parts of the world, and certainly to Australia.

As new settlers come from other parts of the world, our nation is being enhanced and perfected. It has been enhanced by those who fled communist dictatorship and tyranny imposed under its boot. It has been enhanced by those seeking religious and economic freedom and a better and safer life for their families. Whether they were Polish, Croatian, Coptic or Chilean, they have blended in with what was here already. They have done that by virtue of their collective understanding and acceptance and collective support of the values upon which our country was founded. They have joined a great continent nation on the edge of Asia, but not part of Asia because we have our own unique identity.

As we survey the world around us, we can surely see that getting our immigration policy right is so vital for the peace, prosperity and cohesion of our society. Our policy must be decided by Australians themselves and by what is in the best interests of Australia. It should not be dictated by interfering dubious committees of the United Nations or self-appointed and unrepresentative fringe groups. I want to say what a great service the Howard Government has done by protecting our borders from those who would break the rules and arrive here illegally and uninvited. On this vital matter the Howard Government speaks for the overwhelming majority of the Australian people.

There is a growing feeling that future settlers need to have an understanding of and respect for core concepts of our nation and to work within those concepts. It is a nation steeped in Western and Christian values and ethics, a respect for the religious views and freedom of others, a respect for women and their equality, and therefore a belief in the institution of monogamous marriage and, above all, a track record of law-abiding conduct. We need to be not a continent of tribal groups striving to be partitioned off and in conflict with each other because of diametrically opposed values, but a society united in accepting our fabric of existing values—values with which no-one could reasonably take offence.

Internationally we are part of the Western alliance. Britain and the United States are our natural allies. The threat to humanity posed by communism would not have been confronted and defeated were it not for a strong and motivated United States led by a strong President, Ronald Reagan, and backed by Great Britain led by a strong Prime Minister, Margaret Thatcher.

I now want to say something about the family. I believe in the institution of the family—the traditional family unit that has come down to us through the ages. It is the foundation stone for a prosperous and stable nation. It is a God-given institution devised for the proper functioning of mankind. No success by our society in other areas can ever compensate for failure to enhance and exalt the family. By encouraging families we build stability and unity. They are the first line of defence in the fight against drug abuse, suicide, crime and other social ills. Family life makes good economic sense because a reduction in problems arising from broken homes and dysfunctional families correlates with a reduction in resources required to repair those problems. As a member of this Parliament I will always support legislation designed to enhance the family and its central nobility in our society.

Our greatest assets are our children. A child needs, wherever possible, the security and affection that should come from family life. Sometimes circumstances, many of them tragic and unavoidable, make that goal unattainable. Nevertheless, it is a target worth striving for. Every child deserves the innocence of those childhood years; every person deserves to be able to look back on those years with positive memories. Those who seek to rip away the innocence of childhood and those who prey upon children commit a crime of infamy. This is evil at its darkest; evil in its purest form. The protection of children is one of Parliament's greatest responsibilities. As a father of four children I feel the great weight of that responsibility. Children should not be starting life's journey disadvantaged because of neglect or abuse, or even unavoidable circumstances. I will be working in this Parliament to close that gap so that they have the same chance in life that every child should in a society based on morality and compassion. While I am talking about children, I point out that I will never vote to decriminalise drugs of abuse. That is because, to many people, especially the young, legalisation equates to community acceptance and approval. For the same reason I will not support drug trials or drug injecting rooms.

I respect the right of individuals to live their lives as they choose, unmolested and without harassment and persecution, provided they do not bring harm to others or to institutions and concepts that protect others. Accordingly, I cannot agree with key elements of an agenda that seeks to institutionalise homosexual concepts and elevate them to the same level as the family. I believe this is a process contrary to the natural law as perceived by virtually all civilisations, cultures and religious faiths down through the ages. If legally enshrined, it would seriously devalue the concept of the family and its ability to act as an anchor for society.

In practical terms, what does this mean for me as a member of this Parliament? It means that I will not support the legalisation of same-sex marriages, I will not support the reduction of the age of consent for males to

16, I will not support the legalisation of infant adoption by homosexual couples and I will not agree with the use of taxpayers' money to fund IVF procedures for homosexual couples. I believe in a culture of life, in the sanctity life and that there is no greater right than the right to life itself. I therefore express absolute and unchangeable opposition to the culture of abortion. The use of abortion to terminate the life of an unborn child for reasons of birth control convenience or other dubious reasons is a tragedy made all the more abhorrent because it occurs in a society that considers itself enlightened. In a similar vein, I cannot support the legalisation of euthanasia. To do so would be to open a floodgate for abuse. The Hippocratic oath would become an oath without meaning.

I will now turn briefly to stem cell research, an area of medical science that promises to bring huge benefits to mankind. As I understand it, those benefits are coming from research using adult stem cells. I support and welcome that research. However, I totally oppose research using stem cells extracted from human embryos. I therefore oppose its legalisation. I also oppose the legalisation of human cloning, which I see as a slippery slope pathway to the debasement of society.

We all agree that the future of our State rests on the quality of education and the standard of our institutions of learning. However, our education system needs to reinforce community values, human virtues, family life and pride in our history and institutions. We need basic literacy and numeracy skills for all and a rejection of the policy of reducing all students to the lowest common denominator. Our education system is made stronger because of its diversity. I support the democratic right of parents to choose to send their children to a government school or an independent school. The fact that parents, at great financial sacrifice, are sending their children in ever-increasing proportions to independent schools must surely show that there are deep concerns about some aspects of public education standards, discipline and what children are being taught in some areas.

I am heartened by the greater freedom of choice now offered to those in tertiary institutions. I look forward to the day when that freedom of choice extends to the right of students to decide whether they belong to student unions. Compulsory student unionism is a very sore point for those who believe in freedom of conscience. Another sore point with many, including those involved with religious organisations and their schools, is the growing tendency of anti-discrimination bodies to extend their empires by scouring for complaints, touting for business and lobbying for their statutory powers to be continually expanded. It is a culture in which everyone complains about everyone else. Perhaps the time has come for less scrutinising by these bodies of citizens and more scrutinising by citizens of these bodies.

I take great comfort that issues that I have talked about tonight are more openly discussed and considered in the media, academic institutions and the public arena generally. For too long the media was a closed shop, off limits to those who were not part of the left elite establishment. Now we see the emergence of commentators who are articulating the mainstream views held by the great majority of Australians. One who did persevere in difficult times was the late Bob Santamaria. I pay tribute to his memory; he was a man of heroic virtue. In present times, the *Daily Telegraph's* Piers Akerman is one who articulates what the majority of the New South Wales electorate thinks. Rare is the occasion when I find myself in disagreement with him. I find Miranda Devine, Christopher Pearson, Michael Duffy, Janet Albrechtson and Paddy McGuinness also worth reading, as I do Paul Sheehan, whose book *Among the Barbarians: the dividing of Australia* should be read by all who share a concern about Australia's future.

I have high regard for Peter Coleman, a former editor of *Quadrant* magazine. His scholarly research has for years exposed double standards practised by the Left establishment. In broadcasting, Alan Jones, by representing the views of the mainstream majority, shows why he is king of radio.

For too long left political correctness maintained a tight grip over academia. But, thank goodness, this also is being challenged by high-calibre academics like Dame Leonie Kramer, Professor David Flint, Professor Geoffrey Blainey and Keith Windschuttle, who has well and truly let the cat loose among the politically correct pigeons with his book *The Myth of Frontier Massacres in Australian History*.

In religious life, Sydney finds itself in the enviable position of having the leaders of its two largest denominations, Anglican and Catholic, speaking out forcefully for Christian concepts and moral values. Whilst Archbishops Pell and Jensen differ on some theological points, their unity of thinking and support of good social values will greatly benefit New South Wales as their influence hopefully increases.

I now want to say something about a great institution of our country: the Liberal Party of Australia. I uphold, exalt and pay honour to my party because it represents great traditions, truths, principles and policies. I

believe in its values, and I believe in its philosophical concepts. It represents the heart and soul of the Australian nation: it stands for mainstream views. It is comprised of people motivated by good intentions for our country's future. The founder of our party, Robert Gordon Menzies, was a man of stature. He was a man who, through his soul and his vision, comprehended those sentiments that manifest themselves within the majority of Australians.

In many ways the Government of John Howard is leading Australia to new heights of progress—not only in economic management and growth, not only in freeing up the productive energies of Australia and getting government off our backs, but in restoring a focus on sound social and moral virtues. He is restoring pride in our history and traditions, and in our symbols and institutions. Some years ago I heard John Howard speak at a function. He was not then the Prime Minister—he was not even the Leader of the Opposition. He laid out his values and his views, and they were the values and views that I believed in as well. And I want to tell you that from then on John Winston Howard had won me for life. He is a man cast in a hero's mould, and every day that he remains as Prime Minister is a blessing for the Australian nation.

Other Liberal parliamentarians from this State—like Tony Abbott, Bronwyn Bishop and Ross Cameron—inspire by articulating the sound principles underlying the Howard Government. And there are still others like Jackie Kelly, Helen Coonan and Bill Heffernan, each of whom contribute to our great party. The Liberal Party now has a new young generation of members of talent and dedication to carry our party forward. Nicholas Campbell of our party's State Executive, Alex Hawke, the new President of the Young Liberals, and his three vice-presidents, Natasha McLaren, Anthony Orkin and Kyle Kutasi, are all in the vanguard of our party's organisational wing. I take great pride in being a member of a party comprised of such good young people as these.

I acknowledge with deep thanks a multitude of friends within the Liberal Party; they have been pivotal in my becoming a member of this House. There are too many to mention by name, but they will know who they are. I deeply value their advice and counsel. Those who know my wife, Marisa, will understand why I acknowledge her here tonight. She not only believes in decent things and good virtues, but in her thoughts and in her deeds she actually lives them—and certainly infinitely more than I could ever dream of being able to do. However, in our beliefs she is at one with me, and I am at one with her.

My daughters, Caroline and Ann-Marie, and my sons, Michael and Andrew, are here tonight also. In many ways, in a reversal of roles, because of my political involvement they have often had to carry me on their shoulders. But, in spite of that additional burden, they continue to achieve in their lives and in their goals. To my wife and me, they are our pride and joy. To my parents—my late father and my mother, who is present here tonight—I acknowledge the affectionate home life that both my sister, who is also present here tonight, and I were part of. They always put their children first. Finally, I acknowledge with gratitude the Liberal Party itself. I would not be here without its endorsement and support. My life has been spent in membership of that party, and any years ahead of me will be spent in membership as well.

As a member of this Parliament I will be working to fulfil the trust the Liberal Party has placed in me. I will be working to ensure that its trust will never be betrayed. And as I work to uphold and advocate the conservative, mainstream and Christian-based truths and values that I believe our nation is based upon, I will be working to do so with determination, I will be working to do so with dedication, and I will be working to do so with missionary zeal. At all times I want to work in a way in which I hope I can act with charity and compassion, with integrity, and with generosity of spirit, but in the absence of meanness of spirit. If I can manage to do all those things, then, God willing, I cannot go wrong.

The Hon. JAN BURNSWOODS [8.37 p.m.]: I congratulate the Hon. David Clarke on his inaugural speech. I probably disagree with almost every word of it—and if he were to stay in this Chamber instead of partying with all his friends and supporters he would probably disagree with almost every word of the speech I am about to make. However, one of the great things about the Parliament to which we belong and the democracy in which we live is that we can disagree with one another on a great number of matters.

I have great pleasure in supporting the Crimes Amendment (Sexual Offences) Bill. The bill is important because it provides for the equal treatment of sexual offences irrespective of whether the victim and perpetrator are male or female. It is important because the Crimes Act 1900 is discriminatory, in that it provides for different penalties for sexual offences depending on whether the perpetrator and victim are male or female, heterosexual or homosexual. The Act is also discriminatory in that it provides for different ages of consent for heterosexual and male homosexual intercourse. The bill removes that discrimination and introduces equal treatment before the law, which is long overdue.

As honourable members know, I have a very great personal interest in this legislation. In 1997 I first gave notice of a private member's bill to equalise the age of consent in New South Wales. Quite a lot has been said in this debate about the final report of the Wood royal commission. That report was tabled in August 1997. When Parliament resumed a month later I gave notice of this bill, and it was introduced the following month. It is interesting to look back and see how far we have travelled. At that time in 1997 the Labor Party stuck to the view it had adopted on these matters back in 1984 when the Wran Government decriminalised homosexuality between consenting adults.

While the Labor Party stuck to the view of allowing members a conscience vote, the Opposition did not do that. Indeed, in 1997 when some members tried to prevent debate on the bill, we ended up with the very rare experience of debating it on the first reading because there were none of the usual courtesies of it proceeding to a second reading. In 1997, under the old standing orders, after several people had spoken to the bill on the first day it then fell to the bottom of the notice paper and was not seen again before the election. In 1999, after the election, I tried again and—as many members have said in this debate, both in this Chamber and in the other House—the bill was defeated by only one vote.

On that occasion the Opposition, both the Liberal Party and National Party, allowed a conscience vote. I was very conscious at the time that some of the members who voted for the second reading may well have wanted to make certain changes in committee. I respected the different views put forward in debate—that is what a debate is all about. I tried again last year. It was clear by November that there was very little of the former Parliament left and eventually, as a compromise, the bill was referred to a committee. So the debate did not get very far. Finally, having tried over a period of six years with a great deal of support in this House, in the Labor Party and elsewhere, I have the pleasure of speaking on a Government bill on this important matter. As a safeguard I put my bill back on the notice paper this year, but I hope I do not have to fall back on it.

Since 1997 the debate has moved forward a long way. The previous speaker, the Hon. David Clarke, referred to our constitutional background and history. The United Kingdom has equalised the age of consent; Western Australia has quite spectacularly moved to introduce equality and end discrimination against gays in one piece of legislation. Since that time amendments were made to the De Facto Relationships Act and the Property Relationships Act, which have gone a long way towards equalising the rights of same-sex couples in a variety of ways. Despite the changes in respect of the age of consent, New South Wales remains far behind other States and countries. Perhaps 20 years ago we were the vanguard towards ending discrimination and introducing equality. We have now fallen a long way behind.

I interjected when the Hon. Charlie Lynn was speaking because I believe that every email and letter he read has been received by numerous members in this House, particularly over the past few days. I have spoken to many members of the lower House on this matter. I have been struck by the paucity of correspondence, visits to electorate offices and phone calls that members have received. There has been a flood in the past few days. I do not know whether other members have had this experience, but for some reason I received a great number of emails from Baptists. I believe I have received an email from every Baptist Church in New South Wales. I assume somebody organised that.

I think the reason for the absence of visits, appointments, phone calls and letters is that this is not a controversial issue in the community. It has ceased to be a controversial issue, and I suspect it ceased to be controversial even before I first introduced a bill in 1997. I believe it is a controversial issue for some members of Parliament, for some church members, and obviously for those gay men who suffer the consequences of discriminatory legislation. I firmly believe that in New South Wales over the past 20 years or more—with the introduction of rights for same-sex couples, the mardi gras and the revenue the State derives from it and other activities—there is very little controversy about this bill. We should celebrate that, because it proves that we have grown. Although in some ways many members of Parliament have not grown to that extent, I firmly believe that the vote in the lower House and in the upper House will reveal that we have the courage to catch up.

This debate records the number of members in this Chamber who have spoken: I believe it is in the twenties, which is much higher than usual. It reflects the fact that members may take a conscience vote. Most of the speeches, regardless of the stand that members have taken, have been thoughtful, reasonable and sensitive. Some have not.

The Hon. Duncan Gay: More members than that spoke on the matter of Vince Bruce.

The Hon. JAN BURNSWOODS: That was also a conscience vote, so that is not surprising. We obviously made a terrible error in that case, but we live to be corrected. I wish to comment on some of the more

extreme remarks that have been made in debate and the more bizarre comments that have been made outside the Parliament about what seem to me to be two fundamental misunderstandings. One is the reiteration by some people that this bill will contribute to an increase in child sexual abuse. I find that argument incredibly difficult to understand but, nevertheless, it is put forward sincerely. It seems to be based on the fundamental failure to recognise that this bill is about consent. If there is no consent then there is abuse, whether the victim is 16, 17, 28 or 98 years.

Sexual abuse is fundamentally an issue relating to lack of consent, and as a society we deem that certain people—usually because of their age but not only for that reason—are unable to give consent. But I deny that this bill, surrounded by safeguards of various kinds, will contribute to an increase in child sexual abuse. The other fundamental error that continues to be made in this debate—as it has been made in every one of the debates that I have participated in on this subject, not only in the House but elsewhere—is the continued use of the words "paedophile" or "paedophilia" to imply that only gay sex is paedophilia; to imply that sexual abuse of young people is something that can be summed up by the word "paedophilia".

The evidence overwhelmingly states that sexual abuse against young people is carried out against young girls, not boys, and overwhelmingly within the broader family community. Sexual abuse—paedophilia, if one wishes to use that word, although I do not use it in relation to sexual abuse—is overwhelmingly carried out by fathers, stepfathers, uncles and male partners of the mother of the young girls and young women. Indeed, the statistics show that in our society sexual abuse is carried out overwhelmingly by men against women in heterosexual relationships. I do not use the word "paedophilia" to apply to "sexual abuse", but in some of the contributions those terms have been used as if they were interchangeable. They are not.

It has been noted in the debate that women in all parties have supported the bill more proportionately than men. The point was made that of the 22 women in the Legislative Assembly only three voted against the bill—that is, 19 of the 22 voted in favour of it. I can think of a couple of reasons why that is the case. One is the reason I just mentioned: Women understand that sexual abuse in our society is carried out overwhelmingly by men against women. The women in this place have spent most of their lives fighting against that in various ways by involvement in women's refuges, fighting domestic violence or seeking legislation against stalkers—that is, most of us have spent a large amount of time fighting to stop the level of sexual violence committed against women and girls.

I firmly believe that women in this House and in the lower House understand that. Therefore, to them this bill should be judged on its merits and not confused with sexual abuse. The other reason is that women in this Parliament, as elsewhere, have fewer problems accepting their own and other people's sexuality. Much of the worst letters and phone calls that have been received—and a couple of the more unfortunate speeches that were made, more in the other House than in this House—reflect men's inability to come to terms with their own or perhaps others' sexuality. That is a problem for those men, and not one that should affect this bill.

I take up some remarks that Deputy-President Reverend the Hon. Fred Nile made today—not in his Thursday manifestation—which will be debated further in Committee. He suggested that we should finally grant the notion of an equal age of consent. Although, I point out that in this House, as elsewhere, there is considerable division on that ground of equality. Reverend the Hon. Fred Nile referred to an equal age of consent of 17 or 18 years. That was a major issue in the bill I introduced in 1999. What strikes me about this argument is that I have been a member of this place for 12 years and Reverend the Hon. Fred Nile has been a member of this place for 22 years. In all that time not one member of the New South Wales Parliament has said that young girls suffer through abuse by older people and has sought to introduce a bill to raise the age of consent for young girls. If Reverend the Hon. Fred Nile, or anyone else, had thought to introduce such legislation or to seek a reference to a committee for debate to raise the age of consent for girls I would now accept that we are having a real debate in this place about raising the age of consent.

Over the past six years I have struggled to introduce three bills relating to the age of consent, against considerable opposition from some people in the Labor Party. I sought to do that because of my beliefs. Why have those who suddenly want to protect young girls by raising the age of consent not used the forms of the House to do likewise? I hate to come to the conclusion that there is a certain hypocrisy about this, but I find it difficult that despite all the forms of the House—such as private members' days, committees or amendments to legislation—not one member has taken even the smallest step towards doing something about that issue. I was going to make some general comments about why the bill is necessary, but it is so late in the debate that it is almost unnecessary for me to do so. It is becoming increasingly obvious that the bill is deserving of passage on its merits, I hope by a majority, as in the lower House. I refer to the concluding remarks of the second reading speech of my private member's bill in 2002. In summary, I said:

> I conclude by appealing to honourable members to exercise their conscience and accept 16 years as the age of consent for young men and boys—as has been accepted in our community, probably for centuries, for young women. I ask honourable members to do that not only because of the moral arguments and ethical arguments for equality but also in recognition of the sexual practices of young adolescents in our society. I believe it is time to bring the New South Wales Crimes Act into line with legislation in all other States of Australia and in most countries with which we traditionally compare ourselves. Moreover, it is time to bring our legislation into line with the current sexual practices of young people. We run the risk of making legislation inoperable, indeed a laughing-stock, if it remains wildly out of step with what our young people are doing.
>
> Parliament and legislation should stay out of most matters of sexuality, with the exception of those relating to protection against exploitative behaviour...

I have tried on a number occasions in the past to explain to various people that the bill I introduced was quite limited because it did not seem suitable, in a private member's bill, to undertake the task of trying to amend numerous sections of the Crimes Act 1900, which is a lengthy Act. I congratulate the Attorney General, the Premier and the Government on introducing this bill. As the Premier said in answer to a question more than a year ago, this bill introduces the kind of equality and ends the kind of discrimination that we have all been talking about. It introduces the many safeguards to which we are all committed in the interests of protecting the very children that we talk about so much. I commend the bill to the House.

The Hon. PETER PRIMROSE [8.58 p.m.]: I have listened respectfully and quietly to the contributions of many honourable members to the second reading debate on the Crimes Amendment (Sexual Offences) Bill. The Australian Labor Party, like the Liberal Party, has given its members a conscience vote on this bill. Accordingly, I prepared quite a lengthy speech on this bill—I tried to express my views adequately as to where my conscience lies. However, having listened to and thoughtfully considered all the matters, I think it is time we got on with it. I simply take the opportunity to say that, after listening to all the views expressed, I strongly support the Crimes Amendment (Sexual Offences) Bill.

I can argue no better, and put no better argument, than what appears in the long title of the bill. I challenge anyone to say how they could possibly oppose supporting the equal treatment of sexual offences against males and females and increasing the penalties for sexual offences against children. I think the long title succinctly describes what this bill is about. I strongly support it. For example, I have heard no arguments in all the bits and pieces relating to the varying ages of maturity of males and females. No-one has suggested to me, for example, that in New South Wales we effectively have an age of criminal responsibility of 14 years for both sexes. No-one has, for instance, suggested the obvious corollary that if the two genders matured at different rates girls should be held criminally liable at a younger age than boys. A range of obvious issues would flow from that argument. I will not take up the time of the House any longer. I urge honourable members to examine their consciences. Bearing in mind the debate today, I commend most honourable members for their contributions—other than those who chose to read out voluminous correspondence from other individuals. At the same time I urge honourable members to exercise their consciences and, I hope, support this long overdue legislation.

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [9.01 p.m.], in reply: It gives me great pleasure to close the debate on the Crimes Amendment (Sexual Offences) Bill and to reply to the contributions that have been made. I thank all honourable members for their contributions to the debate on the bill. Many issues have been raised, and I intend to respond to them in my reply. The debate has shown that there are many cogent and forceful reasons to support this bill. An unequal age of consent tacitly says to the community that it is right to discriminate against a person on the basis of their sexual orientation. The current law stigmatises young people and makes them criminals. It denies them help when they need it most—when they need advice about safe sex and HIV-AIDS, when they need to be protected against violence and homophobia, and when they need counselling and support.

I have sat here and listened to the whole debate on this bill, and I appreciate that for many members the debate was both difficult and challenging, requiring them to think long and hard and, for some, to reconcile competing values and philosophies. I feel fortunate that I come much more easily to this debate. I strongly support this bill for both equalising the age of consent and strengthening the penalties for child sexual assault. I do not need to grapple with my conscience; I am very clear about what is the right thing to do. The increased protections provided to children who are victims of abuse sends a strong message that sexual abuse of children is intolerable and abhorrent. Equalisation of the age of consent is long overdue, and I want to speak about that in a personal sense before I move on to give a more detailed response to the issues raised by honourable members in the debate. I find the idea of discrimination based on sexuality or on any other grounds completely unacceptable.

The challenges and difficulties that can confront some young gay and lesbian people, and the sense of low self-esteem that can result from feeling that they are not accepted and supported by the broad community,

have been well documented by many speakers, and I do not intend to add to that. However, I think that as a community we should be doing all we can to address this. By passing this bill, we will make a clear statement that it is not right to discriminate against a person of the basis of sexuality. I want to recall a personal anecdote because for me it is important in terms of why I support this bill. I vividly recall the internal struggle experienced by a young friend of mine as he contemplated the difficult decision of telling his family that he was gay. He wanted to be honest with his loved ones about who he was. He wanted to tell them about what he was as a person, but at the same time he was torn by the idea that he would disappoint his Catholic parents or that, worse still, they would reject him. He took the brave decision and his parents took perhaps the even braver decision to embrace him for who he is. We owe it to all young gay men to show them respect by treating them equally before the law.

There is no valid reason why a young heterosexual man can have sex at 16 yet a young gay man who has sex at 16 is a criminal. Passing this bill will not overnight make the decisions of people such as my young friend any easier, but over time equalising the age of consent, along with other actions, should see a community in which homophobia will no longer be a feature and a community that embraces fairness, equality and consistency. That is the sort of community I want to be part of. I shall now respond to the various matters that have been raised in debate. First, I turn to the issue of retrospective defence, about which there has been some significant discussion. The claim has been made that this bill retrospectively decriminalises homosexual abuse of young gay men between the ages of 16 and 18. The defence stood for the proposition that persons should not be prosecuted for past behaviour that has subsequently been decriminalised.

Despite the provisions being largely symbolic, in that the Director of Public Prosecutions [DPP] has a standing practice not to prosecute any past activities which have since become lawful, the provision was removed by way of a Government amendment in the lower House. Some honourable members and commentators have misrepresented the provision as one that would somehow protect incidents of child abuse that occurred in the past, and that was said in this House. Honourable members and others need to understand that any abuse—that is, any non-consensual sexual activity—is sexual assault, and sexual assault crimes are not adversely affected in any way by this bill. In fact, the bill increases the penalties for non-consensual sexual activity. The police will continue to investigate all allegations of sexual abuse, and the DPP will continue to prosecute them.

I now turn to the issue of the Wood royal commission. The Hon. Tony Burke referred to the Wood royal commission and how it had been misrepresented. He then went on to quote selected passages that he interpreted in a certain way. To clarify this point, I urge honourable members to go to the final report and read the conclusions of the royal commission. They will find the relevant section at pages 1074 to 1087 of Volume V under the heading "Reform". In this section Justice Wood considers other jurisdictions and then sets out the arguments for change and the arguments against reform that would equalise the age of consent. Most importantly, I direct honourable members to page 1079, at which Justice Wood sets out his conclusions as to the question of whether the age of consent should be equalised. He said:

> The question whether there should be any change in the age of consent is uniquely a matter for the community, rather than for this Commission to determine. However, upon the material available, the Commission is able to state that it sees no reason:
>
> - to perpetuate the distinction between consensual homosexual and heterosexual activity; or
> - to suppose that legislative change to achieve uniformity in this area would bring about any behavioural shift, or that it would, in real terms, expose any more children to the risk of paedophile activity than are presently exposed to that risk (that is, so long as the age of consent does not go below 16 years).
>
> Accordingly it considers it appropriate for the relevant legislation to be the subject of further review in the light of community opinion, and in light of matters identified in this Report.

After reading that section, it is clear to me why Justice Wood framed his recommendation in the way he did. He considered this question to be a matter uniquely for the community and, therefore, a question for this Parliament to decide—and that is what we are doing. Indeed, that has been recognised by making the issue a conscience vote. However, there is no escaping what Justice Wood concluded. Once again, I urge honourable members who have any doubt to refer to what is contained in the final report. I now turn to the gay youth suicide rate, which again was raised by the Hon. Tony Burke in his speech. The honourable member queried the figure that has been quoted in relation to gay youth suicide. I want to make it clear that the figure does not mean that there has been a 300 per cent increase in the suicide rate of gay youth; it means that gay youth are 300 per cent more likely to commit suicide than their heterosexual peers.

In addition, it was never claimed anywhere that the unequal age of consent was the sole cause of this imbalance. I sometimes find it difficult to understand why the debate is around numbers and figures. I am sure

that the Hon. Tony Burke would not take issue with the fact that gay and lesbian youth are faced with additional problems in coming to terms with their sexuality, which are piled on top of the usual adolescent problems. It was to this issue that the Attorney General was referring. The legalisation of the age of consent is not a panacea to all the problems of gay youth but it would represent the removal of systemic discrimination that tacitly says to young gay men that it is right to discriminate against them for what they are and, quite literally, says that they are criminals.

To answer the specific questions of the Hon. Tony Burke, the 300 per cent figure was drawn from a study conducted by Jonathan Nicholas of Macquarie University. It was a particularly relevant study as it was conducted in Sydney. The study examined the rate of suicidal behaviour using a matched sample of 57 gay and 54 straight males aged between 18 and 24. A self-administered questionnaire covering sexual behaviour, support, substance abuse, relationships, experience of violence, current and lifetime mental health, and gay youth experiences of coming out was administered. Gay youth had significantly higher levels of suicidal ideation and were 3.7 times more likely to attempt suicide than straight youth, most attempts occurring between the ages of 15 and 17. If honourable members are interested in further studies on the issue of gay youth suicide, I can provide references for several overseas studies that confirm that young gay men are more likely to attempt suicide than their heterosexual peers.

I turn to consultation. A significant number of members in this place said that the Government has unexpectedly sprung this issue on Parliament. This has been a live issue from the moment Parliament voted to decriminalise homosexuality but compromised by setting an age of consent different for heterosexual sex. That was 1984—19 years ago. Since then it has been the subject of a multitude of government inquiries and royal commissions, including the Wood royal commission, which received large numbers of submissions on this topic from individual members of the community, churches and religious associations, academics, medical practitioners, and various councils, boards, associations and agencies representing a wide cross-spectrum of views and interests. Lobby groups have been constantly bringing the disparity in the law to Parliament's attention. For some time the gay and lesbian rights lobby has been running a campaign on this issue entitled "New South Wales—the last State".

Most recently the age of consent has been the subject of two private members' bills in this House and an inquiry by the Legislative Council's Standing Committee on Social Issues. I understand that well over 100 submissions were received from a wide variety of individuals and organisations in relation to an equal age of consent. The Premier and the Attorney General have publicly endorsed an equal age of consent, supported by strong and effective job protection measures. The Leader of the Opposition in the other place has long been on the record as supporting an equal age of consent. On top of that, both the Labor Party and the Liberal Party have allowed members a conscience vote on the matter, allowing all views to be aired fully.

I turn now to sexual maturity. It has been suggested that boys develop sexually later than girls, and this has been used as a policy basis for the differing age of consent. Of course, this argument is inherently inconsistent, as the age of consent for heterosexual males is also 16 years, so to be logically consistent the argument would have to be that the age of consent for girls should be 16 and the age of consent for all boys—both heterosexual and homosexual—should be 18. It is just about impossible to conceive of a valid policy explanation for having a different age of consent between heterosexual males and homosexual males that does not have its roots firmly in homophobia and prejudice.

The issue of predatory paedophiles has again been raised by honourable members in this debate. It is unfortunate that the debate has been clouded by the mistaken belief of some people that paedophilia is an offence committed only by gay men. Some honourable members have been focusing on the idea of predatory paedophiles preying on young boys. Other honourable members have said it, but I will restate it: it hides the true facts of paedophilia. It is an offence that is overwhelmingly committed on girls, not boys; it is overwhelmingly committed by heterosexual men; and it is overwhelmingly committed within the family. The protection of young people from predatory offenders is clearly an important issue, but a discriminatory age of consent seems to say either that young gay men need greater protection or that young females warrant less protection than their male peers. Logically neither argument can be maintained.

The Government believes in strong sexual assault laws and strong child sexual assault laws that protect all people, male or female. This bill increases child sexual assault penalties to protect all children, and the Crimes Act also has adult sexual assault laws to protect all people from sexual assault—that is, non-consensual sexual acts—and also from situations where vulnerable persons may be coerced into sexual activity. Consent is not an issue in child sexual assault matters but is often the central question in adult sexual assault matters. If a

power imbalance is so great between two parties regardless of age, an argument can be made that consent has been vitiated. For instance, consent obtained under duress would not be a defence against a charge of sexual assault. There is a specific offence in the Crimes Act of sexual intercourse procured by intimidation, coercion and other non-violent threats. This occurs when a person uses non-violent intimidatory conduct or coercion to make a person have sexual intercourse. The maximum penalty for this offence is six years imprisonment. Under section 66F of the Crimes Act special protection is also given to people of all ages with an intellectual disability. This makes it an offence for a person to take advantage of and sexually exploit a person with an intellectual disability. The penalty for this offence is 8 years imprisonment, or 10 years if the person is in a position of authority.

Reverend the Hon. Fred Nile referred to the repeal of section 78D—removal from guardianship. The bill repeals this obsolete provision relating to the guardianship of female incest complainants by male offenders. This provision is replaced by new section 80AA, a general provision that allows a court to refer the matter to an appropriate child protection agency where a person is convicted of any sexual offence and the victim is under the authority of the offender. The Government takes the view that it is more appropriate to refer the issue of guardianship, irrespective of the gender of the guardian or the child, to the appropriate expert tribunal, where detailed safeguards are in place in relation to care proceedings rather than leaving it to the determination of a criminal court.

I foreshadow that Government amendments will be put forward in Committee. Following consultation with child protection groups, the Government will propose amendments to the Crimes Amendment (Sexual Offences) Bill. The amendments will further strengthen safeguards that protect children against sexual exploitation. I will respond in Committee to a number of issues raised by honourable members and in respect of which they will be moving amendments. New South Wales prides itself on being an innovative and modern society, but in this area of the law we fall far behind other jurisdictions. All other jurisdictions in Australia have an equal age of consent, except for the Northern Territory and Queensland. Countries such as the United Kingdom, France, Germany, Spain and Italy have equal ages of consent, some lower than 16. The repeal of current laws that discriminate purely on the ground of sexual orientation will serve to provide a more just, equitable and tolerant society. I commend the bill to the House.

Question—That this bill be now read a second time—put.

The House divided.

Ayes, 23

Mr Breen	Ms Fazio	Ms Robertson
Ms Burnswoods	Mrs Forsythe	Mr Ryan
Dr Chesterfield-Evans	Ms Griffin	Ms Tebbutt
Mr Cohen	Ms Hale	Mr West
Mr Costa	Mr Macdonald	Dr Wong
Ms Cusack	Ms Parker	*Tellers,*
Mr Della Bosca	Mr Pearce	Mr Harwin
Mr Egan	Ms Rhiannon	Mr Primrose

Noes, 16

Mr Burke	Mr Jones	Mrs Pavey
Mr Catanzariti	Mr Kelly	Mr Tingle
Mr Clarke	Reverend Dr Moyes	
Mr Gallacher	Reverend Nile	*Tellers,*
Miss Gardiner	Mr Obeid	Mr Colless
Mr Gay	Mr Oldfield	Mr Lynn

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Suspension of Standing Orders

Motion by Reverend the Hon. Dr Gordon Moyes agreed to:

That standing orders be suspended to allow the moving of a motion forthwith for an instruction to the Committee of the Whole in relation to the bill.

Instruction to Committee of the Whole

Reverend the Hon. Dr GORDON MOYES [9.28 p.m.]: I move:

That it be an instruction to the Committee of the Whole:

(a) that the Committee have power to divide the Crimes Amendment (Sexual Offences) Bill into two bills so as to incorporate in a separate bill the provisions of the bill relating to offences against children, and

(b) that the Committee report the bills separately.

I will speak briefly as to why the House should allow an instruction to the Committee of the Whole. It is very important that honourable members be allowed to debate this matter. Although members have spoken on aspects of the bill, this motion will allow them time to focus on the two distinct aspects of the bill: protection against abuse and the reduction of the age of consent. The two issues should be divided. All members would want to support protection against abuse but may have differing views on the age of consent. If the House supports the motion to separate the issues in the bill, honourable members will be able to have a conscience vote on the issue of age. It is hypocritical for the Government to allow members a conscience vote on the bill, but not allow a free vote on the splitting of the bill.

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [9.30 p.m.]: The Government opposes this amendment. Such an approach to law reform is irresponsible and is the very reason for the current anomalous and inconsistent state of the law. Previous piecemeal reform has left us with laws that discriminate for no justifiable reason; for example, to sexually assault a 10-year-old attracts a penalty of 25 years imprisonment, but if the offender waits until the child is 11 years old the offence attracts a penalty of 8 years imprisonment. On 21 December 2001 the Crown Advocate provided the Attorney General with advice relating to child sexual assault offences to the effect that the penalties were inconsistent. The Crown Advocate went on to make a number of recommendations about the reform and rationalisation of child sexual assault offences. This bill is a package designed to eliminate well-recognised inconsistencies and discrimination. It cannot be split into separate pieces of legislation because that would perpetuate the practice that caused these inconsistencies in the first place. The Government opposes the motion.

The Hon. PETER BREEN [9.32 p.m.]: I oppose the motion. Separating the bill into two bills may appeal to some honourable members, but it will defeat its objects. One object is to equalise the age of consent for consensual sex and the other is to impose additional penalties and strict liability on those who seek to take advantage of young people. These are concomitant provisions which represent a concession to those arguing for the lowering of the age of consensual male sex and which endorse the safeguards that need to be in place to prevent our young people being exploited. The provisions operate together, and to remove them by creating separate bills is tantamount to destroying the original bill. I urge honourable members to oppose the motion.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [9.33 p.m.]: The Opposition will support this motion. I note that Government members are voting as a party, and I understand that Opposition members will do the same. This motion deals with procedure rather than the objectives or provisions of the bill. The drafting of this bill is unfortunate because it covers two areas—one which appeals to most honourable members and another which does not. The vote we have just taken on the second reading reflects the feeling of members of the House. However, a number of members feel that one issue is tied to the other, and that is unfortunate. If we were to separate the issues, we would get a better representation of the feelings of members. That is the view of members of the National Party and that is why we will support the motion. Our leader in the lower House has said on numerous occasions that this bill should be split because it deals with two different subjects.

Reverend the Hon. FRED NILE [9.34 p.m.]: I remind honourable members that we are not debating whether the bill should be split; we are simply debating whether, when we get to the Committee stage, this issue can be debated and voted on. If this motion is not passed, when we get to the Committee stage and an

amendment is moved to split the bill, we will not be able to debate the issue. We are simply moving to give the Committee greater flexibility and freedom.

The Hon. Duncan Gay: If we do not pass this motion, we will not be able to do that.

Reverend the Hon. FRED NILE: That is correct. If we do pass the motion, we will be able to debate splitting the bill in the Committee stage. Those who oppose splitting the bill would then be able to vote against it. We are simply seeking the permission of the House for the Committee to consider this matter.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 17

Mr Clarke	Mr Lynn	Mr Pearce
Ms Cusack	Reverend Dr Moyes	Mr Ryan
Mr Gallacher	Reverend Nile	Mr Tingle
Miss Gardiner	Mr Oldfield	*Tellers,*
Mr Gay	Ms Parker	Mr Colless
Mr Jones	Mrs Pavey	Mrs Forsythe

Noes, 22

Mr Breen	Mr Egan	
Mr Burke	Ms Fazio	Ms Robertson
Ms Burnswoods	Ms Griffin	Ms Tebbutt
Mr Catanzariti	Ms Hale	Mr Tsang
Dr Chesterfield-Evans	Mr Kelly	Dr Wong
Mr Cohen	Mr Macdonald	
Mr Costa	Mr Obeid	*Tellers,*
Mr Della Bosca	Ms Rhiannon	Mr Primrose
		Mr West

Pair

Mr Harwin	Mr Hatzistergos

Question resolved in the negative.

Motion negatived.

In Committee

Clauses 1 to 4 agreed to.

Schedule 1

Reverend the Hon. Dr GORDON MOYES [9.44 p.m.]: I will seek leave to move our circulated amendments Nos 1 to 5 in globo, but before doing so I seek the leave of the Committee to postpone consideration of items [9] and [11] of schedule 1, which may be dependent on other amendments that will be moved.

The Hon. Duncan Gay: I am unaware of a process that allows a member to seek leave to delay consideration of an amendment. I have not seen it happen in the past. Whilst I suspect I am supportive of the amendments, I do not know whether what the member is asking can be done.

The CHAIRMAN: Order! What the honourable member is proposing is that consideration of items [9] and [11] of schedule 1 take place later in the debate. I have been advised by the Clerk that that can be done with the leave of the House. Is leave granted?

Leave not granted.

Reverend the Hon. Dr GORDON MOYES: With the advice of the Clerk I move:

That consideration of items 1 [9] and [11] of schedule be postponed until a later hour.

The Hon. Jan Burnswoods: Are you going to explain why you want to do this?

The CHAIRMAN: To assist members in deciding whether to support the amendments, would Reverend the Hon. Dr Gordon Moyes like to give a brief explanation as to why he is seeking to postpone consideration of these items?

Reverend the Hon. Dr GORDON MOYES: We want to debate raising the age of consent, and there may be other amendments and other votings on this aspect that will make those points redundant.

The Hon. John Ryan: I seek to clarify a matter. If those matters are not deferred until a later hour of the sitting, are there amendments before the Committee that could not be moved other than amendments sought to be moved by Reverend the Hon. Dr Gordon Moyes?

The CHAIRMAN: No. Only amendments standing in the name of the Christian Democratic Party would be affected by the Committee deciding that consideration of those amendments should not be postponed.

The Hon. Dr Arthur Chesterfield-Evans: It has not been made clear why we are postponing consideration on these items. Either we are trying to raise the age of consent or we are not. Surely we should take a vote on that point, rather than delay the matter and confuse the procedure.

The CHAIRMAN: Order! I have been advised that the proposal before the Committee results from an advice from Parliamentary Counsel in the form of a drafting note. The advice is to this effect:

The above amendments all relate to increasing the age of consent to 18 years for all sexes. If those amendments are not successful the following amendments could be moved.

What is before the Committee is a motion.

The Hon. Dr Arthur Chesterfield-Evans: It is a postponement motion?

The CHAIRMAN: The Reverend the Hon. Dr Gordon Moyes sought leave to defer the consideration of two items. Leave has been denied. He has now moved that consideration of the two items be postponed until later during the Committee's deliberations. I will now put the question on that motion.

Question—That the motion for postponement of consideration be agreed to—put.

Motion for postponement of consideration negatived.

Reverend the Hon. Dr GORDON MOYES [9.50 p.m.], by leave: I move Christian Democratic Party amendments Nos 1 to 5 in globo:

No. 1 Page 3, schedule 1. Insert after line 6:

[2] Sections 61J, 61M, 61N, 61O, 66D, 66E and 77
Omit "16" wherever occurring in sections 61J (2) (d), 61M (3) (b), 61N, 61O (1) and (1A), 66D and heading, 66E (2) and 77 (1).

Insert instead "18".

No. 2 Page 4, schedule 1 [9], proposed section 66C, lines 3, 13, 15, 17 and 19. Omit "16" wherever occurring on those lines. Insert instead "18".

No. 3 Pages 5 and 6, schedule 1 [12], proposed section 73, line 28 on page 5 to line 7 on page 6. Omit all words on those lines.

No. 4 Page 6, schedule 1 [15], proposed section 78A, line 17. Omit "16". Insert instead "18".

No. 5 Page 8, schedule 2.1 [2], line 9. Omit "73,".

I will not go through the amendments seriatim but I will make four very simple points about why we should raise the age of consent. Raising the age of consent for females to 18 would bring about what a number of persons have advocated in the House previously, namely, an equality between the sexes. The public concern over child exploitation—paedophilia—is extremely high at this time, and it would be foolish to lower the age of consent. We need stronger laws for those who abuse children, both male and female. The most frequent excuse given by those who abuse is that they thought the child was older. Lowering the age of consent will create greater confusion.

The tragedy of suicide by young men due to gay sex is higher because of their feelings of uncertainty, confusion and guilt. That fact has not been denied by members of either side of the House. Lowering the age of consent will push the suicide age lower. An unequal age of consent creates uncertainty. Therefore we are moving these amendments so that there will be an equal age of consent for both males and females—heterosexual and homosexual—of 18.

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [9.51 p.m.]: The Government does not support the amendments that have been moved by the Christian Democratic Party. I acknowledge that they, in effect, support an equal age of consent of 18. We do not believe that we help our children by making them criminals. Teenagers are having sex and exploring their sexuality. Setting an arbitrary age of consent is not going to stop this. Raising the age of consent to 18 for everyone will only widen the problem for young gay men. There are more effective ways to protect our children from sexual exploitation, and these are contained in our child sexual assault laws. Those child sexual assault laws are strengthened by the bill.

The Government recognises that at the heart of the best motives of those calling for the age of consent to be raised is the desire to protect children. But these laws protect children, and especially children who are vulnerable. Eighteen is not a magical age for all purposes. Young people can get a learners permit at 16, and a gun licence at 14. They can legally leave school at 15 and start work, support themselves and pay tax. They can marry at the age of 16. Arbitrary ages are chosen for a whole range of things, and this reflects the human condition. We will not agree upon an age that is appropriate to all people in all circumstances. Margaret Hansford from FPA Health, which was formerly known as the Family Planning Association, commented on this proposal as follows:

> We believe that it is a totally unrealistic proposal and it would be ridiculous if it was not such a serious issue. We know from a recent sex in Australia survey that young people begin sexual activity at about the age of 16 years. That sexual activity is already occurring and what would happen is that it would criminalise those young people as well.

That is not a result the Government wants to see.

The CHAIRMAN: Order! The quality of the amplification system in this Chamber is such that the ability of members on the crossbench, who sit towards the rear of the House, to follow the debate is affected if there is too much noise emanating from the public gallery. Consequently, I ask members of the public sitting in the gallery to keep their comments and conversations as quiet as possible.

The Hon. TONY BURKE [9.53 p.m.]: It may surprise some honourable members, but I am opposed to these amendments for three reasons. The first is that changes to the age of consent need to be looked at within the context that the defence of mistaken age, which effectively reduced the different ages of consent by two years for all practical purposes, has gone. In cases where it would be unrealistic for police to take action, there was, in effect, a heterosexual age of consent of 14 because of the defence of mistaken age, and a homosexual age of consent of 16 when the defence of mistaken age was taken into account.

My second reason for not supporting this amendment is that we are not dealing with what ought to happen; we are dealing with whether people should find themselves on the wrong side of the criminal law. We know full well that the behaviour of 16-year-olds and 17-year-olds is not going to change because of what we do in a little red room here in Macquarie Street, and we would not be doing them a service. My third reason—and I say this with respect to the motives of those moving these amendments—is that I believe if the age of consent were raised to 18, girls aged 16 and 17 who became pregnant would find themselves in an impossible situation in terms of the consequences for themselves or for the father of the child, and might ask themselves whether they should go ahead with the pregnancy. That is a pressure that I do not want to feel in any way responsible for.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [9.56 p.m.]: I was interested to note that the Minister, when replying to the amendments, indicated that the Government opposes the amendments. I was

under the misapprehension that this was a conscience vote. I would have thought she was expressing her own point of view rather than the Government's point of view. I do not believe that the age of consent for males should be lowered by two years—although it would seem on the numbers so far that that will be the result. However, I do not think it would be appropriate that I do something that I believe is wrong. For all the reasons I gave in my contribution to the second reading debate, I cannot support lifting the age of consent for females by two years. So whilst we are on the same ground on some things, I am sorry but I cannot support this amendment.

The Hon. PATRICIA FORSYTHE [9.57 p.m.]: I said in my second reading contribution that I thought that in many ways we had not kept pace with the changing society. The changes included the fact that many more young people remain at school these days until age 18. The age of 16 might not be ideal for young people, both male and female, to accept responsibility in dealing with sexual matters. As I said, when we talk about an age of consent we are not referring to an age of consent for girls, we are talking about an age of consent for young women and young men. The age at which young men and women may get married in this nation is 16. It would make absolutely no sense to raise the age of consent to 18 while maintaining under Federal legislation that young people may get married at 16. For that reason, I cannot support this amendment.

The Hon. Dr PETER WONG [9.59 p.m.]: I, too, cannot support the amendments. Although I have some sympathy for the philosophy of ensuring that teenagers are mature enough to have sexual activity or, indeed, understand sexual activity, if the age is raised to 18 years it may be more detrimental than beneficial. Fewer teenagers between 16 and 18 years will seek advice from doctors or family planning clinics. As a result, more girls will fall pregnant and there will be more abortions. I am sure that the Christian Democratic Party would not want the backlash of its amendments to result in more abortions.

The Hon. JOHN TINGLE [10.00 p.m.]: I have a problem with the amendments because of consistency and logic. If I have voted not to lower the age of consent for males to 16 because I do not think it is a positive step, I really find it very difficult to vote to raise the age of consent for all sexes, including females, for the same reason. The purpose of reducing the age of consent for males was to decriminalise something that is now criminal and if we raise the age of consent for both sexes, including females, we will then criminalise something that is not now criminal. It would be a contradiction of the way I voted during the second reading debate to now support the amendments.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [10.01 p.m.]: I did not intend to speak because if we all did, we would be here until midnight. It depresses me that so little research has been undertaken, particularly in view of the recent briefing paper released by the Parliamentary Library Research Service on Grulich A et al, "Sex in Australia: Homosexual experience and recent homosexual encounters" published in the *Australian and New Zealand Journal of Public Health*, April 2003. The study concluded:

> … 44.6% of men who identify as having had a homosexual experience, had their first experience before they were 18 years old.

At the stroke of a pen, these amendments would make 44.6 percent of homosexual men criminals by definition, and presumably it would be even higher for females. We happily talk about theory and morals while we criminalise half the population who are having sex but who are not being prosecuted. It is simply absurd. The study also concluded:

> … for neither men nor women was there a significant association between sexual identity and age at first homosexual experience.

In other words, the statement that those who are on the cusp will change their minds from a single experience—a view beloved by those who wish to be prohibitive in their approach—is not borne out by the facts.

Reverend the Hon. FRED NILE [10.02 p.m.]: The amendments seek to test the views of honourable members who argue for equalisation of the age of consent, that is, either 16 for both or 18 for both. If honourable members are sincere about having equalisation of age of consent they should vote for the amendments. Honourable members who oppose the amendments have a mistaken view about the meaning of the age of consent law. It has nothing to do with teenagers who have sex with each other; that is not the purpose of age of consent law. That is why no-one is ever charged. The purpose of the law is to protect minors from adults. No matter how we vote, police will not go into parks and arrest teenagers who are having sex with each other. It has never happened and it will never happen. It is ridiculous to say we are criminalising girls. We are only criminalising the adults who seek to have consensual relations with minors. That is the purpose of the age of consent legislation.

The Hon. JOHN RYAN [10.04 p.m.]: It has been said that people who have under-age sex do not find themselves before the courts. That is simply not true. A friend of mine, who was the Liberal Party candidate for Menai, is a criminal lawyer. A great deal of his business occurs at the Children's Court, where these charges are ventilated almost every day. The circumstances are as follows: A young person has sex with a young girl who is under the age of consent. They both happily engage in consensual sex but then the girl goes home and informs her parents and pressure is put on her to make a complaint. The young man and the young lady then find themselves facing these issues in the Children's Court. It is not true to say that raising the age of consent to 18 years will not result in people being charged. It will, and it is very serious.

Reverend the Hon. Fred Nile: Only if they make a complaint.

The Hon. JOHN RYAN: Reverend the Hon. Fred Nile is not listening to sense. The truth is that young people will fall into the hands of the criminal justice system if these amendments are agreed to, and I suspect they will not be. It is important for the House to have factual information. The amendments will criminalise young people. People who have under-age sex are being unwise and, in terms of my Christian morality, even immoral; but I do not believe, as the Hon. Tony Burke said, that these people should find themselves charged by the police, fingerprinted and basically marred for life with a criminal offence because they have engaged in something that I believe to be unwise and possibly wrong, but clearly not criminal.

Reverend the Hon. Dr GORDON MOYES [10.06 p.m.]: I make two brief points. We seek to raise the age to 18 years because so many members spoke about the importance of equality of ages between young men and young women, homosexual and heterosexual. By voting against the equality of ages we are voting against the efficacy of previous argument, that both ages should be equal. Second, we believe in the argument of the Hon. Jan Burnswoods that young girls need the protection of the law. She said that no-one has ever spoken about this issue in the House. I spoke about it earlier. We have sought to give protection to young girls who are abused by older men.

The Hon. Jan Burnswoods: What has Fred been doing for 22 years?

Reverend the Hon. Dr GORDON MOYES: I am not my brother's keeper. You cannot say we did not raise this matter, because I did.

The CHAIRMAN: Order! Members are advised that they must address their comments through the Chair and that interjections are disorderly at all times.

Reverend the Hon. Dr GORDON MOYES: I make the point that I spoke about the protection of young women and I urged the Chamber to raise the age so that young women are protected under the law from abuse by men.

Amendments negatived.

The Hon. TONY BURKE [10.08 p.m.]: I move my amendment:

Pages 5 and 6, schedule 1 [12] (proposed section 73), lines 30-33 on page 5 and lines 1-7 on page 6. Omit all words on those lines. Insert instead:

73 Sexual intercourse with child between 16 and 18 under special care

(1) Any person who has sexual intercourse with another person who:

(a) is under his or her special care, and

(b) is of or above the age of 16 years and under the age of 17 years,

is liable to imprisonment for 8 years.

(2) Any person who has sexual intercourse with another person who:

(a) is under his or her special care, and

(b) is of or above the age of 17 years and under the age of 18 years,

is liable to imprisonment for 4 years.

(3) For the purposes of this section, a person (***the victim***) is under the special care of another person (***the offender***) if, and only if:

(a) the offender is the step-parent, guardian or foster parent of the victim, or

(b) the offender is a school teacher and the victim is a pupil of the offender, or

(c) the offender has an established personal relationship with the victim in connection with the provision of religious, sporting, musical or other instruction to the victim, or

(d) the offender is a custodial officer of an institution of which the victim is an inmate, or

(e) the offender is a health professional and the victim is a patient of the health professional.

(4) Any person who attempts to commit an offence under subsection (1) or (2) is liable to the penalty provided for the commission of the offence.

(5) A person does not commit an offence under this section if the person and the other person to whom the charge relates were, at the time the offence is alleged to have been committed, married to each other.

The amendment does a number of things. First, it corrects the anomaly with respect to step-parents. Second, it extends the existing provision that relates specifically to teachers and students who are 16 years of age to a penalty of eight years and four years for a 17-year-old student. Third, the amendment introduces a number of relationships other than teacher where there is a similar power relationship and power imbalance.

These relationships include those between custodial officers and inmates, people providing religious, sporting, musical or other instruction and their pupils, and the relationship between a health professional and a patient. An offence with respect to a parent is not in the amendment because parents are covered in the provisions relating to incest. The Hon. Patricia Forsythe has foreshadowed that she will move an amendment that seeks to increase the penalty for that offence from seven years to eight years. That would bring a fairly consistent approach to family and power relationships that reflects the rest of the bill. We are saying the younger the victim the worse the offence and the older the victim the less serious the offence. The only person who should ever be deemed to have committed an offence is the older person. I commend the amendment to the Committee.

The Hon. PATRICIA FORSYTHE [10.10 p.m.]: In view of the amendment moved by the Hon. Tony Burke I will move at the appropriate time only Opposition amendment No. 2 as circulated. I will give some of the history behind this matter. In his speech last week on this bill the Hon. Tony Burke referred to people in positions of authority. I had also prepared some amendments on that subject. In 1999 several Liberal members intended to amend the private member's bill of the Hon. Jan Burnswoods in consideration of many of the recommendations of the Wood royal commission concerning people in positions of trust or authority. I pay tribute to the Hon. Tony Burke for highlighting some of those pertinent issues last week.

There has been much discussion and agreement between members about how to improve the bill. I believe we have an opportunity in this bill to deal with the discrimination in the Crimes Act while strengthening provisions regarding young people aged between 16 and 18 who may be vulnerable. In volume five of the royal commission report Commissioner Wood referred to people in positions of trust—that is the expression he used—or positions of authority. He defined them as including parents, step-parents, foster parents, guardians, custodians, schoolteachers, religious advisers, health professionals or any other person providing instructional services to, or having the care or supervision of and authority over, a child and not being married to that child.

I had some discussions with the Parliamentary Counsel and, consequently, drafted an amendment dealing with people in positions of authority. However, the Hon. Tony Burke's amendment, which may have resulted from discussions with the Attorney General's Department, is a better amendment. It seeks to clarify the group of people affected and, while it mentions step-parents, we both understand that we must deal with incest separately. It is dealt with in a separate clause of the bill. As a result of discussion in this place, the bill will deal with a fundamental issue of discrimination and, through its original provisions regarding the two-year presumption with respect to girls aged 14 to 16 and vulnerable people aged between 16 and 18, strengthen protection for young people in this State. At the end of the day, I think that is what every member wants to do.

I highlight the issue of custodian—we had a discussion today about what that means—and I will use it as an example. According to paragraph (d) of new subsection 73 (3) contained in Hon. Tony Burke's amendment, an offender could be a custodial officer of an institution of which the victim is an inmate. I was

concerned that lowering the age of consent to 16 would allow inmates in juvenile detention facilities, who can be detained until the age of 18, to be pressured by an adult in authority. Young girls may not have been offered some protection from this in the past. The amendment makes it clear that such behaviour on the part of people in authority is absolutely outside the legal provisions of the bill, which provides special care in those circumstances. Volumes four and five of the Wood royal commission report contain clear references to people in authority. Honourable members need only refer to recent media cases for proof of how this issue has been interpreted and misinterpreted over a long period.

Let us be clear: When this bill is passed we will have eliminated discrimination regarding the age of consent and inserted a clear cause about protecting young people until they reach the age of 18 from people in positions of authority who use their authority to demand sexual favours—to put it simply. That will be outlawed, and every member of the House should support that provision. Those members who are uncertain about the legislation in its entirety should understand that we have made the position clearer and strengthened the protections for young people. Since 1996 I have held the shadow portfolios of community services, juvenile justice and education. If I do nothing else I have been able to stand in this place today and say that I have learnt some lessons about the way in which people have used and misused their powers of authority to abuse young people. If we can say that we have learnt from what Wood said in the royal commission report and that we have acted upon some of its recommendations—although the Government is still deficient in dealing with all its recommendations—then we can claim to have improved the lot of young people in this State. I commend the amendment to the Committee.

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [10.17 p.m.]: The Hon. Tony Burke has moved an amendment proposing a new section 73 which will expand its provisions to young people aged 16 and 17 years. The Government will not move its amendments Nos 1 to 3 as they are now addressed by this amendment. This new section aims to protect young people from sexual exploitation from persons in positions of authority over them. While appreciating fully the Hon. Tony Burke's motives and the impact that power relationships can have on young people, the Government was concerned initially that the definition of a person in authority in the honourable member's first proposed amendment was drawn too widely and would catch activities that we would not want to criminalise. For example, a young woman aged 17 who was employed part-time at McDonald's would not be able to have consensual sex with her 17-year-old supervisor because that person was in a position of authority over her.

However, the amendment moved by the Hon. Tony Burke has adopted a more direct definition of a person in authority and draws on categories of persons nominated by Justice Wood in the police royal commission. The persons covered will include step-parents, guardians, schoolteachers, religious advisers, health professionals or persons providing instruction to a young person. The Government will not oppose this amendment because we believe it will not have the detrimental effect that the amendment foreshadowed earlier may have had.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [10.19 p.m.]: While we all want to protect vulnerable people from abuse, we must remember that the bill deals with people aged 16 to 18 years engaging in consensual sex. Effectively, it is saying that these people cannot make up their own minds—although they have made no complaints. Honourable members have referred to protecting vulnerable people. It always amazes me that honourable members debate protecting 16-year-olds to 18-year-olds with great enthusiasm, but that they have much less energy when they talk about protecting kids under the care of the Department of Community Services, the disabled, or the poor state of kindergartens which have vulnerable kids. It worries me that there is not the same absolute drive to eliminate the lack of support for these vulnerable people.

Basically, this bill meddles in sex when there has been no complaint. If a person has been abused, surely the person who would know whether he or she has been abused is the person who has been abused. This amendment effectively raises the age of consent for consensual sex and, once again, raises the penalty—another favourite of this Parliament. I admit that we must look after the vulnerable and we must protect people from abuse. However, if the table of the ages for consensual sex at an international level shows that we are already at the higher level, above the average, I wonder why we are seeking to pass this amendment.

The Hon. Dr PETER WONG [10.20 p.m.]: I have a question for the Hon. Tony Burke, who moved the amendment. It is my understanding that many Christian churches have Sunday school instructors, some of whom are very young—maybe 16, 17 and 18. Under this amendment, would religious instructors be sent to gaol because they had a sexual relationship with a member of the church?

The Hon. TONY BURKE [10.21 p.m.]: In answer to the question, it is a matter of establishing whether or not—this would be a matter for the courts—the personal relationship was deemed to be an established personal relationship with the victim in connection with the provision of religious, sport or musical instruction. If it is someone who has turned up on the odd occasion now and then, it would probably not be considered that that person had a position of authority. If the position of authority was well established in cases when religious instruction is being provided, there could be a great deal of emotional and various other ways in which power relationships can be brought to bear. To that extent, it would be a matter for the courts to work out whether that personal relationship was deemed to have been established. If it was deemed to have been sufficiently established it would be covered.

The Hon. JOHN RYAN [10.22 p.m.]: This amendment will ensure that we wind up with legislation that provides a superior level of child protection than we had to start with in two particular ways. First, this amendment and the whole bill relate to sex, regardless of whether it is heterosexual sex or homosexual sex. Second, it applies to both girls and boys, and the ages are consistent across the board. I have little doubt that there is enormous support for an amendment of this nature. The only qualification I have had from people who have asked me about voting on this bill is that they are concerned about people abusing power over young people for a sexual favour. People are overwhelmingly concerned about that, and this amendment will go some way to addressing that. It is impossible to address every situation, but this amendment will go some way to doing that.

There are a couple of things that bother me. Subsection (2) (b) of the amendment refers to a schoolteacher and a pupil. There may well be another schoolteacher who does not necessarily have control of a specific pupil but who may have an improper relationship with that pupil. It could also be an adult employed at the school in paid employment who does not necessarily have responsibility for instruction of that child. I would hate to think that the courts descend into asinine debates about the exact nature of the relationship when we all understand that an adult has inappropriately used their capacity to gain unsupervised access to young people through their paid employment. That is what we are concerned about. I hope that the Government will listen to this debate and, perhaps when the bill goes back to another place, ensure that the amendment does what we want it to do.

As I said, there is some usefulness in going back to the child employment laws that refer to people in paid employment having unsupervised access to children. The people who must apply through the Children's Guardian for a clearance to be employed in a position of authority over young people are essentially the people we want to catch with this legislation. The amendment is extremely welcome. I believe that at the end of the day—I am proud that the upper House has produced this amendment; it is a great argument for having a House of review, which sometimes looks at things through a different set of eyes and from a different perspective in a different atmosphere—we will have produced an Act of Parliament which, as I said, addresses discrimination issues and produces something for the people of New South Wales of which we all should be proud: enhanced child protection for young people. I think few people will disagree with the provisions of this bill once it is properly explained to them, particularly if this amendment is passed. I urge the Committee to pass the amendment.

Amendment agreed to.

The Hon. PATRICIA FORSYTHE [10.26 p.m.]: I move my amendment No. 2:

No. 2 Page 6, schedule 1 [15], line 18. Omit "7 years". Insert instead "8 years".

My amendment does not require much explanation. It has been much discussed in debate previously. It omits "7 years" for the penalty for incest and inserts "8 years", and maintains consistency with all other parts of the bill, including those sections just amended. I commend the amendment.

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [10.26 p.m.]: The Government supports this amendment.

Amendment agreed to.

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [10.27 p.m.], by leave: I move Government amendments Nos 4 to 6 in globo:

No. 4 Page 7, schedule 1 [20], lines 12-15. Omit all words on those lines. Insert instead:

Omit section 91D (2).

No. 5 Page 7, schedule 1. Insert after line 15:

[21] Section 91D (3)

Omit ", except as provided by subsection (2)".

No. 6 Page 7, Schedule 1 [21]. Insert after line 23:

50 Defence under section 91D (2)

Section 91D (2), as in force before its repeal by the *Crimes Amendment (Sexual Offences) Act 2003*, continues to apply to offences committed before its repeal.

These amendments are intended to further strengthen the safeguards that protect children against sexual exploitation. They came about following consultation with child protection groups. Currently, there is an express statutory defence under section 91D of the Crimes Act in relation to child prostitution when the child is aged between 14 and 16 years but the person charged had reasonable cause to believe, and in fact did believe, that the child was over 18. The Government intends to remove this statutory defence entirely. Children below the age of 18 should not be involved in prostitution, and the amendments make clear that any person who induces a child to participate in prostitution, or any person who participates as a client with a child in an act of prostitution, will be liable for a maximum penalty of 14 years imprisonment.

Amendments agreed to.

Schedule 1 as amended agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill reported from Committee with amendments and report adopted.

Third Reading

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [10.31 p.m.]: I move:

That this bill be now read a third time.

The Hon. TONY BURKE [10.31 p.m.]: In the second reading debate I said I was unable to vote for the bill in its present form. However, the bill is now quite different to the one we started with more than a week ago. For example, the retrospective nature of the bill has gone. The penalty for a parent committing incest with a daughter, which we thought was to be reduced from eight years to seven years, is now back to eight years. The penalty for a step-parent having sex with a 16-year-old is now back to eight years. The penalty for a step-parent having sex with a 17-year-old child—which did not exist in the past—now carries a penalty of four years. Penalties now exist for various predatory people in authority over 16-year-olds and 17-year-olds. In the past, the capacity to deal with predatory behaviour was limited to homosexual relationships, which were illegal for 16-year-olds and 17-year-olds. Sexual relationships for 16-year-olds and 17-year-olds are now not subject to the criminal law, unless there is predatory behaviour. In the past, the predator and the younger person both fell on the wrong side of the criminal law—they were both equally culpable. Now only the person whom we could argue is in a predatory situation would find themselves on the wrong side of the criminal law. There are now penalties for the predator, which would exist equally and without discrimination to both homosexual and heterosexual relationships.

From the moment the bill was introduced in the other House, it allowed for the abolition of the defence of mistaken age, a general increase in penalties, and new aggravated offences for people in authority. Undoubtedly, what we are faced with now is a better legal situation than what we faced a couple of weeks ago. It will undoubtedly result in a Crimes Act that is better than the current law. I have little doubt that everything the police used to do, because they dealt with those laws in a limited way—as people would argue quite rightly—related only to predatory behaviour. They will still be able to do that, plus more. As a result of this

debate, New South Wales now has the toughest child protection laws in Australia. There is no argument about discriminatory impact. I am pleased to support the bill at its third reading.

The Hon. CHARLIE LYNN [10.33 p.m.]: I have documents in my possession that relate to Strike Force Cori, a police investigation team that was established to investigate the paedophile allegations first aired at the Wood royal commission. I have made all attempts to verify the provenance of the documents. They are from Strike Force Cori. They relate to the questions I asked in my contribution to the second reading debate—questions that have not been answered. Therefore, I reveal to the House that I have these documents in my possession. These documents are significant in that they refer to a senior member of the Carr Cabinet and that they link that member in illegal under-age sex. I read out one sentence from a police statement, which says:

> At the age of 15 I was a victim of [name of senior Cabinet Minister]. I said "What do you mean?" He said "He picked me up" and then he said something like "he f-d me and robbed me". I said "What do you mean?" He said "He robbed me."

I also read out one sentence of a letter written by a senior commissioned police officer, which states:

> The information that you provided about [a senior Cabinet Minister] was corroborated by …

Will the Government now answer my questions or will it force me to reveal the full contents of these documents? The onus is on the Government. I am trying to be fair but I have a responsibility as a member of Parliament, which I will discharge.

Motion agreed to.

Bill read a third time.

FOOD 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.

ADJOURNMENT

The Hon. CARMEL TEBBUTT (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [10.38 p.m.]: I move:

> That this House do now adjourn.

SALVATION ARMY RED SHIELD APPEAL

The Hon. AMANDA FAZIO [10.38 p.m.]: I refer to the Salvation Army's Red Shield Appeal, its major annual fundraising drive to help finance its vast network of social and community services. In 2003 the national target is $53 million. Officially commencing in April and concluding at the end of June, the appeal involves three main components: a direct mail campaign, a business appeal and a national doorknock appeal. The doorknock involves approximately 100,000 volunteer collectors. The Red Shield Appeal doorknock provides an opportunity for people to give at the door in support of the good work of the Salvation Army. Tonight I refer to the national doorknock appeal. Last week my daughter, Angelica, who is 12, came home and told me that she had volunteered to doorknock for the Salvation Army. A special assembly had been held at her high school, the Leichhardt campus of Sydney Secondary College. At the assembly she and a few of her friends volunteered to doorknock.

Having many family members who are Salvation Army officers, I was pleased that she was interested in supporting fundraising initiatives that would assist individuals and families in need. I am proud that she has a sense of social justice and that this is shared among her young school friends. Early on Sunday morning, in the teeming rain, I drove her to the Salvation Army citadel in Petersham, where she joined many others who were ready to go out and doorknock. Interestingly, the Salvation Army views rainy weather as good during the

doorknock appeal—many people stay home. The doorknock, which was held on 24 and 25 May, is a major component of the Salvation Army's Red Shield Appeal fundraising drive. This year's doorknock had a national goal of $7.5 million. The Salvation Army Red Shield Appeal doorknock has been an Australian community event for nearly 40 years. The first doorknock was held in 1965 in response to concern about the need for funds to meet the ever-increasing demand on Salvation Army social services.

While the appeal has been expanded and refined enormously since that time, demand upon Salvation Army services continues to increase. Funds raised through the Salvation Army Red Shield Appeal each year are needed more than ever if the Salvation Army is to maintain its vital work in the Australian community. While I support the direct services provided by the Salvation Army I think the Prime Minister's appointment of Major-General Watters to provide leadership on drug policy is inappropriate. Why should people volunteer? According to Sandy Hollway, Chairman of the International Year of Volunteers, "Volunteering brings with it a great sense of personal satisfaction and fulfilment." Through collecting for the doorknock volunteers enjoy a range of benefits.

They know they have made a worthwhile contribution to the community. By knocking on doors to collect for the Red Shield Appeal they will be helping to maintain the Salvation Army's network of social and community services. They gain personal satisfaction and self-esteem. Volunteers are often surprised at how good they feel about themselves after collecting. They have family time together because many families go out as teams. They have the opportunity to meet with community friends and broaden their circle of friends and networks. It is a few hours of gentle exercise and provides the opportunity to experience positive feedback from the community regarding the work of the Salvation Army. For many it is regarded as fun. It is a fun day. Many teams have a social get-together afterwards, such as a barbecue. Most collectors really enjoy sharing stories and anecdotes about their experiences.

Volunteers are asked to give three or four hours of their time, usually on the Sunday morning of doorknock weekend. Ideally, collectors are encouraged to form teams of four plus a driver. Young people, like the students from Leichhardt High, are usually paired with a family group and are advised about how to conduct themselves safely. Volunteers are briefed and their team learns about all that is involved in collecting. They receive an official identification tag, collector bag, receipt book, map, pen and instructions. If required, a driver will take them to their collection area and pick them up at the end.

Why should we give to the Red Shield Appeal? The Salvation Army is one of the largest and most visible providers of social service to the Australian community, assisting more than one million people every year at a cost of around $350 million. When people are feeling despair, facing economic hardship or in need of spiritual and emotional support, it is often the Salvation Army to whom they turn for help. This may be through a local Salvation Army church or the extensive network of social services spread across Australia. "Thank God for the Salvos" is more than a slogan; it is also the heart-felt cry from the many people helped by the Salvation Army each year.

Angelica collected $134—which was better than the average last year of just over $100 and slightly less than this year's target of $150 per volunteer. I commend all those caring people across the country who gave their time to help raise funds for the Salvation Army, particularly the volunteers in Sydney, who went out in such atrocious weather. If any members in this Chamber have not yet donated, they can still do so by utilising the Salvation Army's website.

BICKHAM COALMINE PROPOSAL

Ms LEE RHIANNON [10.43 p.m.]: The Upper Hunter region, as many members of this House well know, is a beautiful and peaceful region of this State, but the peace of mind of many residents of Murrurundi shire has been shattered by a proposal for a coalmine on land known as Bickham. The Greens are very concerned about this mine, and about the indifference of the mining company and the Department of Mineral Resources to the fears of local residents. In the words of one Hunter Valley local, this is "the wrong mine in the wrong place". The Murrurundi shire has no coalmines and is building a reputation as a tourist attraction based on its beautiful natural environment. The mine puts the area's sustainable future as a tourism and recreation area at risk.

Instead, the proposal would wed the region to a dirty, outdated industry that does not have a long-term future. The mine will be open-cut, and located beside the Pages River—one of the healthier tributaries of the Hunter River. Some of the coal seams that Bickham Coal Company Pty Ltd wants to mine intersect the river.

This could lead to river capture—that is, the river could end up being diverted into the coalmine, and nearby aquifers could also be affected. The mine will also be very near the Burning Mountain Nature Reserve—one of the three naturally burning coal seams in the world, and the only one in Australia. The coalmine would destroy part of the remnant seam—that is, the path of the burning seam. These are some of the chief objections of the local community to the mine proposal, but the Government is not listening.

As members of the community consultative committee for this project say, the Department of Mineral Resources has reneged on its promise to keep the community informed about the mine proposal. After a vigorous community campaign, Bickham Coal Company and the Department of Mineral Resources have now started a second round of consultations and a new evaluation of the mine proposal. The community consultative committee was told the guidelines for the new evaluation would be made available to it in December, but five months later this has still not happened despite repeated requests. What is more, members of the committee and the Bickham Coal Mine Action Group believe the department has received hundreds of objections to the company's plan to do a bulk sample.

They say the department will not disclose how many objections it has received, and what the objections were. In fact, the department has been running a campaign of disinformation. The department said there had been a large number of objections, but later said that the number of objections was small. It said it would make this information public, and later changed its mind. The action group has asked the New South Wales Ombudsman to step in. This action is supported by the Greens. The Ombudsman asked the department to release the relevant information, but the department has not yet complied. Last week the new Minister for Natural Resources promised to get this information to the action group, but we will have to wait and see whether words will this time finally translate into action. The Minister for Mineral Resources needs to be true to his word.

The problems do not stop there. A professional geologist has offered to help the committee evaluate the project. The coal company promised him geological information, but later told him it would not release it. This is starting to become the theme song of the company's interaction with the community. The Greens can only conclude that the company is worried about what he might find. The results of the company's new study are due at the end of this month but no member of the public in the Hunter region has access to the guidelines used to collect the new data. In short, we have a secretive department, a secretive company, a consultation whitewash, and a mine that could damage and degrade the environment and disrupt the lives of local residents. The proposal is opposed by many people in the local community, and will trap the Hunter Valley in a polluting industry with no long-term future.

The Greens are prepared to help the people of the Hunter Valley fight this mine. We look forward to joining their campaign, and working both inside and outside Parliament to champion their cause and help further protect the environment and jobs that will last and help build this community—not jobs that result in further destruction of the Hunter Valley.

WESLEY MISSION DALMAR STREET-SMART BUS

The Hon. JOHN RYAN [10.48 p.m.]: Since I became shadow Minister for Community Services I have been trying to find out more about the kinds of services funded by various schemes that operate in that portfolio. I would like to find out first-hand something of their work environment. I would like to meet front-line staff, feel their frustrations and witness their elation in achieving the many small but significant victories in the troubled lives of their clients. I would also like to meet the clients. Tonight I wish to thank a service that recently assisted me in my efforts to get to know my portfolio.

A couple of weeks ago I had the pleasure of spending a night out with the street-smart bus operated by Wesley Mission Dalmar children's services. I went out with three street workers, including Mr Wally Te Huia from Wesley Dalmar, Ms Kelly Rees Zarb, a community development officer from Mount Druitt Integrated Youth Services, and a volunteer, Mr Lawrence Hugo. We met at the Dalmar centre at Carlingford at about 7:30 p.m. and after a bit of preparation we set out in the bus. Our first visit was to the Macquarie Centre at Ryde. On Friday nights this area is full of young people making their way from nearby cinemas and a local ice skating rink and using the bus terminal. A local security guard directed our attention to a number of young people who he said were gathered in a nearby park, apparently drinking and hooning around. We rushed over in the bus to find about 10 girls, none of whom were drinking.

The street-smart bus is equipped with a portable hot-water supply, materials for making hot chocolate and an endless supply of sweet biscuits. The bus parked near the street kerb and within a few moments the

mobile kitchen built into the back of the bus was operational. Also hanging from the bus is a large display of health promotion pamphlets designed to be appealing to young people. We stayed with the young girls for about 20 minutes. Kelly, our female youth worker, was soon engaging the girls in conversation about problems a few of them were having at school. Shortly we were joined by a boisterous group of young boys who appeared to be friends with the girls. After hot chocolate was served all around, these young people, who otherwise may have been getting into trouble or being harassed by older youths, were safely on their way home.

The bus then moved into the city. Our first stop was Wentworth Park, where large numbers of kids were roaming the streets. Again we entertained them with hot chocolate. They were mostly young boys. We organised transport home for one young lad who had no money. Again the usefulness of the bus in keeping these young street kids safe and diverted from crime was obvious. At one point there was a car nearby that had been broken into. It was an obvious temptation for the young boys we were with to interfere with it and thus come embroiled in the criminal justice system. We stayed until the owner turned up, and then we assisted in the cleanup.

We went to another site in Westmoreland Street. We noticed a group of rather mean looking young men who looked like they were up to no good, possibly selling drugs. Wally, our worker who has a Polynesian background and a significant physical presence, confronted them, and they promptly moved on. We also encountered one young girl who told us that that night was her fourteenth birthday. She was obviously very disturbed. She sprayed some of the contents of a spray can of deodorant onto a fence paling at a nearby house, then ignited the spray with a cigarette lighter. Moments later the fence paling was ablaze amid a tall blue flame. We quickly put the fire out. But, moments later, she did the same again, and the trained youth workers were soon able to settle her and divert her from this behaviour with the magic of hot chocolate.

While this was going on we noticed a red sports car being driven at full speed in our direction. Its motor was roaring, and the tyres were screeching in a manner that made it obvious that the owner was not driving it. Moments later it stalled while attempting a doughnut in a nearby cul-de-sac, and two young men jumped from the car and fled into the night. We stayed with the kids until the police arrived, again making sure that none of the kids interfered with the abandoned car. The arrival of the police is a story in itself. Wally, our co-ordinator, first rang the local police. But as there was no response after half an hour, I called Glebe police, identified myself as a member of the State Parliament and asked when help would be along so that we might have some idea how long we would need to wait. It was well after midnight. I was told that police would arrive shortly.

Two minutes later we saw not one, not two, not three, but eight police cars and over a dozen police officers fill the street. It did leave me with the thought: if I could rustle up this sort of attention why could not a member of the general public get the same response? I learnt a lot from the team that night. I got home at about two o'clock in the morning. I cannot speak highly enough about the work done by these young people and youth workers. I now have a useful insight into their work, and I have learnt one more thing about their frustrations. Just today I have learnt that this very useful service to young people has only one week more to go because its operations have been curtailed due to lack of funding.

DEPARTMENT OF EDUCATION AND TRAINING DYSLEXIC STUDENTS DISCRIMINATION

Reverend the Hon. FRED NILE [10.53 p.m.]: I wish to bring to the attention of honourable members of this House, and seek their support to end, the misery of and daily discrimination against a group of young people. This is a group of young people who are daily being denied opportunities and are being condemned to a lifetime of frustration and menial job opportunities. It is a group that has every likelihood of being unemployed and potentially part of the ever-increasing prison population. This is not a group of Third World youth that I speak of but a large proportion of young Australians who daily are being denied their right to an adequate and fair education.

I can understand the puzzlement of honourable members at the import of what I am saying: that anyone or any organisation in this the lucky country in the year 2003 would deny our youth, future voters, their right to an adequate education when to do so is blatantly discriminatory and against the laws of our country. Who is this group that is discriminated against, and who are those who are doing the discriminating? The group that I speak of are those unfortunate students in the education system of New South Wales who have the extreme misfortune to have the conditions of dyslexia and/or learning difficulties. Those people with dyslexia alone account for 7 per cent of our population. That 7 per cent of the population are destined for menial jobs, unemployment or worse.

The group that I speak against is the New South Wales Department of Education and Training. This government department has consistently created delays and consistently ignored any information that can assist this disadvantaged group. Evidence has repeatedly been tendered to the Department of Education and Training of the benefits that can accrue to students with dyslexia and/or learning difficulties from the use of specialised computer software. This software is based on the use of standard computers and standard scanners. Text and illustrations from books or other reading material is scanned and reproduced on the computer screen, while simultaneously the text is spoken and highlighted. Many other features assist those with a print disability. Evidence of formalised testing of the software in the United States of America and Europe has shown that fairly minimal exposure to the software can minimise and rectify many of the problems associated with the conditions of dyslexia and/or learning problems. The software can also assist many students with minimal reading and writing problems.

To date the Department of Education and Training has maintained an aloof and patronising attitude towards anyone who has contacted the department with information to assist disabled students via technological means. How then can this government department continue with those attitudes? If a government department or an employer denied employment to a person with dyslexia solely because of the disability of dyslexia, that employer would be prosecuted. How different is the situation with a government department that denies an equitable education solely on the grounds of the disability of dyslexia? The answer is that the Department of Education and Training has its own criteria of disability. Those criteria of disability are totally at odds with State and Federal antidiscrimination laws. However, those are the criteria of disability that the department uses to determine what funding is available to assist students.

In its wisdom, the Department of Education and Training maintains, through its criteria of disability, that dyslexia is not a disability, and thus denies special needs funding to students who suffer from its effects. We have heard of the increased emphasis that the Department of Education and Training says it is placing on increasing literacy and numeracy and of the funding that is being targeted towards this admirable effort. Where do the students who require this increase in literacy and numeracy stand in this enterprise? The students disabled with dyslexia and/or learning difficulties stand in the same position that has been maintained over the years. Dyslexic students stand or sit at the back of the class, or they are sent out of class to the playgrounds or gardens lest they become a distraction to other students because of their frustrations. Unless some effort is taken on behalf of those students, we will continue to see numerous students with high IQs but poor reading and writing skills destined for the scrap heap.

The effort required is only to recognise that they are disabled. Until the criteria of disability include a reference to dyslexia and/or learning difficulties, whatever advances are available now or are made in the future to assist students in peril, they will be denied access to those advances by the Department of Education and Training. I put this question to all honourable members and to the Government: Will we permit the Department of Education and Training to maintain criteria of disability that are totally limited in their scope and criteria that discriminate against students who are most in need of an education? Will we endorse the department's current criteria of disability, or will we demand that the criteria of disability of the Department of Education and Training be brought into line and recognise the various disabilities that are currently recognised by the State and Federal antidiscrimination Acts of Australia?

It is important that rectification action be taken by the Department of Education and Training. I call on the Minister at the table to take note of what I have said tonight, which will be reported in *Hansard* tomorrow. I ask the Minister at the table to follow up this matter with the new Minister for Education and Training, who I am sure it is a very genuine person, to ensure that this matter of discrimination is rectified as rapidly as possible so that students with dyslexia no longer will be discriminated against by this New South Wales department, and that the necessary equipment is purchased and installed to assist those students to overcome any learning difficulties that they experience because of a dyslexic condition.

PROTECTED COMMUNITIES CRIME RATES

The Hon. PETER PRIMROSE [10.58 p.m.]: On a number of occasions I have raised in the House research items concerning crime in a bid to impress upon honourable members the importance of looking at research results in the development of policy, rather than having regard solely to the usual discussions that take place based on ideology. Most recently, the Australian Institute of Criminology produced research paper No. 246 in its series "Trends & issues in crime and criminal justice", dated March 2003, entitled "Suburb Boundaries and Residential Burglars", by Jerry H. Ratcliffe. That discussion paper provided a whole range of information relating to geographical disbursement and the importance of geography in considering offender behaviour.

It is interesting that the findings of various research papers run counter to intuition. When a hypothesis is posed, one tends to believe it is based on commonsense. However, some research evidence—as in this case—indicates that commonsense is not always in accord with actual circumstances. This study examined the home addresses of burglars and the addresses of their targets. The study found that burglars did not, as expected, work in their own neighbourhoods. Most burglars—in this instance approximately 77 per cent—left their own suburbs and travelled an average of five kilometres to their targets. There was no evidence that physical boundaries which separate suburbs, such as carriageways and parkland, acted as barriers to inhibit burglar movements. The researcher argues that this has important implications for both urban design and crime prevention. I urge honourable members to review the extensive findings.

In summary, the findings would suggest that expenditure on increasing the boundary effect of the exterior of suburbs or neighbourhoods against external offenders would be largely wasted money. There is no evidence from the study to suggest that offenders are inhibited in their travel patterns between suburbs—in this case, the researcher was based in Canberra—and the territoriality of suburban residences would not appear to extend as far as the neighbourhood boundary. The researcher argues that future policy directed at protecting communities from burglary might find more success tapping into positive effects of territorial functioning, such as signs of habitation and care, on scales much smaller than suburban level—that is, in blocks of residences or individual streets.

This effectively means that the notion of walled suburbs or even suburbs with security guards at the entrance has no effect on the number or rate of burglaries. One would expect that the number of burglaries in suburbs with a large surrounding wall or a security guard—such as those shown in advertisements cheerfully waving to residents as they drive in—would proportionately decrease compared to the number of burglaries in suburbs without such alleged protection. This research indicates that is simply not the case. In terms of adequate crime prevention, greater focus should be put on smaller methods much closer to home. As the researcher indicates, any development at a suburban or even neighbourhood level involving geography to prevent this level of crime is largely wasted money.

The fear of crime rationale for gated communities would seem to be at odds with the evidence, although the researcher does say that more research is needed. However, the security that protected communities seem to offer raises questions about the level of social division we are prepared to live with. A social community that is more inclusive than exclusive is not necessarily at odds with a suburban lifestyle that has a community atmosphere and a low crime rate.

ORICA LTD TOXIC WASTE DESTRUCTION PROPOSAL

Ms SYLVIA HALE [11.03 p.m.]: Sydney has the world's largest dump of the carcinogen hexachlorobenzene [HCB] at Botany, owned by the chemical company Orica Ltd—the subject of a documentary called *Sixty Thousand Barrels* to be shown on SBS TV on Friday 30 May at 8.30 p.m. The fate of 60,000 barrels of this extremely toxic pollutant, which was banned in Australia in 1987 because of its very high persistence in the environment and its ability to bio-accumulate in the food chain, is currently in the hands of the Minister for Infrastructure and Planning. Needless to say, the fate of the health of Botany residents is also in his hands.

In 2001 the State Government established a commission of inquiry into a proposal to build a HCB waste destruction facility at the Orica site. The commission recommended that the proposal go ahead, under strict guidelines, and it is currently with the planning Minister awaiting approval. It is up to Orica to select a preferred technology to treat this waste. The method chosen by Orica is geomelt, which was developed by a company called URS Australia. Geomelt technology incinerates the waste at extremely high temperatures to produce a solid glass-like substance. A newspaper report on the proposal noted that to complete the task "the furnace would have to be in continuous use 24 hours a day, seven days a week, for five years".

If Orica is allowed to go ahead with this development, residents of Botany face enormous risks to their health and the health of future generations. People can be exposed to HCB by drinking contaminated water, breathing low levels in contaminated air, and eating or touching contaminated soil. Drinking contaminated breast milk from exposed mothers is a significant source of HCB for babies. Out of all the methods available to Orica to treat this toxic waste—which it has produced and profited from for decades—it has chosen one that has never been tested commercially in a similar situation. This may be Orica's cheapest option, and one possibly made even cheaper because it would be a trial run for its untested technology.

As part of its environmental impact statement, Orica was required to submit a preliminary hazard analysis [PHA], designed to consider the risk associated with abnormal or emergency incidents. The Greens are

curious to know whether it is normal practice for PlanningNSW to allow a PHA to be submitted a second time by a company that has failed to get it right the first time. The second PHA was substantially altered. Botany Bay council argued for the public re-exhibition of this document, yet PlanningNSW deemed it unnecessary. That is extraordinary leniency displayed by PlanningNSW. It is crucial that Orica shows it can handle abnormal or emergency circumstances in a toxic waste destruction plant that has never operated commercially and failed even on paper in the first PHA, yet PlanningNSW simply gave it a second chance.

The people of Botany and Orica's employees will not be given a second chance if this treatment fails in any way or if there is an accident at the facility. In 1999 there was an explosion at Maralinga, where the geomelt technology was used to process radioactive soil. Members could imagine the consequences if this happened in suburban Sydney. It would seem that the Minister for Infrastructure and Planning is either ill-informed or wilfully ignorant on this issue. Even the EIS states that the "process configuration that is now proposed for construction at Botany is not fully proven". There are far too many gaps in this equation for the Minister for Infrastructure and Planning to simply fill in with a red pen and hand back for another go.

There have even been suggestions that the glass end product be recycled to cover our roads. A similar process used by the United States Department of Energy resulted in the glass logs leaching radio-nuclide and organic material as they broke down. Due to the proximity of the proposed facility to residents, any treatment chosen must be proved to be safe and reliable. It is an absolute outrage that the Minister for Infrastructure and Planning can even consider approving a development that could have such disastrous health and environmental impacts, particularly when it has not been proved safe and has never been commercially applied in this manner before. If approved, this may be one of the more foolhardy and downright dangerous decisions that Craig Knowles makes in his time as planning Minister.

Motion agreed to.

The House adjourned at 11.08 p.m.