

# LEGISLATIVE COUNCIL

Tuesday 16 September 2003

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

**The President** offered the Prayers.

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

## ASSENT TO BILLS

Assent to the following bills reported:

Criminal Procedure Amendment (Sexual Offence Evidence) Bill  
Food Bill

## RESIGNATION OF THE HONOURABLE MALCOLM IRVING JONES, A MEMBER OF THE LEGISLATIVE COUNCIL

**The PRESIDENT:** I inform the House that I have received a communication from Mr Malcolm Jones that he has today tendered his resignation to the Governor as a member of the Legislative Council. I inform the House further that today an affidavit was issued in the Supreme Court in the Equity Division, the plaintiff being the Hon. Malcolm Jones, MLC, and the defendant the President of the Legislative Council. The plaintiff claimed, inter alia, that the standing orders of the Legislative Council have no procedure to expel a member from the House; that it is for the Parliament to determine if there has been a substantial breach of the code of conduct through its own Standing Committee on Parliamentary Privilege and Ethics; and that the plaintiff has been denied natural justice and the move to expel the plaintiff will cause irreparable damage to his reputation and income. The proceedings were heard today and Justice Windeyer dismissed the motion for an injunction.

## SPORTING VENUES (PITCH INVASIONS) BILL

**Bill received, read a first time and ordered to be printed.**

**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 ordered to stand as an order of the day.**

## POLICE INTEGRITY COMMISSION

### Reports

**The President** announced, pursuant to the Police Integrity Commission Act 1996, the receipt of the following reports:

Report to Parliament: Operation Ibis, dated September 2003  
Annual Report by the Inspector of the Police Integrity Commission for the year ended 30 June 2003.

**The President** announced that she had authorised that the report be made public.

## TABLING OF PAPERS

**The Hon. John Hatzistergos** tabled the following paper:

Rural Lands Protection Act 1998—Report of the Rural Lands Protection Boards for the year ended 31 December 2002

**Ordered to be printed.**

**LEGISLATION REVIEW COMMITTEE****Report**

**The Hon. Peter Primrose**, on behalf of the Chair, tabled the report entitled "Legislation Review Digest No. 2 of 2003", dated 16 September 2003.

**Ordered to be printed.**

**STANDING COMMITTEE ON SOCIAL ISSUES****Report**

**The Clerk** announced, pursuant to the resolution of the House on 21 May 2003 the receipt of the report No. 30, entitled "Realising Potential—Final Report of the Inquiry into Early Intervention for Children with Learning Difficulties", dated September 2003, together with minutes of proceedings, submissions, correspondence and transcripts of evidence.

**The Clerk** announced further that he had authorised that the report be printed.

**PETITIONS****Local Government Boundary Changes**

Petition objecting to any boundary changes that will force amalgamations of local councils, received from **the Hon. Dr Peter Wong**.

**Redox Chemicals Pty Ltd Relocation**

Petition opposing the relocation of Redox Chemicals Pty Ltd to St Andrews and storage of flammable and toxic chemicals within close proximity to residential homes, received from **the Hon. Dr Arthur Chesterfield-Evans**.

**Public Education Restructure**

Petition praying that the Government delay the implementation of the proposed restructure of the Department of Education and Training and TAFE NSW and investigate its consequences for rural communities, received from **the Hon. Rick Colless**.

**Clyde Marshalling Yards**

Petition opposing the construction of a waste transfer station at Clyde marshalling yards, Auburn, received from **Ms Sylvia Hale**.

**Cyanide Heap Mining**

Petition praying that cyanide heap leaching mining be banned, received from **Ms Lee Rhiannon**.

**BUSINESS OF THE HOUSE****Withdrawal of Business**

**Business of the House Notice of Motion No. 1 withdrawn by the Hon. Michael Egan.**

**BUSINESS OF THE HOUSE****Withdrawal of Business**

**Business of the House Notice of Motion No. 2 withdrawn by Ms Lee Rhiannon.**

**DISTINGUISHED VISITORS**

**The PRESIDENT:** Order! I welcome to the public gallery the Hon. Chris Hurford, a former member of Federal Parliament.

**LEGISLATIVE COUNCIL VACANCY****Resignation of the Honourable Malcolm Irving Jones**

**The PRESIDENT:** I report the receipt of the following communication from the Official Secretary to Her Excellency the Governor:

OFFICE OF THE GOVERNOR  
SYDNEY 2000

Tuesday, 16 September 2003

Dr The Honourable Meredith Burgmann MLC  
President  
Legislative Council  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

Dear President,

I have to advise that Her Excellency the Governor received a letter dated 16 September 2003 from The Honourable Malcolm Jones MLC tendering his resignation as a Member of the Legislative Council.

Her Excellency has accepted Mr Jones' resignation effective immediately.

With kind regards,

Yours sincerely,

Brian L Davies  
Official Secretary

I have acknowledged the communication. An entry regarding the resignation of the Hon. Malcolm Irving Jones has been made in the Register of Members of the Legislative Council.

**STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS****Membership**

**The PRESIDENT:** I inform the House that the Clerk has received the following nominations for membership of the Standing Committee on Parliamentary Privilege and Ethics according to paragraph 6 of the resolution adopted by the House on Thursday 4 September 2003:

Government members: Mr Catanzariti, Ms Fazio, Ms Griffin, Mr Primrose  
Opposition members: Mrs Forsythe, Miss Gardiner

**Crossbench Membership**

**The PRESIDENT:** I advise that the crossbench members have not reached agreement about representation on the Standing Committee on Parliamentary Privilege and Ethics. The following crossbench members have written to the Clerk nominating themselves for membership of the committee:

Dr Chesterfield-Evans, Reverend Nile, Dr Wong

In accordance with paragraph 6 of the resolution of the House appointing the committee, in the absence of agreement the crossbench representation on the committee is to be determined by the House.

**Ballot**

**The Hon. MICHAEL EGAN** (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [2.52 p.m.]: I move:

That the crossbench member to serve on the Standing Committee on Parliamentary Privilege and Ethics be chosen by ballot in accordance with Standing Order 236.

I urge everyone to vote for Reverend the Hon. Fred Nile.

**The Hon. Dr Arthur Chesterfield-Evans:** Point of order: I suggest that that recommendation is out of order and should be withdrawn.

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

**Motion agreed to.**

**The PRESIDENT:** I will explain to honourable members the procedure to be followed under Standing Order 236 for the conduct of the ballot. Ballot papers have been printed and will be distributed to members. Each member is required to give to the Clerk the name of the crossbench member he or she intends to serve on the committee. After voting, members should hand their ballot papers to the Clerk, who will record the presentation of the ballot paper against the list of members of the House.

The member reported by the Clerk to have the greatest number of votes will be declared by me to be the member of the committee. If there is an equality of votes, the standing orders provide for the President to decide who will serve on the committee. The crossbench members who have nominated for membership of the Standing Committee on Parliamentary Privilege and Ethics are the Hon. Dr Arthur Chesterfield-Evans, Reverend the Hon. Fred Nile and the Hon. Dr Peter Wong. The Clerks will now distribute ballot papers. After completion members should deliver their ballot papers to the Clerks.

*[The ballot was conducted.]*

**The PRESIDENT:** Order! I declare that the crossbench member of the Standing Committee on Parliamentary Privilege and Ethics is Reverend the Hon. Fred Nile.

#### **Chair and Deputy Chair**

**The PRESIDENT:** Order! I further inform the House that, in accordance with paragraph 7 of the resolution adopted by the House on Thursday 4 September 2003, the Leader of the Government has nominated Mr Primrose as Chair of the Standing Committee on Parliamentary Privilege and Ethics, and that the Leader of the Opposition has nominated Mrs Forsythe as Deputy Chair of the committee.

#### **SESSIONAL ORDERS**

##### **Prayers**

**Debate resumed from 2 September.**

**Ms LEE RHIANNON** [3.03 p.m.]: I am pleased to be able to resume my speech from the point I had reached on 2 September. We no longer live in a Christian-dominated society. By the end of the twentieth century the proportion of people regularly attending church was half what it was in 1950. We have welcomed to this State people of all faiths and creeds. Some of those people are now represented in this place. Our Parliament now consists of Protestants, Christians, Catholics, atheists, agnostics, Jews and Buddhists. If reports in a recent edition of the *Sun-Herald* are correct, this place may soon have its first Islamic member.

The practice of having a Christian prayer dominate the opening of each parliamentary sitting is becoming more and more unsustainable. It is unsustainable because it fulfils the spiritual needs of fewer and fewer members of this Chamber and makes our Parliament looked outdated and out of step with ordinary Australians. That is why the Greens are proposing a new, non-denominational prayer that can appeal to Christians and non-Christians alike. If this motion to amend the sessional orders is adopted, members of Parliament will stand in silence to pray or to reflect at the start of each day. Christians in this House would still have the opportunity to recite the Lord's Prayer. The motion takes nothing away from Christians, who will retain their ability to pray precisely as they do now. Everybody would have the opportunity to pray or to reflect in a way that is appropriate for them. But the motion empowers those not of the Christian faith to have their own form of prayer or reflection, whatever that may be. The Greens respect the need to include a spiritual ritual in our daily lives.

**The Hon. Duncan Gay:** That is why you are so ethical!

**Ms LEE RHIANNON:** We also respect the spiritual value that some people derive from the Lord's Prayer. I acknowledge the interjection of the Deputy Leader of the Opposition. I would be happy any day to take part in a head-to-head debate on our ethical stance. The motion asks nothing more than to broaden that tradition of spirituality into a more inclusive ritual. By accepting this motion we would bring this place into line with modern practice. The Australian Capital Territory has taken this route, as have other parliaments including Scotland, Northern Ireland and South Africa. I wonder what Opposition members would have to say about those parliaments. Would they be as scathing about them and as rude to them as they are to me? Let us respect tradition, but let us also accept the need for change. The current ritual may alienate more people than it includes. It should also be of concern to Christians themselves. Reverend Dorothy McRae-McMahon, a retired Uniting Church minister, has indicated her support for this motion and the way in which the parliaments of the Australian Capital Territory, Scotland, Northern Ireland and South Africa undertake the start to their day. I quote her:

I have to fight for religious freedom for everyone, or my own freedom will not survive.

Those words sum up the need for change to the sessional orders. Dorothy McRae-McMahon asked Christians to consider how they would feel if they were the only Christian in the Parliament of an Islamic, Hindu or Jewish State and had to listen to a prayer that was not inclusive of them. Freedom of religion is not something that applies only to you. I urge Opposition members to consider that freedom of religion is not something they should claim for themselves, because if they do it has no meaning. Those who enjoy that freedom should be prepared to extend it to others. Surely Opposition members should be able to extend that small grace to others. As a Parliament we are a crucible of society. We should therefore be a model of tolerance and inclusion. We should lead the way, not follow.

I talked earlier about tradition. The Lord's Prayer is a fairly recent tradition in this place: it was only introduced in 1943. By comparison, the democratic parliamentary tradition is much older. The ultimate and enduring rationale of Parliament is that we represent the people—all people. This is the people's place, and we should respect their diversity. We can no longer sustain an argument that we are just a Christian society and therefore this Chamber should have only Christian prayers. That is denying the reality of the society in which we live. On that basis, I hope honourable members will support the motion—and that they will be guided by their conscience, rather than partisan politics. I commend the motion to the House.

**The Hon. DUNCAN GAY** (Deputy Leader of the Opposition) [3.09 p.m.]: I oppose the motion on behalf of the National Party.

**The Hon. John Della Bosca:** You believe everything you are saying.

**The Hon. DUNCAN GAY:** Absolutely! There is nothing I speak about in this House in which I do not believe very strongly. It is self-evident that we live in a Judaeo-Christian society, and the Lord's Prayer is the accepted prayer of the Christian religion, which is the religion of the majority of members of this society. As the honourable member indicated, if we were in a nation that was predominantly of Muslim or another religion we would accept their prayers, and so we should, but we would think about our own faith when the prayer was offered. We would accept that it was their society and that it was their right to offer their own prayers. I do not know where this member is coming from. I do not believe this is a genuine attempt to do something right; I believe it is another attempt to get media coverage. It is along exactly the same lines as her motion to expel Malcolm Jones before he had any chance to offer an explanation to this House. If this is where her personal space is and where she is getting her inspiration for what she believes is right, I do not want to go there; I am happy to stay where we are.

**Reverend the Hon. Dr GORDON MOYES** [3.11 p.m.]: Unlike Ms Lee Rhiannon, I know something about prayer. I am sorry we need to take up the time of the House debating the motion, because I believe it is a frivolous exercise. However, I am proud to defend the practice of not only this House, but the Houses under the Westminster system that have existed for the past 600 years. I want to give 10 reasons why we should retain this official practice. First, Australian history since European settlement was founded upon Christian beliefs. Australian history, which includes the foundation of Parliament, is based upon Christian culture. To reject this tradition is to disrespect our cultural history. We believe that Australia must retain its Christian heritage and its Christian culture. This does not stop other people from having other faiths, but the underlying faith and foundation of this nation is Christianity. Naturally, this is not a popular statement in our increasingly secular society, but we Christians should not settle for less.

This country was founded, and the Federation of Australia was established, on Christian principles. We want those principles upheld in our Parliament. Some people want to praise every faith except our faith; they want to uphold every culture except our culture; they want to accept every belief except our belief; they want to praise every people except our people. We are proud of our tradition, our faith, our culture, our belief and our people, and that is recognised in the opening prayer. How can we be a more inclusive and tolerant State if we deny the rights of believers to pray? Second, the opening prayer in this House is a tradition that is practised by other State parliaments, our Federal Parliament and many other parliaments of the world. For example, in the United Kingdom the Speaker's Chaplain opens each meeting with prayer, and has done so for the past 600 years. In the House of Lords a selected bishop opens with prayer. In New South Wales the prayer as we now have it, in our words, was established in 1934.

Does New South Wales want to be known as the Premier State or the atheist State? Evidently, other Australian parliaments recognise the importance of retaining this tradition—it is a nationwide practice. I ask Ms Lee Rhiannon to contemplate this: If she is right on this matter of prayer, nothing matters, but if we are right on this matter of prayer nothing matters more. The third reason is that this practice is supported and respected by Australian citizens. I remind the mover of the motion, who declared that we are no longer a predominantly Christian community and that we are out of step with ordinary Australians, that she is quite wrong in her statements. The most recent census figures from the Australian Bureau of Statistics for 2002 reveal that more than 70 per cent of respondents identified an affiliation with Christianity. Given that the majority of the population identifies with Christian-based religions, beginning the parliamentary day in this House with prayer is in line with the beliefs of the people whom this House represents.

It is clear that more than 80 per cent of the Australian population who are Christians support these daily prayers in the name of Almighty God, but so, too, do the Muslim and Jewish communities. If we had a Muslim member, as was mentioned earlier today, that member would pray four times a day. Today there is a tendency to undo our institutions. The Australian flag is to be cut up. The battle for Australia is being ignored. The anniversaries later this month of the battle for Milne Bay in the Coral Sea and the Kokoda Track are being rejected by some. Father's Day is being rejected as too paternalistic. I suggest that this practice is supported and respected by Australians. Fourth, prayer allows God's will and direction to guide our proceedings. I remind the unofficial Leader of the Greens, who moved this motion, that in the last election the Greens gained 170,000 votes, but five times that number go to church every Sunday.

**The Hon. Jan Burnswoods:** Stop yelling at us. You have a microphone.

**Reverend the Hon. Dr GORDON MOYES:** If I were to hear someone yelling, it would come from the direction of the Hon. Jan Burnswoods.

**The Hon. Jan Burnswoods:** You're the one who is yelling.

**Reverend the Hon. Dr GORDON MOYES:** I cannot help it if I project. Some 4 million people in Australia claim to be Christians and believe in prayer. It is not enough to think about the electorate for one minute, it is not enough to think about the environment for one minute. The prayer to God is to direct and prosper our deliberations for the true welfare of New South Wales and Australia. The fifth reason to retain the prayer is that Christians believe prayer enables us to receive wisdom and the mind of God. I do not mind what restrictions others place upon themselves, but I object to someone else restricting me from expressing, in the best way I can, my concerns for the welfare of the people of New South Wales.

People of other faiths have their ways of seeking guidance. Muslims do it four times daily, Christians do it at the opening of the parliamentary day. Sixth, Christians believe that prayer moves the hand of God to work in the affairs of men. His guidance will lead to the most beneficial decisions for the people whom the Parliament represents. Recently I was at a centre for disturbed children who are presented as wards of the State, children with the most challenging behaviours. When I was in a staff room I noticed a poster behind the door, which read:

We the unwilling, led by the unqualified  
Have been doing the unbelievable  
For so long and with so little  
That we now attempt the impossible  
With nothing but prayer.

I reflect on that statement. We do not pray to change God's will; we pray to bring our will into line with Him. Even if I did not believe, I would be humble enough to think that others might be right, and if they were right then I would want to be right with their God. Seventh, by beginning the parliamentary day in prayer we reinforce the concept of relying on God's strength to do things rather than relying on our own strength. The frailty of human behaviour and motivation is a constant reminder for those of us who have been in the House and who meet with people in the streets. The Jewish people have a wonderful saying, which I would not dare describe as irrelevant to contemporary life. They say:

Do you not know? Have you not heard? The LORD is the everlasting God, the Creator of the ends of the earth. He will not grow tired or weary, and his understanding no one can fathom. He gives strength to the weary and increases the power of the weak. Even youths grow tired and weary, and young men stumble and fall; but those who hope in the LORD will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not faint.

On the morning of the first day of Ms Lee Rhiannon's speech on this motion I reflected on having prayed earlier that day at Woronora Cemetery, where someone was being cremated. I prayed with the family of a woman who had been murdered early that morning. The family found strength and comfort in those prayers. During lunchtime I prayed with a group of people in the heart of the city who met to pray for the family of the murdered woman. I enjoy some of the lovely facilities presented by churches to enable people to pray. I enjoy the commencement of the legal year, the red mass, at St Mary's Cathedral. It does something for the judges of this community. I go to the synagogue and enjoy meeting with people there. Each of these centres becomes an important centre of prayer.

The eighth reason I offer is that an opening prayer establishes a level playing field in recognising that we are all sinners before a holy God. I heard Ms Lee Rhiannon say that parliaments around the world do not open with prayer and do not have chaplains, and so on. I remind the honourable member that in the United Kingdom the first chaplain was appointed in 1659, and the practice continues to this day. In the United States of America both the Congress and the Senate have full-time chaplains who are appointed and paid for out of the public purse. The Reverend Peter Marshall became world famous as Chaplain to the United States Senate. I have known the past three chaplains of the United States Congress and the United States Senate: Reverend Lloyd Ogilvie, Reverend Richard Halverson, and Reverend Barry Black, a man with whom I led discussions in Seoul, Korea, in June 2003. Those parliaments not only open in prayer but actually fund a full-time chaplain.

The ninth reason I give is that this is a beautiful spring day in a wonderful country of peace and prosperity. It is very sad to have no-one to thank. Gratitude is a sign of maturity, and politicians should be grateful to our families, our electors, the community at large, and God. I feel very sorry for a person who has no visible means of support, and no invisible means of support. In countries where non-Christian religions dominate, Christians accept the rule of the country in which they live, and we commend that to other citizens in Australia. The tenth reason I want to give is that every one of us gets caught in a busy life of tension, aggression and heartburn and we need to relax, pause, have a quiet mind, and think positively to gain perspective. Prayer enables the best perspective because it creates a sense of transcendence beyond this world. Prayer is really spiritual breathing.

I have written a small book on the theme of spiritual breathing. With the permission of the House, I will distribute it to members in their pigeonholes. I would like to present Ms Lee Rhiannon with the first copy of *The Significance of Prayer* in the life of members. I ask Mr Ian Cohen: What happens when a giant tree in a rainforest is cut down? Hundreds of years of growth are destroyed, and the destruction is not only of the past but also of the future. In destroying our great heritage of faith, we are destroying something of great significance. I recognise that there are dark forces that would destroy each tradition and cultural and spiritual benefit that has been won for us by men and women who have made this country, and that is being done for what has been described by someone else as cheap media attention. We should resoundingly defeat this motion to show the people of this nation that here in this House there are people who take time every day to care, to think, and to pray for the welfare of the people of New South Wales and of this country. I urge honourable members to solidly reject this motion.

**The Hon. PETER PRIMROSE** [3.24 p.m.]: I had not intended to speak during this debate but I will be brief. At the outset I commend the sentiments expressed by the previous speaker because by his attitude he has illustrated very reasonably why this motion should be supported. I particularly accept his point that what the people of this country should do is accept the rule of the country in which they live—I believe they were his words. Reverend the Hon. Dr Gordon Moyes is nodding in acknowledgement, for which I thank him. I point out that a couple of years ago in this State we debated the Community Relations Commission and Principles of Multiculturalism Bill, which was enacted in 2000. A very interesting set of general purpose standing committee

hearings was undertaken in relation to that bill. The first of the four principles of multiculturalism set out in the Act states:

All individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life in which they may legally participate.

The second principle states:

All individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language.

My simple point is that the rules of the country and of the State, as adopted by this Parliament, are the principles of multiculturalism. We respect and make provision for the culture, language and religion of others. I am not a Christian: Currently I would describe myself as an unwilling agnostic, but I am very happy to respect the views, the traditions and the ceremonies of others. I challenge anyone in this place to demonstrate when I have been disrespectful to those customs. I recognise that those customs are equal. We are a Parliament that is respectful of laws and, as a consequence, I believe that as we have adopted in this Parliament the four principles of multiculturalism, we should proceed to implement them and allow members who wish to stand in silence or pray, as the motion states, or reflect on their responsibilities to the people of New South Wales, to do so in their own way. That will allow us to uphold the principles of multiculturalism.

I also state that if the motion is defeated, as I suspect it probably will be, I will continue, as other members do, to stand in silence and reflect on our responsibilities during the prayers. I am very happy to continue to do that. However, I believe it is quite appropriate to acknowledge the reality that not everyone believes it is appropriate to be hypocritical by standing and praying the Christian prayer. Having said all that, I simply state that I am annoyed that the time of this Parliament has been taken up today in debating the motion. I believe the appropriate course would have been to try to find a more consensual way of resolving the matter, possibly through the process of an appropriate committee.

**The Hon. Charlie Lynn:** But that would not have got any publicity.

**The Hon. PETER PRIMROSE:** I acknowledge that that may be the case, but I will not reflect upon the motivations of the mover of the motion. At this stage I intend to support the sentiment of the motion, although I suspect that the motion will probably be lost. In any event, my belief is that eventually this House will have to respect the laws of the land and support the principles of multiculturalism in its standing orders.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [3.28 p.m.]: The principle of *laïcité*, the separation of church and state, was extremely important during the French Revolution. People died for the sake of this principle, and it was certainly embodied in the new French Constitution following the revolution. It is also regarded as extremely important in the United States Constitution; I believe it was the first amendment to the United States Constitution.

**The Hon. Charlie Lynn:** What has this debate got to do with the French Revolution?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** It is interesting that a principle that is embodied in the constitutions of two countries that Australians believe are extremely important and vital in the historical development of the concepts of liberty and government in Western thought should attract nothing but contempt from the rabble in this Parliament who do not even understand the significance of the issue and simply shout like unruly schoolchildren in the belief that if someone is shouted down it is some type of petty victory. I remember being shouted at while I was in boarding school; I remember the pettiness of those who think that he who shouts the loudest always wins. I have been there and done that!

Such an attitude is very much connected to the repressive, unconstructive, dogmatic approach taken by religion on its hind legs, as it were, when it has the whip hand. I have given notice of a motion seeking that this House reaffirms the separation of church and State. Some of my friends have criticised the motion because it contains the word "reaffirms" and because the House never has affirmed the separation of church and State. Listening to the rabble today, I fear that perhaps the House never will. I hope, however, that there will be some improvement as time goes by. My motion seeks to deal with this issue in theory; the motion we are currently debating is the practical application of it. In a sense I am somewhat envious that the Greens have moved to change the standing orders. My motion, which is taking quite some time to come on, seeks only to discuss the matter.

I turn now to multiculturalism. I have spoken at a number of multicultural events. I was invited to speak at a ceremony to celebrate Pakistan National Day, whose organisers believe that people of the Islamic faith are given a hard time for no reason—they have not committed any crime during this time of heightened hysteria over terrorism and the foolish foreign policy embraced by the current Australian Government. Recently I visited an Islamic school that is having great difficulty finding premises to operate from. Those involved with the school believe that people who wear the chador and engage in other Muslim practices are discriminated against and face great intolerance from other Australian schools and the general community. They want to set up their own school so that they can practice their faith in their own way without discrimination. Such discrimination is an indictment of us all; we should hang our heads in shame and do something about it. People should be able to follow whatever religion they choose, without discrimination.

I know a Jew who found it very difficult at his school when other children bowed to a Christian God and said Christian prayers. This effectively excluded him from participating in activities at his school. In response to earlier interjections I said that my school experience was very negative. At my school hypocrisy and bullying were rife. While at school I attended church every Sunday and said prayers every day. I spent one day a week examining the merits of the school's philosophy, which was, in no uncertain terms, shoved down my neck. I wondered why, if God was so wonderful, I could not understand what I was being taught. I listened intently to intelligent men preaching to me, day after day, week after week. I wondered what it was that I did not understand. I thought: If what is being taught to me is so obvious, how come the rest of the population does not accept it? For a decade I tried very hard to understand.

I also wondered why the rectors read the service. I did not need to read any service, I could recite them all from start to finish, including Morning Prayer and Evensong, with no problems—word perfect. I knew them all. Perhaps the rectors did not know the services, or perhaps they really were not smart. I do not know which it was. In all honesty, I do not know whether there is a God or not. When I became interested in science I heard about the null hypothesis: the assumption that something is not so unless it can be proved to be so. I believe that theory to be very reasonable. If that is the case, the starting hypothesis could be that one is an agnostic and if proof is not forthcoming one becomes an atheist. To me that is perfectly reasonable. People should not inflict their beliefs on others.

Included among the arguments against this motion is that we live in a Christian community. It has been said that because more than half the population believe in a Judaeo-Christian God everyone should accept that position, whether they like it or not. I do not like the simplistic explanation of creation, which, despite the good work of scientists since Darwin, is still peddled. Wars are still justified on the basis of the superiority of one religion over others. I am concerned about the repressive sexual morality embodied in religion, and I accept that there are historical reasons and origins for that.

The Jewish customs of cleanliness and chastity meant that there were no unwanted children and no spreading of disease resulting in high infant and maternal mortality. Those important customs were incorporated into the Jewish religion to enforce that message with the dominant philosophy of the time. I can understand the importance throughout history of such customs as virginity, especially to ensure that the rightful heir assumed a throne and, for example, the legitimate son received his inheritance. Virginity and fidelity are still very important. The social history of Shakespearean times records that as well as many people having died as a result of the plague, a large number of women died during the neo-natal period. Emphasis was placed on fidelity and parenthood by the upper classes, but not by the lower classes. In effect, there were sociological reasons at that time for morals that were closely linked to sex. I am very much in favour of morality, but the word "morality" has been corrupted in many ways and is now associated with sexual repression—and it is very much linked with some aspects of the Christian church. Anyone who thinks that I am being fanciful about this matter might care to examine the incidence of paedophilia, which I believe emanates from that sort of repression. Many accusations of this type have been levelled against the churches and various institutions.

I do not say that all those difficulties are connected to the Lord's Prayer, but I do suggest that it is not reasonable for Judaeo-Christian ethics to be stated and for all members to recite the Lord's Prayer at the beginning of each day's sitting. After all, the Christian church does not represent everyone's opinions on all matters. Currently there is a decline in the percentage of the population who are serious believers, and that is reflected in church attendances. However, as some honourable members have contended, it may well be that the majority of people are Christians and, therefore, we should all say the Lord's Prayer. The fact that the church has a few imperfections may be by the bye.

The principle of the separation of church and State is important. The principle that one should not inflict a religion on others is also important. The Lord's Prayer is an imposition on this House. In fact, I do not

come into the Chamber until it has been said, because, frankly, I do not want to go through it. I stood in churches, involuntarily, for a decade, and I do not wish to stand through any more church services. That is my choice.

**The PRESIDENT:** Order! The Hon. Dr Arthur Chesterfield-Evans has the call. Members who wish to engage in conversation should leave the Chamber.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** If I find offensive the reciting of the prayer, my rights in this matter should be respected, just as the rights of any other person who is not a believer in the Judeo-Christian faith would be respected. My request relating to the function of the House and the separation of church and State is reasonable at a theoretical level. It is also reasonable for those who are not believers in the Judeo-Christian faith. I am disappointed at the interjections that honourable members have had to endure throughout debate on this perfectly reasonable motion, which I believe should be supported. I do not support the argument that the member who moved the motion did so merely for publicity. In any event, should the member not receive publicity for a reasonable motion introduced into this Chamber? The motion should receive the support of all members.

**The Hon. Charlie Lynn:** Are the Democrats having a conscience vote?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** The fact that this matter is being trivialised is an indictment of the level of maturity of honourable members in this House.

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [3.41 p.m.]: I rarely agree with many of the points that are made in debate by the Hon. Peter Primrose. However, the last point that he made in his contribution was most salient. There are many significant issues before the Chair that we should debate that have the potential to impact on the lives of all citizens in this State. Yet the Greens raise this issue again. It is a bit like the Minister for Fair Trading every Christmas coming up with a list of killer toys of which parents should be aware. Ms Lee Rhiannon raised this issue to try to score a little more publicity. She missed out on earlier opportunities so this is her chance today.

We voted on this issue in October 2001. The member obviously does not care to remember that the vote was 31 to 5 against. The honourable member is revisiting an issue that she will continue to raise. The rambling contribution of the Hon. Dr Arthur Chesterfield-Evans served only to confuse the issue. The Hon. Lee Rhiannon's never-ending quest to get her face on television or her voice on radio leaves me cold. I state on behalf of members of the Liberal Party that we will oppose this motion.

**The Hon. TONY BURKE** [3.42 p.m.]: About 10 years ago I had the great experience of attending the Australasian debating championships when they were held in Malaysia. The official ceremony was opened with a prayer from the *Koran*. People set aside a moment to make it clear that the occasion really meant something to them. Members of the community did that by reciting a prayer. I was not offended and I did not feel excluded. It is not the case that there was a majority of Islamic competitors at the championships. Indeed, the organiser of the competition was a Malaysian Hindu. Setting aside that moment sent out a clear message and we acknowledged—sometimes it is the only time that we do acknowledge—that there was a world outside that forum. Debating this motion is an indication that we do not adequately acknowledge that fact.

Last week, during the parliamentary break, a former union member asked me what we did last week in Parliament. At the conclusion of debate today what will we have achieved since we returned from the winter recess? At the beginning of each day we discuss what we are going to do on the next day of sitting. On our first day back we did nothing but give notice of what we would do on the second day of business. On the second day of business we spent the whole day listening to a long speech on an important issue—why someone should remain a member of the Legislative Council. On the third day we talked about whether to get rid of a national park; we decided not to get rid of that park. Today we discovered that what we talked about on the second day of sitting was not necessary because that member of Parliament has resigned. So, instead of the rest of the day being set aside for us to debate whether someone should remain a member of the Legislative Council we cannot resist the temptation to spend the time of the Legislative Council talking about the Legislative Council. Today's debate has been about the prayers that are recited before we commence proceedings in this Parliament. What will members miss out on or what will others sacrifice by not being present for the prayers? They will miss out on one moment of significant business—the Usher of the Black Rod announcing the arrival of the President and the first opportunity of the day to bow to the President. That is all they will miss out on, other than the prayer itself, which they say they do not want to be a part of anyway.

During the week I spoke with a number of Islamic members of the Labor Party who have been members of local government. I asked them what their attitude was to this motion. Honourable members might have noticed that the Hon. Dr Arthur Chesterfield-Evans referred earlier to different Islamic schools that he visited. However, he omitted to tell us whether he asked people at those schools what they thought about the prayer. That bit of information was missing. The responses I was given by all those with whom I had a conversation were consistent: If we are replacing the current prayer with nothing, they would rather we retain what we have at the moment. Islamic representatives on local government have not railed against the prayer at local government level.

I agree that there are better ways of going about this, but the worst possible option would be to go the Lee Rhiannon way and to say, "Let us all stand in silence and not do anything collectively." The memberships of a number of councils comprise people from many different faiths but sometimes those faiths are not reflective of the community. Those councils commence each day with a prayer that all members feel a part of. There are different ways of doing this, as I said earlier. It is not a particularly spiritually uplifting experience in this Chamber each day to hear Catholic members stop reciting the prayer at one point because they do not want to recite the Protestant part and, when we get to the Protestant bit, to hear some members reciting that part of the prayer more loudly. Indeed, one member refuses to say anything other than that Protestant bit at the end of the prayer to try to keep the volume consistent throughout the prayer.

There are other options, but without doubt the worst possible option would be to kick out the prayer altogether. This is just another example of the time of the Legislative Council being wasted. Members are too obsessed with the Legislative Council. There is a bigger world out there. I hope that we debate other issues tomorrow.

**The Hon. DAVID CLARKE** [3.46 p.m.]: I support the continuation of the practice of opening this Parliament with a prayer. I therefore oppose this motion and the Green crusade to de-Christianise our Parliament. I will never vote to abolish the opening prayer in this Parliament. Australia is a Christian nation. Australian society is based on Christian values and on Christian principles. We have nothing to be ashamed of in stating that. We have nothing to be ashamed of in our Christian heritage and Christian achievements. One great achievement of our Christian society is the provision of an environment in which people of all religious faiths can practise their faith in peace. In the most recent census the great majority of Australians professed their Christian faith. The majority of the remainder expressed a belief in one of the other great faith traditions. Only a small percentage of Australians declared themselves to be atheists or agnostics.

Nobody could take exception to the Lord's Prayer that we recite. I recite the whole prayer. As a Catholic I recite the so-called Catholic part and the so-called Protestant part. I do not have any problem doing that. Every person of virtually every faith could recite that prayer without taking offence. Those who take offence, those who do not want to recite it or those who have an objection to it, could have a quiet moment of reflection. Many parliaments in this world open with a prayer, but there are a few notable exceptions. The Parliament of the Soviet Union never used to open with a prayer. The Albanian Parliament, or whatever people called the outfit that ran that country, never opened with a prayer. In fact, it banned all religions. The North Korean Parliament does not open with a prayer, nor does the Parliament in Fidel Castro's Cuba. I do not believe they provide a good role model for us to follow. I do not want to go down that path. I support the continuation of the tradition of reciting the prayer in this Parliament. I will do that as long as I remain a member of this Chamber.

**Mr IAN COHEN** [3.49 p.m.]: This is an interesting debate. The more we hear about the separation of church and State the more I notice how religion continues to impact residually on the thinking of many—particularly members of this House. If I had any doubts about whether we are living in a Christian-dominated society, this debate has certainly removed them. I shall put some different perspectives to the House. I am concerned about the level of vitriol aroused by this motion, which I support. As one of Jewish descent, I know what it is like to be in a minority. From kindergarten, through primary school and the remaining years of my education, I always felt somewhat separate from Christian society and those who said, "This is right and the rest are wrong." That was my experience as a member of a minority in a Christian community during the early days of multiculturalism. I commend the Hon. Peter Primrose for outlining the principles of multiculturalism, which are a breath of fresh air in our society.

The Greens are not seeking to abolish anything by moving this motion. We are simply saying, "Let's look at what Australian society today is all about." I would like to think we are different from societies that have clung to all their cultural traditions and that we accept the multicultural nature of Australian society and respect

differences and minorities. Perhaps I am a member of the Greens and of this place today because I felt from a very young age that I was in the minority. It certainly had an impact on me. In the 1950s I was one of four Jewish kids at my primary school who, for various reasons, were separated from our classmates. Separation is a second-rate way of running a society. The more profound approach is to consider how we can respect both the majority and the minority. That is why I believe we should take this motion seriously.

Some of the reactions to the motion this afternoon have been jingoistic and rather aggressive. I react to that approach and resent it immensely. I accept that there are those who are vulnerable and weak who need to gain strength from prayer. That is fine; so be it. However, narrow-minded religious practice associated with any of the world's great faiths is an insult to many thinking and feeling people. I am often in the Chamber at the beginning of the parliamentary day to move a motion or to be informed about the business of the House and I stand in silence during the saying of the prayer. I feel quite separate. I do not adhere to the Jewish faith but I am part of the Jewish culture. I am reminded of that fact time and time again by narrow-minded people who confront me, believing that a particular attitude is better than another or something is appropriate in one nation but not in another.

I would like to think that Australia could move into the future unfettered by the restrictions of tradition. We should present an opportunity in this place for reflection, meditation, or Christian, Muslim or Jewish prayer. It was suggested that prayers of different faiths could be recited in the House on a rotating basis. The practice of listening every sitting day to the words "Our Father, Who art in heaven, Hallowed be thy name, Thy kingdom come, Thy will be done", strikes me as being almost militaristic, jingoistic and completely inappropriate. Give us something else, allow for some variety or give us nothing. The current practice is reflective of a lack of patience, awareness and breadth of vision on the part of the majority in the House.

**The Hon. JOHN RYAN** [3.55 p.m.]: It is no secret to members in the House that I am a committed Christian. I will outline my concerns about this motion and others like it. I am the first to say that we should respect the views of minorities. The difficulty is that we can reach the point where in respecting every single minority we forget to reflect the views of the majority. The prayer that is said at the beginning of the parliamentary day is not said individually. A strength of the Christian tradition is corporate prayer: prayer that is said aloud and in unison by a group of people. That important part of the Christian tradition would be lost entirely if we opted instead for silent reflection, which is largely the recourse of those with no religion or those who do not follow the Christian practice of prayer. Not all meditation is prayer; there is a technical difference. To deny Christians the opportunity to pray formally and corporately is to deny a very strong tradition that, by any estimation, is an important part of what being Australian is all about.

I have heard many accusations in this place that Christians are narrow-minded and that many paedophiles are associated with the Christian church. I must sit here patiently and tolerate that kind of criticism but it is apparently offensive for others to hear Christians pray corporately. Tolerance must extend to all, and we should tolerate Christians praying corporately for 60 seconds in this place every day. I cannot see how that is a major imposition, even for non-Christians. I ask honourable members to consider what would happen if we decided to hold an Aboriginal smoking ceremony at the beginning of every parliamentary session. No honourable member would take offence at the acknowledgement of spirituality in that form—in fact, I am pretty sure that many of those who support this motion would encourage that practice, which they would view as celebrating an important part of Australia's indigenous culture. Similarly, I contend that the Christian tradition is an important part not only of Australia's culture but also of our parliamentary tradition.

The Hon. Dr Arthur Chesterfield-Evans referred to the French Revolution, which was a disaster. The French Revolution, which was an attempt to abolish from France Christianity in all its forms, resulted in the reign of terror, during which people were butchered. This is illustrated graphically in the book *A Tale of Two Cities* by the Christian author Charles Dickens. Christians are often accused of being bloodthirsty and paternalistic. It is forgotten entirely that such traits are not uniquely Christian but part of the human condition: all people of all faiths are capable of those sorts of excesses. I believe the Christian prayer that is said at the beginning of the parliamentary day in the Legislative Council is a reasonable expression of a faith that is held by many in Australia. I see no reason why the practice cannot continue in its present form as a moment of reflection.

To remove the prayer in the manner suggested by this motion would not only deny Christians the capacity to express themselves corporately in prayer but deny a tradition that is followed by a large number of Australians and that is associated closely with the history of Parliament. I remind honourable members that the first Parliament in the Western tradition met in a church and was formed by people of faith. Prayer is relevant to

the parliamentary tradition. It has nothing to do with the separation of church and State. I ask for tolerance on the part of others to allow us Christians 60 seconds of meditation—although I recognise that some might regard it as a mediaeval practice. Those who do not want to be part of that practice may absent themselves from the Chamber or they may meditate silently while Christians practice openly an important part of our tradition. I ask honourable members to oppose the motion.

**The Hon. Dr PETER WONG** [3.59 p.m.]: Australia is a multicultural and multidenominational society, and Ms Lee Rhiannon is correct that we should be a representative Parliament. In considering this idea, it is clear that the prayer before Parliament is one of the points about which many Christians might get most steamed up. They might see any attempt to qualify it as a sign of the degeneration of Australia into immoral or humanist evil. But, like the Hon. Tony Burke, I see the importance of a prayer rather than the exact prayer. Christians should remember that the security of gospel is not assured by its ceremonial recognition by secular authority. For the first 300 years it lived as a pariah. It was seen as a cult and regarded as one of the causes for the decline of the Roman Empire. But many would argue that it was then at its greatest strength.

Christians need to recognise that Australia has other faiths within its ranks. It is not enough to say that people of other faiths are welcome and at the same time insist that they must submit themselves to the relics of Christianity's former glory. To welcome people of other faiths as equals means that we assign to them the same rights as we do in a cultural form, which religion is.

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

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### CITYRAIL CARRIAGES SAFETY AUDITS

**The Hon. MICHAEL GALLACHER:** My question without notice is directed to the Minister for Transport Services. Why has the Minister refused for months to meet with representatives from the Australian Manufacturing Workers Union [AMWU] to discuss their concerns about an ongoing industrial dispute between Maintrain and its members that has resulted in more than 120 CityRail carriages being overdue for safety audits? Given that Carl Scully paid \$25,000 to Bob Hawke in 2001 to settle a similar dispute between Maintrain and its employees, why is the Minister refusing to meet with the Labor Council about this dispute? Is the Minister aware of the concerns of the AMWU that the program to install driver vigilance control systems and black box software has also been delayed because of this industrial dispute? Is the Minister also aware that the AMWU Assistant Secretary said in *Workers Online*, "Costa has to stop thinking like a boss and start thinking like someone who is responsible for public safety"? Someone has got to look after the workers!

**The Hon. MICHAEL COSTA:** That question is an absolute joke. I remind honourable members that in the previous Parliament, the Leader of the Opposition was the shadow spokesperson for industrial relations. At the Labor Council we called him the phantom because he did not make any comments on industrial relations matters. In this Parliament the Leader of the Opposition pretends to be the workers' friend, yet Tony Abbott runs around the country trying to undermine trade unions with the Workplace Relations Act. The Leader of the Opposition has a short memory but I do not. I remember the waterfront dispute and Peter Reith. I cannot believe the hypocrisy of the Leader of the Opposition who pretends to be pro trade unions. If he knew anything about industrial relations he would understand that enterprise bargaining agreement negotiations are between workers and their management.

The philosophy that Tony Abbot has been constantly proposing all around the country is that third parties should be kept out of negotiations. The Leader of the Opposition should know that because he was the shadow Opposition spokesperson for industrial relations. The Leader of the Opposition was so embarrassed by the Coalition's policy on industrial relations that he cowardly refused to release it during the last election. He should not pretend in this place to be the workers' friend, because he certainly is not. He should not pretend to be pro union, because he certainly is not. He should not pretend to have an interest in sound industrial relations. Everywhere the Federal Government undermines the trade union movement and the rights of workers. What a load of hypocrisy!

**The Hon. Don Harwin:** Point of order: Under the sessional orders the Minister is obliged to be relevant to the question asked. He was asked a very specific question and he has barely strayed anywhere towards relevance. I ask you to draw him back to the question.

**The PRESIDENT:** Order! I remind the Minister that the sessional orders relating to rules for questions without notice require that an answer be relevant to the question asked.

### MUDGEES ABATTOIR CLOSURE

**The Hon. PETER PRIMROSE:** My question without notice is directed to the Minister for Agriculture and Fisheries. Will the Minister update the House on the position of workers affected by the closure of the Mudgee abattoir?

**The Hon. IAN MACDONALD:** The closure of the Mudgee abattoir is sad and incredible. The abattoir is owned by the Cudgegong (Abattoir) County Council. It was put into the hands of an administrator on 3 September. The administrator closed the abattoir on 9 September. About 240 workers have been stood down and are expected to lose their jobs. The State Government has for some years worked closely with the abattoir to try to make it a viable business. An approach last year by the United Kingdom firm, St Merryn, to buy the abattoir sadly foundered. This was despite the State Government offering St Merryn a significant package of incentives to invest in the abattoir and secure the jobs of employees. We considered the firm's request for help and responded positively within weeks. By contrast, the Howard Government took 18 months to reject assistance for the proposed investment by St Merryn.

In the past eight years, the State Government has provided nearly \$670,000 of assistance to the abattoir through the Regional Business Development Scheme and the Meat Industry Restructure Plan. On 9 September, the administrator sought \$2.1 million in financial assistance from the Mudgee Shire Council as the owner of the abattoir. The administrator wanted to use this money to keep the abattoir operating for another six weeks. The council declined to provide this funding and, as a result, the administrator closed the abattoir for an indefinite period. The Mudgee abattoir owes its staff approximately \$4.9 million in entitlements: It does not have the money. Protecting workers' entitlements is, of course, the responsibility of the Federal Government. The New South Wales Minister for Industrial Relations has written to the Federal Minister, Tony Abbott, urging him to provide assistance to the workers through the Howard Government's General Employee Entitlements and Redundancy Scheme.

**The Hon. Duncan Gay:** What are you going to do?

**The Hon. IAN MACDONALD:** We have already put in \$670,000. These workers are clearly eligible for help under Mr Abbott's scheme. I am advised that to date he has refused them help. Perhaps Mr Abbott could explain why National Textiles, a firm owned by the Prime Minister's brother, received assistance to meet workers' entitlements but Mudgee abattoir is turned away. On the other hand, State Government agencies will meet workers on Thursday to outline the support available under our Meat Industry Restructuring Plan. This includes retraining, relocation and financial counselling. The Mudgee community has also been declared eligible for assistance to help secure new jobs and investments under the Regional Economic Transition Scheme. I hope the Federal Government reconsiders its position on this issue and gives these workers the Federal support they deserve.

### NEW SOUTH WALES AGRICULTURE CORPORATE SERVICES STAFF

**The Hon. DUNCAN GAY:** My question is directed to the Minister for Agriculture and Fisheries. What cost savings will be achieved following the Minister's decision to establish an internal shared corporate services unit within New South Wales Agriculture at Orange? Will it mean that 32 staff will undertake the work currently carried out by the 62 decentralised corporate services staff located at Camden, Wollongbah, and Yanco? Were the 62 regional staff members advised that only 32 positions would be available before they were offered relocation packages? What options are available to the 30 staff left without jobs, other than forced redundancy packages, in regional New South Wales?

**The Hon. IAN MACDONALD:** I advise the House that New South Wales Agriculture is consolidating its three regional administrative centres and seven head office and administrative units into a single unit in close consultation with the Public Service Association. The new unit will be located at the department's headquarters in Orange. This continues the process of seeking optimum efficiency in the delivery of administrative services and corporate support to the department.

In 1996 New South Wales Agriculture had 23 administrative centres. This was recognised as outmoded and inefficient, and the number was subsequently reduced to four. It is now being reduced to one. The three

regional administrative centres affected are the Elizabeth Macarthur Agricultural Institute at Camden, the Wollonbar Agricultural Institute and the Yanco Agricultural Institute. Those centres, and the seven head office units, each provide a similar suite of services, including transactional processing, human resources, finance support and other functions directly related to the centre's geographical area within the State. A total of 62 staff will be affected, including 14 at the Camden centre, 17 in Wollonbar, 13 in Yanco and 18 across the seven head office administrative units.

New South Wales Agriculture will offer relocation to all affected staff. Those who accept redeployment will be transferred to positions at New South Wales Agriculture's head office in Orange. Those who do not accept redeployment will be offered voluntary redundancy. The consolidation of these services into a single, shared unit will help streamline operations, create efficiencies and improve long-term service to the industry. Steps like this are never simple, particularly when jobs and personal lives are affected. However, the Government has an ongoing responsibility to the State's taxpayers to identify efficiencies. I know those affected will have a lot to consider when they are able to weigh up their options. To this end, a consultation process has been established under the guidance of the New South Wales Industrial Commission to work through the key issues. New South Wales Agriculture will work closely with affected staff and provide professional and personal support that the staff need. New South Wales Agriculture expects the education and shared corporate service changes will generate savings over the medium term, but the level of savings cannot be determined until affected employers have the opportunity to consider their options.

**The Hon. DUNCAN GAY:** I ask a supplementary question. I ask the Minister, in the light of his answer, whether it is or is not true that by sleight of hand he has removed 30 jobs from regional New South Wales through his structural change.

**The Hon. IAN MACDONALD:** I made it very clear in my answer that all staff affected will be offered positions in the department.

#### ROCKDALE CITY COUNCIL CROWN LAND LEASES

**Ms SYLVIA HALE:** I direct my question to the Minister representing the Minister for Infrastructure and Planning, and Minister for Natural Resources. Is the Minister aware of an Independent Commission Against Corruption recommendation that, in order to minimise the potential for corruption, leases of Crown land by Rockdale City Council be for no longer than five years, and that Rockdale council has leased a building housing the Le Sands restaurant and kiosk in Cooks Park for a 19-year period for approximately \$43,000 less than market value?

**The Hon. TONY KELLY:** I will take the question on notice and provide an answer.

**Ms SYLVIA HALE:** I ask a supplementary question.

**The PRESIDENT:** Order! As the purpose of a supplementary question is to elucidate an answer, and there was in fact no answer, a supplementary question is inappropriate.

#### BUSHFIRE SEASON PREPARATIONS

**The Hon. IAN WEST:** My question without notice is directed to the Minister for Emergency Services. Will the Minister inform the House of the current fire situation and of preparations for this bushfire season?

**The Hon. TONY KELLY:** More than 500 firefighters from the Rural Fire Service, New South Wales Fire Brigades, National Parks and Wildlife Service and State Forests are now fighting bushfires across New South Wales. Two section 44 bushfire emergencies have now been declared—one covers the Richmond Valley, Kyogle, Copmanhurst and the Lismore region; and the second, declared late yesterday afternoon, for the Northern Tablelands, covers the Tenterfield, Inverell and Severn areas.

**The Hon. Duncan Gay:** Severn is not pronounced that way.

**The Hon. TONY KELLY:** There is debate about that. I agree with the Deputy Leader of the Opposition: I used to pronounce it as suggested by the Deputy Leader of the Opposition, but the council corrected me. Anyway, that will be resolved shortly, because the big debate now is whether it will be known as Severn Glen Innes, Severn Glens, or Glen Severn. Low humidity and gale-force winds have fanned more than

70 fires across the State. Already, 22 bushfire districts have brought forward the start of the bushfire danger period. The first total fire bans of the season have been declared—in the Northern Tablelands and Northern Rivers districts—last Friday. The Rural Fire Service has been working across the State to do as much hazard reduction as possible during the cooler months. The Rural Fire Service and National Parks combined resources at the highest level to ensure that burns designated to protect homes and farms were carried out wherever possible.

Some 800 burns were planned this year, but rain has played havoc with the hazard reduction program. Despite the drought, most of April, May, June and July were too wet to undertake burns in much of the State. There was a brief window of opportunity during August and early September, but the wind is now forcing cancellations. Just last weekend nearly 40 planned burns were cancelled. Even in a good year experts tell us we can only expect about 20 days of suitable weather for controlled burning. Safe and strategic hazard reduction requires enormous resources. I recently went to a hazard reduction burn in the Galston Gorge in Hornsby. The Rural Fire Service, National Parks and New South Wales Fire Brigades spent 278 hours preparing for the burn, which covered 53 hectares and protected some 45 homes. On that day 131 firefighters operated 31 tankers and pumpers and were supported by a helicopter. Prior to the burn local residents had joined with the Rural Fire Service to conduct a streetwise clean-up campaign—removing rubbish that had built up around their homes and along their streets.

The Carr Government has made it easier for private landowners to gain approval to carry out hazard reduction. Recent changes make the local Rural Fire Service office a one-stop shop for most landowners wanting to carry out asset protection burns. In most cases the landowner can get permission within seven working days. Hundreds of people have already responded to the new system. The fire seasons of 2001-02 and 2002-03 were some of the worst suffered in Australia. Last season in New South Wales, 61 section 44 fires were declared between late September and February. Our volunteers were asked to give up weeks of their time away from their families and their paying jobs to protect our lives and homes. Everyone who lives near bushland must take steps now to ensure their home is ready for the fire season. They should set aside time this weekend and future weekends to ensure their garden hoses reach all corners of their homes; clear gutters of leaves and reduce fire fuels—take a trip to the tip; ensure they have appropriate clothing on hand for facing a bushfire—long cotton clothing, gloves and leather boots as a minimum; ember-proof their houses and sheds by installing screens or shutters and enclosing under-floor areas if possible; and prepare fire breaks—a well-maintained lawn can act as a fire break.

### LOCAL COUNCIL AMALGAMATIONS

**The Hon. Dr PETER WONG:** My question without notice is directed to the Minister for Local Government. Recently there has been an enormous outcry in regional New South Wales about the lack of consultation on the possibility of council amalgamations. What do the Government and Country Labor think of amalgamation of local councils without consultation? Indeed, does the Minister or Country Labor believe there is a need for consultation at all, and if not, why not?

**The Hon. TONY KELLY:** That is a very good question. I am delighted to advise the House that every single one of the 172 councils in this State have responded to the State Government's call for improvements?

**The Hon. Michael Egan:** All of them?

**The Hon. TONY KELLY:** Every single council. Not one of this State's councils failed to respond. By far the vast majority of them came up with excellent propositions. Quite a number have come up with amalgamation proposals. I alluded in my last answer to Glen Innes and Severn councils. But a lot of other changes have been proposed. If the Opposition would listen, they would realise that some very innovative propositions have been put forward. My council, Wellington, and Cabonne and Blayney councils signed a memorandum of understanding and agreement to operate as one. The three councils have set up a board. It is not just about amalgamations and boundary changes; it is about being more efficient. Councils that have submitted boundary proposals or amalgamation proposals have referred them to me, and I will refer them to the Boundaries Commission. The Boundaries Commission will then consult the public. They are the ones who go through the public process and allow the public an opportunity to comment on proposals.

### DEPARTMENT OF COMMUNITY SERVICES FOSTER PARENTS CAREPLUS ALLOWANCE

**The Hon. JOHN RYAN:** My question without notice is directed to the Minister for Community Services. Is it a fact that some foster parents in this State have waited for up to two years to be assessed for Careplus allowances and that other foster parents regularly wait for months before receiving reimbursement for expenses they have paid out in caring for children in the care of the State? Is it also a fact that Barnardos, an

organisation well known for providing out-of-home care services, had to declare the Department of Community Services as a bad debtor in its recent annual report because DOCS owes Barnardos approximately \$100,000 in expenses met by their foster parents? Could the Government mark celebrations of Foster Carers Week with an announcement that DOCS will implement procedures to significantly speed up the processing of accounts from foster parents?

**The Hon. CARMEL TEBBUTT:** It is a shame that the Hon. John Ryan has chosen to mark Foster Carers Week with a question of this nature. The honourable member asked this question during the estimates committee hearings and received a relatively informed answer, given the specific nature of the question, plus a commitment that it would be followed up, as it will be, and more comprehensive information provided. If honourable members on that side of the House choose to celebrate Foster Carers Week by asking petty questions about how payments are made to a particular organisation when we have already given a commitment to follow that up, then that is their choice.

But I would suggest that a better way to celebrate and acknowledge the great contribution made by foster carers to various communities would be to do what we are doing, and that is to invest extra money to support foster carers. We made a commitment, not shared by members opposite. Let us not forget their activity and behaviour in the lead-up to the election. Two days before the election they said that they would not provide extra funding to DOCS, they would not give extra money to foster carers, and they would not give extra money to early intervention. That was their response. Our response was to recognise that we need to invest more money in out-of-home care, and we are doing it—\$450 million over five years. We are doing it—150 extra caseworkers, 50 to be recruited this year to support foster carers.

**The Hon. John Ryan:** What's that got to do with it?

**The Hon. CARMEL TEBBUTT:** I will tell the honourable member what it has to do with it. This is about how to ensure that out-of-home care placements work. This is about real issues of how to ensure that kids have placements that will provide them with security and stability. I am the first to acknowledge that with a department as large as the Department of Community Services and with as many foster carers as we have—we have the most in the country—there will be glitches from time to time. We know that we need to provide better support for foster carers. They do a tremendous job. They provide homes to children who have, on the whole, experienced pretty awful things during their lives. Foster carers open up their homes and their hearts. They provide security and stability.

**The Hon. Michael Gallacher:** You open your chequebook.

**The Hon. CARMEL TEBBUTT:** We pay one of the highest allowances in Australia to foster carers. We will fix up the glitches, if there are glitches, in the payment of individual allowances. But that will not do a whole lot to improve the lives of children who need to live in out-of-home care. Their lives will be improved by the investment that we are making—\$450 million over five years, extra support for foster carers, investment in placements that will provide for the needs of children who have complex and challenging behaviour and extra caseworkers to support foster carers. It is a great shame that in this important week when we acknowledge foster carers the Opposition could not make a goodwill gesture for all of us, in a bipartisan way, to celebrate and thank foster carers.

**The Hon. JOHN RYAN:** I ask a supplementary question. In her answer the Minister referred to a discussion in the estimates committee hearing. Does she not recall officers from the Department of Community Services [DOCS] saying the reason for the delays was the processing by DOCS officers, which is why I asked whether she was prepared to ensure that DOCS officers process these claims more quickly?

**The Hon. CARMEL TEBBUTT:** That was answered in the estimates committee hearing. Information was given about some systems issues that should be overcome by the new system the department is introducing. A commitment was given to provide additional information if it could provide further illumination on the question the honourable member asked.

#### **MEDICA INTERNATIONAL MEDICAL SUPPLIES AND DEVICE TRADE SHOW**

**The Hon. TONY BURKE:** My question without notice is to the Minister for State Development. Will the Treasurer please inform the House what the New South Wales Government is doing to help medical supply companies gain access to the international export market?

**The Hon. MICHAEL EGAN:** I can inform the House that Medica is the world's largest international medical supplies and device trade show and will take place in Dusseldorf, Germany.

**The Hon. Patricia Forsythe:** Are you going?

**The Hon. MICHAEL EGAN:** No, I am not. I have been to Dusseldorf before. I almost froze to death in Dusseldorf. I got off the plane, but my luggage did not arrive. It was about three degrees centigrade. There is a certain class I have tried not to fly since then, but I am told that it does not really make much difference as to whether your luggage arrives. The trade show will take place in Dusseldorf from 19 to 22 November. It is expected that more than 130,000 people will attend the event, because that is the number that attended last year. Last year some 3,500 exhibitors from around the world participated. An Australian delegation organised by the Department of State and Regional Development, the South Australian Government and Austrade will visit and exhibit in an Australian business stand. So far the delegation consists of 26 organisations, 13 of which are from New South Wales, 8 from South Australia, 3 from Victoria and 2 from Queensland.

Medica 2003 provides an excellent opportunity for these New South Wales companies to raise their profile to an international audience, develop new business links and strengthen existing collaborations with members of the international medical device community. I do not like the word "collaborations". It seems to me to reek of the Soviet system. I think it is a Stalinist word. I do not know where it comes from, but we will track it down! New South Wales has a strong reputation as a leading centre of medical device development. Cochlear and Resmed are not only notable success stories but they are outstanding success stories. The mission will further enhance this reputation with a new breed of cutting-edge medical devices being showcased.

The companies participating include USCOM Pty Ltd, a Coffs Harbour-based company that has developed an innovative medical device. It is the first truly non-invasive, accurate and hands-free monitor of cardiac output. I am told that it is backed by novel and inventive patents. The innovative USCOM system is now being exported. Another company is Unitract Ltd, which is based in Sydney. It has fully patented its unique retractable syringe technology for global markets. The company is now developing a state-of-the-art manufacturing facility with a joint venture partner, ASP Plastics, at St Marys, in western Sydney. Another firm is Cellabs, a diagnostics company which specialises in the manufacture and distribution of immunodiagnostic kits for tropical and infectious diseases.

The Department of State and Regional Development [DSRD] will be exhibiting in the Australian business stand to promote the State's capabilities and investment opportunities as well as other New South Wales medical technology companies that are unable to attend. Support for this mission is part of the New South Wales Government's commitment to the biotechnology industry through the BioFirst Biotechnology Strategy. I thank the honourable member for a very good question. [*Time expired.*]

### MENTAL HEALTH SERVICES

**Reverend the Hon. Dr GORDON MOYES:** I ask a question without notice of the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth. Is it a fact that a number of persons with mental illness live on the streets due to a lack of Government-funded mental hospitals and hostels, and a shortage of boarding houses and supported accommodation? Is it a fact that non-government organisations are seeing a dramatic rise in the number of homeless people who have mental ill-health and who have been uprooted due to the closure of mental health facilities and inadequate community services? Will the Minister please explain what action the New South Wales Government is taking to address the crisis in deteriorating mental health services, in particular the shrinking number of community-based accommodation services and its direct relationship to the closure of this State's large psychiatric hospitals which has left no alternative for the mentally ill other than to live on the streets?

**The Hon. CARMEL TEBBUTT:** I thank Reverend the Hon. Dr Gordon Moyes for a very good question. I will provide some information about the Supported Accommodation Assistance Program [SAAP], which is a joint Commonwealth-State program that is part of my responsibility, and I will also refer his question to the Minister for Health in the other House because in many ways some of the issues he has raised fall within the Health portfolio, particularly the honourable member's interest in services for people who have a mental illness. SAAP is currently part of the Department of Community Services [DOCS] early intervention work that aims to support families and, when possible, help them stay together. It provides a range of services. I do not think I need to go into those because I know Reverend the Hon. Dr Gordon Moyes is only too familiar with them.

In terms of the goals of the department, DOCS is currently working to address homelessness by improving case management for clients to ensure that homeless people are supported in a way that best meets their needs and that they are referred to the most appropriate service. The department is commissioning the development of standards in conjunction with the industry, continuing the SAAP training program, and is working with community partners to improve the flexibility and responsiveness of SAAP services with particular emphasis on working with other stakeholders such as New South Wales Health to improve services for clients with high or complex needs, such as the ones referred to by Reverend the Hon. Dr Gordon Moyes. The department is also focusing on improving the way in which all relevant services work together at a regional level to improve services for clients.

Joint working relationships with health and housing services are critical to achieving better results. The department is also implementing the SAAP services framework and is developing a web site to provide a whole lot of detailed information. The Government recognises that homelessness is not the sole responsibility of SAAP services and has ensured an across-government response through the Partnership Against Homeless Committee, for which the lead agency is the Department of Housing, among a range of other Government agencies represented in that partnership. To better integrate the wide range of services that are needed by unsupported young homeless people, DOCS has launched the revised DOCS-Centrelink youth case management protocol between Commonwealth agencies and State and Territory welfare authorities for unsupported young people. As I stated, I will refer the honourable member's question to the Minister for Health to obtain some more detailed information about some of the issues he has raised.

#### **DR YOLANDE LUCIRE CORRECTIONAL CENTRE ACCESS**

**The Hon. CATHERINE CUSACK:** My question without notice is directed to the Minister for Justice, and Minister Assisting the Premier on Citizenship. Is it a fact that in 2000 the then Senior Assistant Commissioner Ron Woodham denied a forensics psychiatrist, Dr Yolande Lucire, access to New South Wales correctional centres because in February 2000 she interviewed an inmate who had made complaints that prison authorities had ignored his claims that he had been threatened and assaulted by other inmates who were demanding money from him? Is it a fact that the then Minister for Corrective Services, the Hon. Bob Debus, successfully made representations to the then Senior Assistant Commissioner Ron Woodham to have her authority to work in the New South Wales prisons restored? What did the former Minister say in his representations? Is it a fact that those representations were successful?

**The Hon. JOHN HATZISTERGOS:** I have no idea what the previous Minister said. I have no idea what he said to Mr Woodham about something that occurred three years ago. I am happy to look into this. Is this person from Corrections Health, or a private psychiatrist?

**The Hon. John Ryan:** We do not know.

**The Hon. JOHN HATZISTERGOS:** A person from Corrections Health has a right under the Act to access. Although I do not know what the situation was with the particular individual referred to, I will take the question on notice and obtain an answer.

#### **WORKCOVER SMALL BUSINESS SAFETY PROGRAM**

**The Hon. CHRISTINE ROBERTSON:** My question is directed to the Minister for Commerce. Will he inform the House of the measures taken by the Government to assist small businesses to make their workplaces safe?

**The Hon. JOHN DELLA BOSCA:** I thank the honourable member for her question. Members of this House would be aware of the significant contribution made by small businesses to the New South Wales economy, both in terms of generating employment and providing goods and services. To help small business employers to adjust to the new occupational health and safety laws that were implemented on 1 September 2001, a two-year transitional period was put in place. During the past two years, WorkCover has been working with industry, employer associations and unions to help the community to understand occupational health and safety requirements. This has included funding under the WorkCover Assist Grant Program to employer and worker organisations.

However, the Government recognises that many small businesses still need further assistance to help them to understand many requirements. With this in mind, and as part of the Government's \$30 million

commitment to implementing the recommendations of the 2002 Workplace Safety Summit, in February this year I launched the Small Business Assistance Strategy. A key part of the new strategy is an increased focus on guidance and education to small business owners and operators for the new obligations, particularly risk management. In recognising that small businesses need time to adjust to the new legislation, WorkCover is focusing on providing information and advice over the next year to assist those businesses to meet regulatory requirements. WorkCover is supplying a wealth of information to cater to the needs of small business owners. That information may be accessed in print, by telephone, on line, and at free seminars that are being held across the State.

Essentially, occupational health and safety legislation requires employers to speak to their workers, identify hazards, assess their safety risks and eliminate or control those risks. To aid this process and as an added bonus for small business, I recently launched the Small Business Safety Checklist. The checklist is an easy-to-use guide to assist employers to check the six most common areas of risk that are encountered in the workplace.

**The Hon. John Ryan:** There is nothing in it.

**The Hon. JOHN DELLA BOSCA:** That is wrong. There are lots of interesting and important checklists in it. The checklist is easy to use. By using the tick-the-box format, small business owners will be taken through emergency evacuation procedures, electrical and chemical hazards assessment, machinery and equipment dangers and risks associated with slips, trips and falls. The checklist also covers manual handling, which is the most common cause of workplace injury in New South Wales. Honourable members will no doubt agree that the Small Business Safety Checklist is an excellent safety tool. It is simple to follow, it takes only a few minutes to complete and, more importantly, it will prevent accidents from occurring in the workplace.

Small business employers and employees are already discovering the little time it takes to talk to one another, to assess risks and to take appropriate action to ensure that their workplaces are safer. I am pleased to inform the House that the checklist has been an overwhelming success. So far 67,000 copies have been requested by small businesses and a further 100,000 copies are being printed to meet demand. By completing the relevant checklist, small business owners will be well on their way to meeting their obligations under occupational health and safety laws. WorkCover is also addressing the needs of rural small business employers and has developed a 15-Minute Farm Safety Checklist to cover typical hazards found on farms. The Small Business Safety Checklist is one example of measures that demonstrate this Government's commitment to assisting all New South Wales businesses, including small businesses, to improve workplace health and safety.

### GAMING MACHINE TAX

**Reverend the Hon. FRED NILE:** I ask the Treasurer a question without notice. Is the new tax on registered club revenue—not profit—causing widespread concern and potential bankruptcies? Have many clubs borrowed heavily, some as much as \$24 million, for club extensions to serve their community, and will not be able to meet the very high interest payments because of the new tax? Will the Treasurer support the formation of a joint House parliamentary committee to conduct an inquiry into that new tax, and allow club representatives to attend as witnesses to explain how the new tax on revenue will dramatically affect their club's future viability so that the tax can be reduced?

**The Hon. MICHAEL EGAN:** I point out that the poker machine tax has always been a tax on gross poker machine revenue. That is not a new aspect of the tax but what is new is that over the next eight years the rate will increase for clubs that earn gross poker machine revenue in excess of \$1 million. I stress again—

**The Hon. Melinda Pavey:** What about operating expenses?

**The Hon. MICHAEL EGAN:** The operating expenses—

**The Hon. Melinda Pavey:** What about food?

**The Hon. MICHAEL EGAN:** What food?

**The Hon. Melinda Pavey:** The subsidised food?

**The Hon. MICHAEL EGAN:** That is an interesting point. It reminds me of a report issued last weekend by ClubsNSW that was produced by KPMG. The report raised claims similar to those raised by the

Hon. Melinda Pavey. Indeed, the KPMG report was based on certain assumptions. One was that there would be no increased revenue from poker machines over the next eight years. That, of course, flies in the face of the very strong revenue increases which have been realised each and every year since poker machines were legalised in the mid-1950s. The report assumed also that over the next eight years, no efficiency improvements would be put in place by the clubs surveyed by KPMG.

The report assumed also that there were no areas of extravagance that could be eliminated. It is a fact that clubs are non-profit organisations. It simply means that the motive of the club is not to make a profit to distribute to its shareholders. A club, as with most non-profit organisations, does not try to make a profit. A club tries to spend its revenue. The 46 clubs surveyed by KPMG currently have taxable gaming revenue of \$617 million. By 2010, even after the 46 clubs have paid the tax rate that will apply then, and paid the GST, they will have \$358 million left, which is a lot of money to subsidise food and, I suspect, alcohol.

**The Hon. Melinda Pavey:** What about golf courses?

**The Hon. MICHAEL EGAN:** Indeed, there would be a lot of money to subsidise golf courses. By and large the golf clubs are not complaining. Most golf clubs, unless they are a very big club, have poker machine revenue of less than \$1 million a year. Indeed the golf club with which I am most familiar, the Cronulla Golf Club—and the Hon. John Della Bosca would also be familiar with it—runs and operates a first-class golf links. They are links, not a course, because they are based on sand. Cronulla is an excellent little club. To my knowledge that club will not pay more tax, because its poker machine revenue is less than \$1 million a year.

**The Hon. Melinda Pavey:** What about bowling clubs?

**The Hon. MICHAEL EGAN:** Indeed, most of the bowling clubs will not pay more tax. Not too many bowling clubs have an annual revenue in excess of \$1 million.

**The Hon. Michael Gallacher:** What about the club you sent into bankruptcy?

**The Hon. MICHAEL EGAN:** A former Leader of the Opposition, Mr Greiner, had to issue an apology for making a similar comment. In fact, tomorrow I will bring that document into the House and table it. I will even have it incorporated in *Hansard*, if you like.

**The Hon. Duncan Gay:** Only if we give you permission.

**The Hon. MICHAEL EGAN:** Okay, I have been challenged. If needs be, I will use whatever numbers I can muster in this House to have the document incorporated, by resolution. [*Time expired.*]

**Reverend the Hon. FRED NILE:** I ask a supplementary question. Will the Treasurer answer the main aspect of my question about a joint House committee, or some procedure, by which the clubs can present evidence before an inquiry?

**The Hon. MICHAEL EGAN:** The establishment of a committee of either House of a Parliament is a matter for that House. I would not have thought that a committee was necessary, but that is a matter for the House.

#### TWEED HEADS BOWLING CLUB COMMUNITY DONATIONS

**The Hon. JENNIFER GARDINER:** My question without notice is addressed to the Minister for Community Services. Minister, are you aware that over the years Tweed Heads Bowling Club has donated more than \$2.8 million to approximately 180 charities, including child care and aged care services, social organisations, amateur sporting clubs and emergency services in the Tweed Valley? Given that financial support for community service organisations by the Tweed Heads Bowling Club, and by numerous other clubs throughout the State, how were you able to vote against the scrapping of the massive increase in poker machine tax on the grounds that the additional revenue is needed for the provision of more child care and other community services?

**The Hon. MICHAEL EGAN:** I will answer that question because it deals with poker machine taxes, a matter under my portfolio.

**The Hon. Duncan Gay:** Point of order: The question was quite specific to the portfolio of the Minister for Community Services. The question was about comments that she had made. The Leader of the Government wants to run interference; he knows he cannot trust his backbench or his Ministers over this matter. At every opportunity he tries to run interference. Madam President, I ask you to rule him out of order and allow the Minister for Community Services to answer the question.

**The Hon. MICHAEL EGAN:** To the point of order: It is, of course, the practice of the House, and the precedent has been well established, for the Leader of the Government, if he or she wishes, to take all questions.

**The PRESIDENT:** Order! It has been the practice for many years in this House that the Leader of the Government may answer any question. There is no point of order.

**The Hon. MICHAEL EGAN:** To allow a full and adequate answer, I would be very grateful if at some stage the honourable member would provide me with the annual report of the Tweed Heads Bowling Club and its Community Development and Support Expenditure Scheme details. It may not be well known by all honourable members that it is a legal requirement that every club with gross poker machine revenue in excess of \$1 million must either contribute 1.5 per cent of its total gross poker machine revenue in community contributions to local organisations, or must pay that money in tax to consolidated revenue. That 1.5 per cent of gross poker machine revenue is a gift from the taxpayers of New South Wales, which the clubs are able to pass on to community organisations.

I am pleased to say that quite a number of clubs contribute more than 1.5 per cent. Unfortunately there is a disappointing number that, notwithstanding that they earn many millions of dollars individually in gross poker machine revenue, contribute almost nothing above that 1.5 per cent. As I said, that is not all clubs. For example, some clubs contribute \$600,000 or \$700,000—more than the law requires. The Liverpool Catholic Club is in that category. I am glad I reminded myself about the Liverpool Catholic Club. From memory, that club has poker machine revenue of about \$12 million and manages to make an overall profit of about \$600,000 a year. Yet other clubs with poker machine revenue of \$50 million and \$60 million manage to report a loss of a \$1 million or \$2 million or \$3 million or \$4 million a year.

That highlights the fact that very often this profit or loss concept for a non-profit organisation is a bit notional. In fact, a non-profit organisation basically will try to spend its revenue. If a club with poker machine revenue of \$3.5 million or \$4 million can make a profit of \$300,000 or \$500,000—as many do—I cannot understand why a club with \$55 million or \$50 million in poker machine revenue cannot make an overall profit. Clubs have to look at what they do with their money. They have to look at the extravagances in which they might be engaged and they have to determine whether they can produce efficiencies. [*Time expired.*]

#### HOME DETENTION SCHEME

**The Hon. KAYEE GRIFFIN:** My question without notice is directed to the Minister for Justice. Will the Minister provide the House with information on the Home Detention Scheme?

**The Hon. JOHN HATZISTERGOS:** The honourable member asks a good question. The Home Detention Scheme was introduced in 1996 as an alternative to full-time imprisonment. At the time it was introduced there was some controversy about it. The Opposition spokesman, Mrs Chikarovski, said:

The Opposition does not support the bill. In fact it has very grave concerns about it and the whole concept of home detention...

It could have severe detrimental effects on the detainees and particularly on their families. The Opposition is not persuaded that home detention is a cost-effective alternative.

Home detention sadly seems to have no deterrent effect and does not give the prisoner a sense of having been punished.

Those views, of course, were not embraced by the Hon. John Ryan when he wrote the final report for the Select Committee on the Increase in Prisoner Population. He said in that report:

Sanctions such as community service orders, home detention or probation may be more effective in addressing offending behaviour, less expensive to the community and just as onerous on the offender.

I understand now why the Hon. John Ryan voted against Kerry Chikarovski for the leadership. He was joined in that view by none other than Minister Michael Yabsley, who in 1988 said:

The principle of prison being the last resort is what we are about; in other words, getting away from the throw-em-in-the-slammer mentality.

He also said:

Home detention is being considered as a suitable form of punishment.

It is a matter of fact that he never did anything about it, but it is interesting to see how the Hon. John Ryan embraced that issue. Just prior to the last election we had some interesting observations on this issue by the Leader of the Opposition who at that famous press conference on 14 February stated that he would stop home detention for people convicted of robbery. A reporter then asked him:

How many robbers are currently on home detention and how many people is that going to tip into the prison system?

Neither the Leader of the Opposition nor the Opposition spokesman at the time could answer the question. The reporter tried again and asked:

So how many extra people are you forecasting in prison as a result of removing that home detention?

The answer was, "Well, we can't tell you." I can tell honourable members that no-one who has been convicted of robbery is on home detention. Two hundred and thirty-five people are currently on home detention. Fifty per cent of those people are persons who have been convicted of driving offences. Over 2,300 offenders have been admitted to home detention since the scheme began. Five hundred and eight offenders were admitted to home detention, an increase of 20 per cent; 669 offenders successfully completed home detention orders; and 148 offenders have had their home detention orders revoked. The increase in compliance has been quite remarkable—from 66.8 per cent in 1997 when the scheme was first introduced, and that figure is now up to 81.8 per cent.

Recently when I was in Port Macquarie the Independent member, Rob Oakeshott, lobbied me for a rollout of home detention into the Port Macquarie region. Home detention costs the taxpayer \$61.83 per home detainee per day. By comparison it costs approximately \$120 per day for a minimum-security inmate. Onerous conditions are placed on home detention detainees. They are subject to extensive, rigorous and closely monitored community supervision. The conditions are intended to constrain the offender's liberty to an extent that approximates confinement in minimum-security custody with access to day release programs. [*Time expired.*]

**The Hon. KAYEE GRIFFIN:** I ask a supplementary question. Will the Minister provide additional information?

**The Hon. JOHN HATZISTERGOS:** Detainees must abstain from alcohol and prohibited drugs. They are subject to random and immediate testing for the use of such substances by probation and parole officers. Detainees can be directed to participate in programs such as alcohol and other drug counselling and gambling counselling. Home detainees have found the going so tough that they have asked in some cases to go back to full-time imprisonment rather than continue with home detention. Home detainees are closely monitored by the probation and patrol officers, who can make up to 20 contacts per month, with 10 of those contacts being face-to-face visits in the detainee's home or the work environment. Detainees are required to wear monitoring devices that are linked electronically to a central database.

New South Wales is leading Australia in the use of electronic monitoring equipment for detainees. Victoria is about to embark on a program that substantially follows ours, with other States to follow. Home detention is available only to offenders who have been sentenced to imprisonment for 18 months or less. Offenders guilty of sexual offences, serious crimes of violence, major trafficking and other specified offences are ineligible for consideration. The Home Detention Scheme is currently available in the Hunter, Illawarra, Central Coast and Sydney areas. In 2004-05 the department proposes to pilot a rural-based home detention program in the mid North Coast region, which would include programs for indigenous offenders. In conclusion, the home detention program is working, it costs less than full-time incarceration, offenders have a sense of being punished, they engage in rehabilitation programs and their reintegration into society is fostered through their ability to engage in employment. Everything Kerry Chikarovski said about the Home Detention Scheme is wrong.

### PRIVACY COMMISSIONER

**Ms LEE RHIANNON:** I direct my question without notice to the Minister for Justice. Does the Government have any plans to axe the role of the Privacy Commissioner? Does the Government plan to hand some or all of the Privacy Commissioner's functions to the Ombudsman's office?

**The Hon. JOHN HATZISTERGOS:** That is a matter for the Attorney General. I will refer the matter to him, obtain an answer and advise the House in due course.

### DEPARTMENT OF EDUCATION AND TRAINING RELOCATION

**The Hon. DAVID CLARKE:** My question without notice is directed to the Minister for the Central Coast. What action has he taken in his capacity as Minister for the Central Coast to prevent the closure of the Central Coast office of the Department of Education and Training and its relocation to Sydney's north shore?

**The Hon. JOHN DELLA BOSCA:** The honourable member has a recently discovered interest in Central Coast affairs and in education affairs generally. Every honourable member would be aware that the Minister for Education and Training has put out a discussion document relating to the administration of education in this State. I, every member of the parliamentary Labor Party, all responsible members of the community and members of the education profession would have had an opportunity to have an input into that document. We await with interest the Minister's final recommendations.

### DEMENTIA AWARENESS WEEK

**The Hon. JAN BURNSWOODS:** My question without notice is directed to the Minister for Ageing and Disability. Will she tell honourable members what action the Government is taking to improve services for people with dementia?

**The Hon. CARMEL TEBBUTT:** The honourable member's question is a timely question because this week is Dementia Awareness Week. As Australia's population ages the number of people with dementia will increase dramatically. Currently in New South Wales more than 56,000 people have moderate to severe dementia. That figure is expected to increase to 73,000 in 2010. It is important that the New South Wales Government respond to this challenge in a planned and sensitive way. Dementia is a terrible illness. It not only affects the sufferer, it also affects families and friends in the community. However, we know that a supportive, well-informed community enables a person living with dementia to participate and live as normal a life as possible. For that reason making people dementia aware is a key component of the New South Wales Government's five-year dementia strategy, "Future Directions for Care and Support". The New South Wales Government has allocated more than \$11 million to that strategy. That is in addition to the ongoing support provided through the personal care and respite services provided by the Home and Community Care Program.

Dementia Awareness Week is one week of the year when Alzheimer's Australia and other dementia services and support organisations focus their collective energies on spreading the message about dementia to the wider community. I will take this opportunity to outline some of the activities that will take place this week. First, the New South Wales Government is supporting Alzheimer's Australia during this week with a grant of \$60,000 to assist with carer education and support activities as well as a local and national media campaign. Many of the week's special activities will take place in rural and regional areas.

This Friday I will have the privilege of opening the 2003 Dementia Symposium, "Ethics and the Journey of Dementia." One of the key consequences of dementia is the progressive loss of judgment and the ability to make decisions about many aspects of daily living. This symposium will focus attention on the issues that we face as policy makers, service providers, carers, families, friends and community members. In addition, the Government is helping dementia advisory services throughout the State to host local activities such as memory expos, carer education sessions and information sessions for general practitioners and pharmacists. I encourage all honourable members to promote awareness of this special week.

**The Hon. JOHN DELLA BOSCA:** If honourable members have further questions, I suggest they place them on notice.

**Questions without notice concluded.**

**STANDING COMMITTEE ON LAW AND JUSTICE****Government Response to Reports**

**The Hon. John Della Bosca** tabled the Government's response to the following committee reports tabled in the previous Parliament:

Report No. 19, entitled "Review of the Exercise of the Functions of the Motor Accidents Authority and the Motor Accidents Council: Third Report", tabled on 18 February 2002

Report No. 20, entitled "Report on the Home Building Amendment (Insurance) Act 2002", tabled on 3 September 2002

Report No. 24, entitled "Review of the Exercise of the Functions of the Motor Accidents Authority and the Motor Accidents Council: Fourth Report", tabled on 17 December 2002

**Ordered to be printed.**

**STANDING COMMITTEE ON SOCIAL ISSUES****Government Response to Report**

**The Hon. John Della Bosca** tabled the Government's response to report No. 28, entitled "Making It Happen: Final Report on Disability Services", tabled on 14 November 2002.

**Ordered to be printed.**

**SESSIONAL ORDERS****Prayers**

**Debate resumed from an earlier hour.**

**The Hon. Dr PETER WONG** [5.02 p.m.]: As a Christian, I believe in the importance of prayer, especially a prayer such as the Lord's Prayer. It reflects my sinfulness and my need for forgiveness as well as my trust in God, who is a loving father. At the same time, I have sympathy for Mr Ian Cohen's frustration at not understanding what it is all about. Christianity, Judaism and Islam all believe in the same God and it would be appropriate to have an ecumenical prayer that reflects that belief. Surveys show that up to 90 per cent of Australians believe in a God of their own understanding. Therefore, the importance of prayer at the beginning of each parliamentary sitting day is not in doubt. In the absence of an ecumenical prayer, I support retaining the prayer in its current form.

**The Hon. JAN BURNSWOODS** [5.03 p.m.]: I intend to support the motion, although I must admit that I have some reservations—which I share with Mr Deputy-President, the Hon. Tony Burke. You referred in your speech—and your comments were echoed by the Hon. Peter Primrose in his excellent contribution—to the excessive navel-gazing that occurs in this place and the concern for the processes and procedures of the Legislative Council rather than for the good of New South Wales and its people. That is a point well made. It is about time we started discussing this State and its people rather than motions such as this. In that context, I must admit that I share the views of many other honourable members regarding the motives of the motion's mover, Ms Lee Rhiannon, who seems often more concerned with grandstanding and media coverage than with the usefulness of the motions she moves.

The last time we considered a motion of this kind I abstained from the vote upon it. On that occasion I think the major parties had been directed how to vote, which seems inappropriate in the context of such motions. I gather that the Coalition parties again intend to direct their members how to vote. We have debated the issue of conscience votes several times in this place. I would have thought the practice of praying and the content of prayers would be quintessentially matters of conscience but, as usual, the Coalition parties—with all due respect to the amazing historical excursion by the Hon. David Clarke—have taken what I can describe only as a Stalinist approach to this topic. I think it is about time in this multicultural, multireligious society we examine seriously the prayer that begins the parliamentary day. There are much better ways of debating this serious issue, but unfortunately Ms Lee Rhiannon prefers media coverage and grandstanding.

The speech of Reverend the Hon. Dr Gordon Moyes exhibited the kind of Christian chauvinism that is common to his contributions. In that context I refer to the Family Impact Commission Bill, which he supports. It

is incorrect to argue that we should not throw out the prayer because it is traditional and does not really matter or affect our views on legislation that will benefit the people of New South Wales. The legislation introduced by the Christian Democratic Party—that name in itself is significant—is supported by a long list of Christian churches and religious bodies, including, unbelievably, Reverend the Hon. Fred Nile's own faction, the Festival of Light. The only notable exceptions from that list are organisations representing the Jewish faith. More recent arrivals in our community, particularly those who follow the Islamic faith, are apparently not regarded by some honourable members, including Reverend the Hon. Dr Gordon Moyes, as being equal to the rest of us. I deplore that attitude so, despite my reservations about the motives of the mover of the motion, I intend to support it.

**The Hon. PETER BREEN** [5.07 p.m.]: The Leader of the Opposition asked me earlier whether I intended to speak to this motion, to which I responded, "Is the Pope Catholic?" The motion poses the sort of question that anyone with any interest in religion could not resist discussing. Mr Ian Cohen made the interesting comment that only the vulnerable and the weak need to be supported by prayer. I endorse that remark. It is true: unless one is vulnerable and weak one probably does not want to pray. All belief is about human need and those who are not in need probably do not believe. The Hon. David Clarke proudly announced that he endorsed what has been described as the Protestant bit at the end of the "Our Father". That is a very ecumenical and post-Vatican II attitude.

**The Hon. John Ryan:** It's in the mass.

**The Hon. PETER BREEN:** Yes, it is. One can no longer assert that there are two separate versions of the "Our Father" as there has been only one version since Vatican Council II. I was pleased to hear that the Hon. David Clarke endorses Vatican Council II so strongly. I also want to say that the motion suggests that the existing tradition ought to be replaced by something else. In my opinion it would be more appropriate to supplement rather than replace the tradition. For example, I have introduced a bill that seeks to recognise State arms and other State symbols.

**The Hon. Duncan Gay:** Is it arms or alms?

**The Hon. PETER BREEN:** Arms, not the ones you put your hand out for. That bill, which may be debated this week, suggests that the symbols of the Royal arms which appear on various public buildings and public places, including above the President's chair in this House, will not be replaced by, but will be supported and supplemented by, State symbols. Similarly, I believe it would be more appropriate not to replace the Lord's Prayer, which means a lot to people of the Christian faith, but to support and supplement it with other prayers as they become necessary. So far as I am aware, there is no suggestion that any other belief system has put forward another prayer. In the absence of something else, I suggest that the existing prayer ought to remain in place.

Ms Lee Rhiannon suggested that the words of the replacement ought to be, "pray or reflect on your responsibilities to the people of New South Wales and their environment". In other words, Ms Lee Rhiannon seeks to replace a prayer reflecting the existing and traditional belief system of a majority of the members of the House with a form of words that reflect her own belief system in the value of the environment. I support Ms Lee Rhiannon in that, and it is one of the reasons that I am consistently seen voting with the Greens. The protection of the natural environment is the most serious and significant issue that we, as a modern society, face, but we should not replace the existing prayers of the House simply because there is something else that is important.

Ms Rhiannon said it is no longer appropriate to refer to a Christian-dominated society in Australia because the proportion of people regularly attending church is not what it was in 1950. I do not know what proportion of people attended church in 1950, but today in Australia more than one million people attend Christian churches every week. That is a significant number of people, and it reflects the majority view of the population in Australia.

**The Hon. Dr Arthur Chesterfield-Evans:** It is not a majority of the population.

**The Hon. PETER BREEN:** The report of the Australian Bureau of Statistics states that in 2001 the number of people who nominated themselves as Christians was 12,764,342 of a total population of 18,972,350. Therefore, 67 per cent of the Australian population describe themselves as members of the Christian faith. The statement that we no longer live in a Christian-dominated society is simply not true, according to those statistics. My interest in protecting the natural environment, and supporting the spirit of this motion, is such that I suggest that not only do we preserve the Lord's Prayer as one way to look after the environment—that is, praying for the protection of the environment—but that we also add more prayers and increase the benefits to the environment.

I do not support this motion. The idea of reflecting the views and beliefs of other people is appropriate and should be dealt with as they come to hand, but to replace one belief system with a no-belief system is not worthy of support of this House.

**The Hon. DAVID OLDFIELD** [5.15 p.m.]: No-one should be surprised by this motion. It was only a matter of time before the Hon. Lee Rhiannon—I am sorry, I had forgotten that Ms Rhiannon decided not to be honourable, so I should refer to her as Ms Rhiannon—moved it. A motion such as this was bound to come before us, as the atheistic views of the Greens are well understood. It is unfortunate that equally understood about the Greens is their desire to break down institutions, change history and invoke social anarchy. The prayer is an institution, and a reasonable one at that. No practical purpose would be served by the changes suggested. Certainly Ms Rhiannon would be happy to succeed in destroying the public statement of the prayer at the commencement of Parliament each day but, of course, we are not here merely to assist the agenda of this Chamber's best-known Communist.

It was interesting and appropriate that the Hon. John Ryan raised the point that those who would support this motion, and indeed its mover, Ms Rhiannon, would probably support an Aboriginal ceremony of some kind at the commencement of each day as a sign of tolerance of other cultures, but at the same time wish to remove the Lord's Prayer, which is, of course, part of the dominant history and culture of this country. The point made by the Hon. John Ryan highlights the hypocrisy of pretending this motion is a matter of tolerance when it is clearly a matter of gross intolerance.

Ms Rhiannon's motion has nothing to do with the recognition of diversity of religions. Rather, it would seem that it is has everything to do with her own disdain for the Christian religion, the religion of the founders of this nation. I note that the Islamic faith has also been mentioned in this debate, but given that Islamic teachings show that faith to be in opposition to democracy, surely no true Muslim would take offence to the Lord's Prayer being said in this place any more than anywhere else, because just as they have no belief in the Lord, they have no belief in this place.

**The Hon. Peter Breen:** That is not true.

**The Hon. DAVID OLDFIELD:** I note the interjection by the Hon. Peter Breen, who is perhaps interjecting because he ran on his Reform the Legal System ticket a man who purported to be of the Muslim faith. I would suggest that the Hon. Peter Breen read the *Koran* and any history on Islam to find that there is absolutely no support whatsoever for democracy in the Islamic faith. So what I said was entirely true. In her maiden speech Ms Rhiannon made particular mention of her parents being members of the Communist Party of Australia and of being raised surrounded by people with driving convictions, and I gather other convictions as well.

As her maiden speech suggests, Ms Rhiannon believes that communism leads to a more peaceful world. I am compelled to point out that it is an unfortunate fact that communists had to murder countless millions on their road to peace. In fact, more people have been murdered in the name of communism than anything else. Communism has not succeeded anywhere—nor should it, nor indeed could it—

[Interruption]

Mr Deputy-President, do I understand that interjections are disorderly and are out of order in this House?

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! I remind members of the longstanding rule that interjections are always disorderly.

**The Hon. DAVID OLDFIELD:** Whilst I might be reading my speech, it matters that I also wrote it! Communism has not succeeded anywhere—nor should it, nor indeed could it—while it was pushed by those who thought themselves better, just as I suspect Ms Rhiannon feels about herself. One cannot succeed with policies to treat people with equality when one sees oneself as more than equal.

**Mr Ian Cohen:** Point of order: I must admit I did interject. My point of order is that the honourable member clearly said communism is the greatest cause of human death in history. I believe the honourable member is wrong and that the greatest such cause is religion in its various forms.

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Under what standing order is the point of order taken? There is no point of order.

**The Hon. DAVID OLDFIELD:** Mr Deputy-President, did you rule that there is no point of order?

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! I asked under what standing order the point of order was being taken. When there was no response to my question, I said there was no point of order.

**The Hon. DAVID OLDFIELD:** I had said that people cannot succeed with policies to treat everyone equally when they see themselves as more than equal. There are no two people who disagree on everything, but Ms Lee Rhiannon and I are perhaps as close to being in complete disagreement as two people can be. Certainly, the need to replace the Lord's Prayer with silent reflective thought is an example of a matter on which we completely disagree. What surprises me about the motion is that Ms Lee Rhiannon did not seek to include what I felt sure would be her replacement for the Lord's Prayer. I apologise in advance to anyone who may take offence, as none is intended, but I expect Ms Lee Rhiannon's preferred replacement for the Lord's Prayer would go something like this: Our Father who are in the Kremlin, Lenin be thy name; thy communists come—

**The Hon. Peter Breen:** Point of order: The Hon. David Oldfield is about to launch into one of his vindictive tirades.

**The Hon. DAVID OLDFIELD:** The Hon. Peter Breen has not seen any of my vindictive tirades. But stay tuned!

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! I will hear the point of order.

**The Hon. Peter Breen:** The member is about to denigrate the prayer that members use at the beginning of each sitting of the Parliament. He is not entitled to denigrate the prayer. He denigrates other people and other religions all the time. He can do that till the cows come home. But he cannot denigrate the Lord's Prayer. I ask the Chair to intervene and take appropriate steps on behalf of the House.

**The Hon. DAVID OLDFIELD:** To the point of order: There is no intention on my behalf to in any way denigrate the Lord's Prayer. Rather, I am simply changing a few words, in expectation of the sort of prayer that I feel would more suit the agenda of our communist friend Ms Lee Rhiannon. I in no way intend to denigrate the Lord's Prayer, so no offence should be taken.

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! Members should not seek to take a new point of order when speaking to a point of order already taken.

**The Hon. Duncan Gay:** To the point of order: I support the point of order. Quite clearly, the honourable member was plagiarising the Lord's Prayer to make a debating point against Ms Lee Rhiannon. While I am keen to have debating points against Ms Lee Rhiannon, in this debate—in which she is acting appallingly, I think just for publicity—denigration of the Lord's Prayer is totally unacceptable.

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! I am advised that the standing orders are explicit. Members of Parliament may not denigrate the Queen, other members of Parliament or the Governor. Consequently, in the context of this debate the honourable member's comments, although offensive to some, are in order.

**The Hon. DAVID OLDFIELD:** I will go back to the beginning. I suggest that Ms Lee Rhiannon's preferred replacement for the Lord's Prayer would go something like this—

**Ms Lee Rhiannon:** Point of order: Standing Order 81 provides that all personal reflections on members should be deemed disorderly. Clearly, the honourable member's remarks are meant to be insulting to me personally, as well as to the Lord's Prayer.

**The Hon. Peter Breen:** To the point of order. What Ms Lee Rhiannon says is absolutely correct. The Hon. David Oldfield is using the Lord's Prayer to parody the Greens. He is using the Lord's Prayer to attack another member of this House. To do so, as Ms Lee Rhiannon has pointed out, is a breach of standing orders, and the Hon. David Oldfield ought to be censured.

**The Hon. DAVID OLDFIELD:** Next you will be trying to throw me out, like you fixed Malcolm.

**The Hon. Peter Breen:** Yes, I would like to have an opportunity at some time, Mr Deputy-Speaker.

**The Hon. DAVID OLDFIELD:** I'm sorry, you're going to do what to me?

**The Hon. Peter Breen:** Throw you out.

**The Hon. DAVID OLDFIELD:** Was that going to be physically? Were you threatening me?

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! Is this a submission to the point of order?

**The Hon. DAVID OLDFIELD:** Yes. To the point of order: There is no relationship here other than that which is related to communism. It is not a personal assault on Ms Lee Rhiannon. Of course, if she were to let the House know that she is not a communist, I would happily withdraw. But it is communism, rather than Ms Lee Rhiannon personally, that I am having a go at, if I could put it that way.

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! That is what is being put now, but it was not clear during the speech. The point of order is the same as that taken earlier. Under Standing Order 81 the comments are a personal reflection on Ms Lee Rhiannon and, accordingly, are out of order.

**The Hon. DAVID OLDFIELD:** I am not able to progress that point other than by saying that quite clearly communists do not believe in democracy. Communists would wish to be delivered from the evil of democracy as they would see it. Communists most certainly would wish those who trespass, provided it is themselves, not be punished. They would wish to be led away from democracy. They would do this, of course, for ever and ever, without election. I would pray that this motion be defeated, but I think on this occasion enough members will make the right decision without having to call upon the Lord's help, as no doubt He is busy elsewhere with more important matters.

**Ms SYLVIA HALE** [5.26 p.m.]: My remarks will be brief because the issues at stake in this motion are straightforward: toleration and inclusiveness, as against intolerance and exclusion. Nothing could have better embodied that point than the remarks of the Hon. David Oldfield. I note that not once since I was elected have I been present in this Chamber when prayers have been said. To do so would be hypocritical on my part. I chose to absent myself rather than participate in a ritual that to me, as an atheist, has little meaning. I do, however, resent being unable to participate in the full range of activities of this House.

I am a new member of this House. I recognise that I was elected to this Parliament to represent the interests of people throughout this State, regardless of their ethnicity, their gender or their religious persuasions. It is inevitable, however, that I am most keenly aware of the community in which I live and which I represent as a local councillor, and that is Marrickville. The reality of Marrickville is particularly pertinent to this debate, because 38 per cent of its residents were born overseas; significant numbers of those residents were born in non English-speaking countries such as Vietnam, China, Greece or Lebanon. This is also the reality of the councils of Ashfield, Botany Bay, Canterbury and Rockdale.

**The Hon. David Oldfield:** Point of order: The honourable member is clearly misleading the House. She would have us believe that Christians are English-speaking and have been born in Australia.

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! There is no point of order.

**Ms SYLVIA HALE:** My point is that our community is a particularly diverse one. It consists of people who speak different languages and come from a number of different countries, and understandably espouse different religious beliefs. Indeed, Marrickville is a place of great cultural, linguistic and religious diversity. It is a great place to be.

It is worth looking at the religious diversity in Marrickville. The 2001 census tells us something about that religious diversity: it shows that 54 per cent of the residents of Marrickville are Christians but 46 per cent are non-Christians. Even more significantly, in the period from 1996 to 2001 religious affiliation declined, except for Buddhists, Jews, those professing no religion and those indicating no affiliation. Given this reality, it is instructive to note how Marrickville council, a council whose motto is "People caring for people" responds to

the situation. Council recognises that if it were to foster and nourish the diversity that so characterises the area, it should adopt forms that unite, rather than divide, the community. To that end, every council meeting commences with a period of silence for prayer, pledge or contemplation. Likewise, it ensures that the preliminary pages of all council and committee business papers explain council procedures in six community languages as well as English.

I note that Ms Rhiannon's motion does not deny anybody the right to pray, but it ensures that the opportunity to do so is available to every person regardless of his or her religious persuasion. As an atheist, I find prayers to be inappropriate and insensitive to the realities of modern Australia. As a citizen, I am appalled by the rise of religious intolerance and fundamentalism. As a member of Parliament I am concerned that this House should perpetuate rituals and procedures that divide rather than unite the community. It has been suggested that this motion is a waste of the time of this House. On the contrary, in the current world context of fear, suspicion, distrust and intolerance, I can think of no better use of our time than to seize the opportunity to recognise and celebrate diversity, embrace tolerance and adopt the motion.

**Reverend the Hon. FRED NILE** [5.32 p.m.]: Obviously, I oppose the motion. On 17 October 2001, when a similar motion by the Greens was overwhelmingly defeated by 31 votes to 5 votes, I delivered a detailed speech. The membership of the House has not changed greatly since then, which is why some of us wonder whether this motion is a publicity stunt. The majority of members of this House have not indicated a change of view. A minor point has been raised as to whether the Lord's Prayer is a Protestant or a Catholic prayer. As honourable members are well aware, we have two prayers: the President reads the first prayer, then we join in the Lord's Prayer. The most important sermon Jesus gave is in Matthew's gospel, chapter 6:

After this manner therefore pray:

Our Father which art in heaven,  
Hallowed be thy name.  
Thy kingdom come. Thy will be done in earth, as it is in heaven.  
Give us this day our daily bread.  
And forgive us our debts, as we forgive our debtors.  
And lead us not into temptation, but deliver us from evil:  
For thine is the kingdom, and the power, and the glory, for ever and ever.  
Amen

**The Hon. Peter Breen:** The Catholics got it wrong, but they fixed it at Vatican II.

**Reverend the Hon. FRED NILE:** Jesus fixed it. He gave us the model. The Catholics do not need to feel embarrassed because they are only following the teachings of Christ in the gospels, particularly the Sermon on the Mount. The previous speaker and others have referred to our multicultural society. I acknowledge that some suburbs, such as Marrickville or Lakemba, may have a smaller percentage of Christians than others, but the percentage of Christians jumps from 67 or 70 per cent to 84 per cent in other communities such as Tamworth, Lismore and many of our other regional centres. That is why we consider the average figure. I am pleased to note that the overwhelming majority of people coming into our country from other countries are Christians. It is not as though a lot of people are coming to Australia to change Australia. They are coming to Australia because they believe it is a Christian nation. The Coptic Christians from Egypt come to Australia because they believe it is a Christian nation, they do not come to Australia to change it or to water down our Christian traditions.

**The Hon. Henry Tsang:** Also Koreans.

**Reverend the Hon. FRED NILE:** The Hon. Henry Tsang mentioned Koreans. As honourable members know, 50,000 Koreans live in Sydney, the majority of whom are Christian. I have been invited to at least 12 Korean churches to speak. I have been impressed by the Christian faith and zeal of people from other cultures, not other religions. They have their Korean culture, their Egyptian culture and their Arabic culture, but we must remember that they follow the Christian faith. They would certainly uphold the House opening each day with a prayer followed by the Lord's Prayer. Last night, during the Governor-General's reception, a number of prominent Muslim representatives made their way towards me. We had some interesting discussions, particularly with the Chairman of the Islamic Council of New South Wales. I thought I would raise the subject of this motion with them. I told them that today we would debate abolishing the prayer. They were quite angry to think that prayers would be removed from this House. As other speakers have said, they would rather retain the prayers we have than have no prayers at all.

I told them that we pray two monotheistic prayers—prayers to Almighty God. They were very happy to have prayers in the New South Wales Legislative Council offered in that way. We should not blame the Muslims and suggest that they are a force working with the Greens to remove the prayer. There is no movement in that direction whatsoever from the Muslim community. As honourable members are aware, the opening prayer is based on the original prayer offered in the House of Commons from the 1650s. The Hon. Dr Arthur Chesterfield-Evans always confuses the separation of church and State. He ignores completely the fact that the United States Congress and Senate have full-time chaplains, and the buildings have incorporated in them a chaplain's office and a chapel. Engraved across the hall of the United States Senate are the words "In God We Trust". I know that the United States Supreme Court is debating the separation of church and State, but there is absolutely no separation of faith and State in the United States.

The same applies in Australia: there is no separation of church and State. Christian schools, Muslim schools and other religious schools receive funding from both the State and the Federal governments. It is an artificial argument to suggest that a wall separates the two. They work in partnership and in co-operation. I remind honourable members that our Federal Parliament offers exactly the same prayers every day, as do other State parliaments throughout the country. With regard to the wording of the motion moved by Ms Lee Rhiannon, I would have no objection to the inclusion of a reference to a one-minute pause following the prayers. Perhaps we should not rush straight into the business of the House. If we insist on having a moment of prayer, let us then pause after the traditional prayers to allow atheists, agnostics and others—new-age people who want to meditate—to look at the roof or gaze around. If I were in the chair I would have no objection to allowing such a pause after the traditional prayers. The prayers are absolutely voluntary. No-one is forcing the Greens to join in the prayers.

As honourable members know, members of the Greens stay outside the door until the prayers are finished, then they come into the Chamber. They could come into the House and have their own thoughts while others are praying; it is not compulsory for them to pray. No-one walks up to them and says, "I don't think you were joining in that prayer." It is voluntary. The Hon. Dr Arthur Chesterfield-Evans referred to members having to "cop" the prayers, as though some imposition binds a person's conscience. I do not believe that his terminology is correct in the context of this debate. It is wrong for a Greens minority, which some people describe as a green, pagan, watermelon minority, to impose its will on a majority—a very intolerant trait. Very simply, opening prayers remind us that we have to answer to a power that is greater than ourselves. The members of this House are not the be-all and end-all. We have to answer to a greater power that is usually described as Almighty God, and we seek to be the servants and ministers of Almighty God as we serve the people of this State.

**The Hon. PATRICIA FORSYTHE** [5.40 p.m.]: I have tried very hard to stay out of this debate. Although I have found much of it entirely unedifying, I feel I must respond to one comment I heard a moment ago when I was listening to debate while standing just outside the Chamber. A plea for tolerance was made by a member who describes herself as an atheist. I would have thought that perhaps that member would reflect on the fact that many of us in this Chamber wish to say the prayers and that we are asking for her tolerance. That is the message that I have to deliver in this debate.

**Ms LEE RHIANNON** [5.41 p.m.], in reply: I thank all honourable members for participating in this debate. I hope that during the concluding stages of debate on this motion, we will exhibit some tolerance.

[Interruption]

Already the Leader of the Opposition laughs when I mention the word "tolerance".

**The Hon. Michael Gallacher:** This is the height of hypocrisy, it really is. Your actions over the past couple of weeks have been the height of hypocrisy.

**Ms LEE RHIANNON:** When members have spoken in support of this motion, the Leader of the Opposition has been extremely abusive. I draw your attention Mr Deputy-President to the abuse taking place right now. Unfortunately, some contributions have distorted my comments and the intention of the motion.

**The Hon. Charlie Lynn:** No, they have not.

**Ms LEE RHIANNON:** They quite clearly have. I urge the Hon. Charlie Lynn to listen. This motion does not deny any member the right to pray. In no way does this motion seek to do that.

**The Hon. Charlie Lynn:** Then why did you move it?

**Ms LEE RHIANNON:** The Hon. Charlie Lynn should read it again. It does not deny any members the right to pray; rather, it expands our rights. The previous speaker, Ms Forsythe, clearly was speaking about Ms Hale of the Greens, who referred to tolerance. The Greens are asking for tolerance for people who are adherents of other than the Christian faith. Currently tolerance is not being extended to them, but it would be possible to do so if this motion were passed. This motion is intended to expand members' rights and, if accepted, will make the daily formalities of this House more inclusive. The proposal set out in this motion is quite simple, and it has been tested. I confidently predict that one day the terms of this motion will be adopted by this House.

**The Hon. Charlie Lynn:** Not in your lifetime.

**Ms LEE RHIANNON:** Maybe not in my lifetime, but I believe it will be adopted. Parliamentary processes are not set in stone. If they were, we would have no members of Parliament, women would not be able to vote, and we would have no elected members of this House. All those reforms constitute the history of this House and show the development of democracy. We have recognised that anachronistic processes should be relegated to the history books and that there has been a need for change, and it is similarly the case with this issue. Society is changing and we need to change. Our formalities need to change to reflect the type of society in which we live. I will mention the comments made by the member David Clarke.

**The Hon. Charlie Lynn:** That is the Hon. David Clarke.

**Ms LEE RHIANNON:** Staying with the history theme, I have to say that he was really back in ancient history and seemed to want to relive the Cold War.

**The Hon. Duncan Gay:** Point of order: This member has requested to be referred to not as "the Hon.", but as "Ms" Lee Rhiannon. The Hon. David Clarke has made no such request. This member requests us to do that for her, and we do so. I request that she repays the compliment by addressing other members as they would be addressed.

**Ms LEE RHIANNON:** To the point of order: I have not actually made a request about how members address me. My memory may be incorrect, but I recollect that the President made a ruling on this issue. There is no obligation on the part of any of us to use the term "the Hon." because it is not set down in law that members have to take that title.

**The Hon. Peter Breen:** To the point of order: My recollection is that the President ruled that there is no requirement in the standing orders for members to be addressed by the title "the Hon." It was a clear ruling, and as far as I know the President has not resiled from it.

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! I am advised by the Clerk that the Hon. Peter Breen is correct. Therefore, there is no point of order.

**Ms LEE RHIANNON:** During the debate a member took us back to the Cold War with attacks on a whole host of parliaments. He referred to Korea and Albania.

**The Hon. Charlie Lynn:** And Cuba.

**Ms LEE RHIANNON:** Yes, Cuba, and he said that no prayers are said in those parliaments. Unfortunately he left out some significant developments in other parliaments. It would have been informative if he had shared those developments with the House. He failed to mention that many other parliaments do not have prayers at the commencement of the day, including the parliaments of the Netherlands, Denmark, Sweden and Germany, and the European Parliament, the Welsh Parliament, the USA Senate and the Ontario Parliament. I am not proposing that we should have nothing. What I am proposing is that we should adopt a practice similar to that which applies in the Legislative Assembly of the Australian Capital Territory and the South African Parliament.

**Reverend the Hon. Fred Nile:** Point of order: I have actually visited the American Senate in Washington and I have watched the prayers being led by the Chaplain.

**The DEPUTY-PRESIDENT (The Hon. Tony Burke):** Order! There is no point of order.

**Ms LEE RHIANNON:** The point made was a debating point rather than a point of order, but I will comment on it. The information that I have has been obtained from the Parliamentary Library, whose research I have found to be very thorough. I have relied on that information, and my understanding is that the United States Senate does not commence its day with prayers. That does not mean to say that it does not have a chaplain or engage in other formalities, but my understanding is that it does not commence its day with prayers, as we do.

**Reverend the Hon. Fred Nile:** The chaplain leads the prayer—the extempore prayer—each day.

**Ms LEE RHIANNON:** I may stand to be corrected on that, but as I have said there are many other parliaments that do not commence the day with prayers. They commence the day with a period of reflection or private prayer. I draw attention to the comment made by the Hon. Tony Burke, who urged honourable members not to accept "this Lee Rhiannon motion". This is not a "Lee Rhiannon motion". The motion reflects the practices adopted by many parliaments throughout the world. Members who seek to insult me on this, are actually insulting other parliaments. I would suggest to members that if this House received a delegation from South Africa or Wales, we would not insult those members of Parliament.

**The Hon. Patricia Forsythe:** Rubbish!

**Ms LEE RHIANNON:** Is the honourable member suggesting that we would insult them? I do not think so. I think we would be respectful of the way they commence their day. I thank my colleague Ian Cohen for his moving contribution. I thought that he summed it up when he spoke about his personal experience in considerable detail. He showed why we need to change the format for prayers. He also raised concerns about the level of abuse in the debate, because the level of abuse was of concern many times today. It is all the more ironic that the abuse came from people who say they are defending prayers and all that is honourable about prayers.

I have visited St Mary's and other churches, and when I travel overseas I visit churches because I was raised to have respect for different religions. But that does not mean that one religion should dominate our day. In opposing the motion a number of members have spoken about respect, but they could not respect the rights of members of Parliament to put forward a different point of view. That is certainly a matter of concern. The important matters raised by Peter Primrose on multiculturalism and of Arthur Chesterfield-Evans on the separation of church and State reflected the need for change. I emphasise again that the time will come when this motion, or a similar motion, will be adopted. I look forward to that day. I commend the motion to the House.

**Question—That the motion be agreed to—put.**

**The House divided.**

**Ayes, 7**

Ms Burnswoods  
Dr Chesterfield-Evans  
Mr Cohen  
Ms Hale  
Ms Rhiannon  
*Tellers,*  
Mr Primrose  
Ms Robertson

**Noes, 30**

|                |                   |                 |
|----------------|-------------------|-----------------|
| Mr Breen       | Miss Gardiner     | Ms Parker       |
| Mr Burke       | Mr Gay            | Mrs Pavey       |
| Mr Catanzariti | Ms Griffin        | Mr Pearce       |
| Mr Clarke      | Mr Harwin         | Mr Tingle       |
| Mr Colless     | Mr Hatzistergos   | Mr Tsang        |
| Mr Costa       | Mr Kelly          | Dr Wong         |
| Ms Cusack      | Mr Lynn           |                 |
| Mr Della Bosca | Reverend Dr Moyes |                 |
| Mr Egan        | Reverend Nile     | <i>Tellers,</i> |
| Mrs Forsythe   | Mr Obeid          | Ms Fazio        |
| Mr Gallacher   | Mr Oldfield       | Mr Ryan         |

**Question resolved in the negative.**

**Motion negatived.**

**CRIMES AMENDMENT (SEXUAL OFFENCES) LEGISLATION****Personal Explanation**

**The Hon. CHARLIE LYNN**, by leave: I wish to make a personal explanation in regard to an investigation by the Police Integrity Commission into matters I raised during debate on the Government's recent Crimes Amendment (Sexual Offences) Bill. While I welcome the report and accept its conclusions without reservation, I wish to put my explanation into proper context, because of the concerns I raised in my contribution to the debate, which are recorded in *Hansard*. To put the issue in context, the Crimes Amendment (Sexual Offences) Bill had been rushed into Parliament without the necessary community consultation recommended by Justice James Wood, who headed the royal commission into paedophilia.

The haste to introduce the bill caused great concern because there had been ample opportunity for the Government to declare its intention to lower the age of consent for males from 18 to 16 during the recent election campaign. It failed to do so. It was not raised as an election issue and it was not canvassed in any Australian Labor Party election policy document. The bill contained a retrospective clause that I regarded as sinister and, in principle, repugnant. It could have allowed convicted criminals to be released from gaol and it could have caused current police investigations to be dropped.

As a member of an earlier inquiry I had been made aware of serious ongoing police investigations into paedophilia. We were not allowed to address those investigations in that committee because they were either not complete or they were before the courts. Some of the information before that committee made my skin crawl. I found it repugnant to think that any such investigations could be called off because of the Government's proposal to make the bill retrospective. I was not the only one to share those concerns. I received more submissions from the public over this legislation than I have on any other issue since I entered Parliament in 1995. During the course of the debate on the bill I received information that heightened my concerns. It was in the form of a letter written and signed by Superintendent Michael Woodhouse, head of the NSW Police Child Protection Agency.

The document contained disturbing evidence that it stated was corroborated by Superintendent Woodhouse. In other words, the evidence provided to the police had been supported by another person. I called Superintendent Woodhouse to arrange a meeting but he declined to meet with me. I then decided to use the information in the document to draft a number of questions for the Government to address in the course of debate on the bill. That would have allowed the Government to address my concerns and the concerns of the people who had contacted me in regard to the bill. Honourable members would recall that this legislation was not subject to a party vote; it was determined on a conscience vote. It was therefore crucial that members got all the information they needed from the Government so they could make an informed vote on a serious social issue. I was anxious at all times to carry out responsibly my role as a legislator and, for that reason, I sought information from the Government—information that I did not receive. Let me repeat the final sentence in my speech on the bill:

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 questions that I put were serious. I repeated the questions put by the shadow Attorney General, Andrew Tink, in the other place in regard to the motive behind the retrospective clause in the bill. Whilst this clause was removed from the bill after it had been exposed by the Opposition, the questions were ignored by the Government. The other questions that I asked are in *Hansard*. I also asked the Government to advise whether there were any reports from the Wood royal commission that had not yet been released to the public. That question remains unanswered. It is a matter of record that the Minister representing the Attorney General totally ignored these questions in her reply to debate on the bill. In fact, she did not even acknowledge that they had been asked. My only recourse was to work out how to raise my concerns in the Committee stage of the bill, but the amendments had been rushed through the Committee stage and put to the vote.

It was clear that the Government was going to push the bill through the Chamber that evening as all the supporters of the legislation had been invited to the Parliament and were seated in the public gallery to applaud the Government on the passage of the bill. I was therefore left with no option other than to quote directly from the police document that I had in my possession. It is not something I had wanted to do; I felt it was my public duty to do it. I am well aware of the fate that has befallen other members of Parliament from both sides of the political divide who dared to attempt to expose the evil of paedophilia in our society. They have been publicly

condemned because the evidence that they produced was later discredited. The information in my possession advised that the evidence in this case had been corroborated by the head of the police Child Protection Agency. Notwithstanding that, I took particular care not to name any person in the document.

I then referred the matter to the Police Integrity Commission and to the Independent Commission Against Corruption. I note that the report by Commissioner Griffin of the Police Integrity Commission, in response to my request, advises that the person in question was interviewed by Strike Force Cori as part of its investigations. The findings of the Police Integrity Commission rely on the use of the word "corroborated" by Superintendent Woodhouse in his report as the head of the Child Protection Agency. The commissioner reported:

The investigating officer gave evidence before the commission that when he used the word "corroborated" in the letter he did not intend to convey that the allegation of criminal conduct had been corroborated.

The commissioner went on to say:

The passage in the letter from the investigating officer to the first inmate which mentions "corroboration" of the information about the Minister was clearly misleading. The letter should not have said what it did in this respect. However it appears simply to have been a careless use of language which unfortunately was capable of creating a false impression about the result of the investigation.

I repeat:

However it appears simply to have been a careless use of language which unfortunately was capable of creating a false impression about the result of the investigation.

I had assumed that the head of the police Child Protection Agency, an experienced and highly respected police superintendent, would have been well aware of the meaning of the word "corroborated" and would not have used the term carelessly in such a sensitive investigation. I was misled. Notwithstanding that, I accept the explanation of the Police Integrity Commissioner. I believe it was my public duty to question the motive behind the retrospective provisions of the bill and to seek clarification on whether proper process had been observed in view of the information that came into my possession from the head of the police Child Protection Agency during the course of the debate. I note that the Police Integrity Commission also took my concerns seriously by taking evidence and holding private hearings. As I said before, I welcome the report and I accept its conclusions without reservation. Although I was particularly careful not to name any person, I regret any distress or undue concern that might have been caused to any person. I do not intend to make any further public comment on this issue.

## **STANDING COMMITTEE ON SOCIAL ISSUES**

### **Report: Realising Potential—Final Report of the Inquiry into Early Intervention for Children with Learning Difficulties**

**The Hon. JAN BURNSWOODS** [6.05 p.m.], by leave: I move:

That the House take note of report 30 of the Standing Committee on Social Issues entitled "Realising Potential: Final Report of the Inquiry into Early Intervention for Children with Learning Difficulties", dated September 2003.

**Debate adjourned on motion by the Hon. Jan Burnswoods.**

## **BUSINESS OF THE HOUSE**

### **Postponement of Business**

**Government Business Orders of the Day Nos 1 to 7 postponed on motion by the Hon. John Della Bosca.**

## **SPORTING VENUES (PITCH INVASIONS) BILL**

### **Second Reading**

**The Hon JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [6.08 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

**Leave granted.**

The Government is pleased to introduce the Sporting Venues (Pitch Invasions) Bill 2003.

In October and November this year, Australia plays host to the Rugby World Cup 2003.

In this regard there is a discrepancy as to how 'pitch invasions' can be dealt with at the four venues being used in New South Wales

While it is anticipated that the incidence of people attempting to disrupt matches by running onto the field will be non-existent or negligible, the Government believes that we should have adequate offences and remedies to deter anyone who may try.

While specific and adequate penalties are available for an offence of entering or remaining on the playing field at Telstra Stadium and Aussie Stadium of fines up to \$5,500, no similar specific offence covers Central Coast Stadium and while a minor offence covers Wollongong Stadium, the penalty is a maximum of \$550.

This bill proposes legislation that brings Gosford Stadium and Wollongong Stadium in line with the offences and penalties at the other grounds being used for the Rugby World Cup.

Specifically, this bill will prohibit unauthorised entry to the playing fields of Central Coast Express Advocate Stadium and WIN Stadium.

The maximum penalty that the court can impose for such an offence is proposed to be 50 penalty units or \$5,500 with penalty notices able to be issued by police.

Upon removal from the venue for a contravention, a person will be banned from the venue for 12 months.

A person removed from a venue for committing a further contravention at the venue or entering the venue while banned will be banned for life from the venue.

Importantly, any person who invades the pitch during a Rugby World Cup match at any of the four grounds being used in New South Wales will be banned from all other Rugby World Cup matches in the State.

Authorised officers who suspect that a person has contravened the Act can take reasonable actions to remove the person from the ground, require them to provide their name and address and may photograph them.

It is considered that these proposed offences and penalties will act as a significant deterrent for those that may consider disrupting games by running onto the field at these grounds.

I commend this bill to the House.

**The Hon. DAVID CLARKE** [6.08 p.m.]: The Opposition does not oppose the Sporting Venues (Pitch Invasions) Bill. The forthcoming Rugby World Cup will focus world attention on New South Wales in a major way. It will be a great opportunity for our State to be portrayed in a positive light. Australia is noted for its sporting achievements and it is noted for its general love of sport. It is essential that a small, unruly, loutish minority does not present us in a negative way. With that aim in mind, this bill comes before us. The bill is designed to stop pitch invasions during the Rugby World Cup, which will be televised and seen all over the world. The overview of the bill states:

The object of this Bill is to prohibit unauthorised entry to the playing fields of certain sporting venues.

Clause 3 defines designated sporting venues as being the Central Coast Express Advocate Stadium, formerly known as Grahame Park; WIN Stadium, which is the stadium under the management of the Wollongong Sportsground Trust; and any sporting venue prescribed by the regulations. Clause 4 prohibits pitch invasions and states:

A person must not enter or remain on the playing field of a designated sporting venue during a match held with the authorisation of the venue director unless the person:

- (a) is a participant in the match, or
- (b) is engaged in the control or management of the match, or
- (c) is an authorised officer, or
- (d) has, or is a member of a class of persons who have, been authorised by the venue director or an authorised officer to enter the playing field.

Clause 5 of the bill introduces a 12-month ban from venues for pitch invaders. Clause 6 imposes a life ban on persons who commit a further pitch invasion or who enter a venue when already banned from doing so. Clause 7 extends the bill's provisions to all Rugby World Cup venues. Clause 10 requires persons suspected on

reasonable grounds of having committed an offence under the legislation to state their name and address. Clause 9 makes provision to remove from a venue any person who invades the pitch or who contravenes a ban. Clause 11 states:

An authorised officer at a sporting venue who suspects on reasonable grounds that a person at the venue has committed, or has been involved in the commission of, a contravention of a provision of this Part at the venue may take a photograph or make another form of image of the person.

The Opposition supports the bill. Australia is looking forward to the Rugby World Cup. We, and those overseas for that matter, are entitled to see the matches without hooliganism in the form of pitch invasions that blight so many sporting events. We do not want rioting at our sporting events. We do not want pitch invasions. We do not want a small but unruly and vocal minority spoiling it for the rest of our community. We do not want to see pitch invaders override the wishes and the enjoyment of the great majority. We set a high standard with the Sydney Olympic Games, and we will maintain that high standard. For that reason and for the benefit of Australia's reputation, Parliament will perform a great public service by passing this bill.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [6.13 p.m.]: I am sure all honourable members are aware that Australia will be hosting the Rugby World Cup in October and November. Matches will be played in all capital cities and in a handful of major regional centres, such as Gosford and Townsville, with the final being played in Sydney at Telstra Stadium on Saturday 22 November. The Sporting Venues (Pitch Invasions) Bill is intended to deter pitch invasions during all 17 games to be held in New South Wales. It will introduce a uniform penalty for a pitch invasion across all four sporting venues for the duration of the Rugby World Cup. Under clause 4 of the bill any unauthorised person who enters the playing fields of Telstra Stadium, Aussie Stadium, the Central Coast Express Advocate Stadium in Gosford and WIN Stadium at Wollongong while a game is in progress will be liable for a fine of up to \$5,500. Under clause 5 of the bill, a person who commits an offence under clause 4 will also be banned from all four of the designated sporting venues for a period of 12 months and, under clause 6, a person will be banned for life if he or she enters a designated venue within that 12-month period.

The "Legislation Review Digest" noted that there might be circumstances in which a person other than those authorised by clause 4 enters the playing field consequent upon events beyond his or her control—for example, to escape a crowd surge or to flee from a fight. Such people would not have available to them a defence of reasonable excuse under the current bill. The Legislation Review Committee considers that strict liability is generally appropriate for this particular offence. However, it found questionable the absence of any defence of reasonable excuse. I ask the Special Minister of State to address this point when he responds to the second reading debate. The Legislation Review Committee also noted that there is no provision in the bill regarding notifying persons in attendance that they are under surveillance, that they may be photographed for security purposes and that this may be regarded as a breach of civil rights. Paragraph 17 of the digest—we were proud to establish the Legislation Review Committee to examine legislation such as this—states:

In its 2001 Report, *Surveillance: an interim report*, the NSW Law Reform Commission ... distinguished between "covert" and "overt" surveillance. The Commission considered overt surveillance to be where adequate prior notice of the nature of the surveillance is given. This notice consists of the person or agency conducting surveillance providing:

- Clearly visible signs which are able to be understood by everyone (including, for example, people from non-English speaking backgrounds and people with a disability); or
- Other warnings of the type of surveillance occurring, such as audio announcements or written notification (where practicable); and
- Clearly visible and recognisable surveillance equipment which indicates the type of surveillance that is occurring, eg audio, visual or both, etc.

Provided these measures are taken, the Commission considered that the requirements of notice would be fulfilled, even if the subject of the surveillance did not in fact read the signs or observe the equipment.

With respect to the Bill, cl 11 would infringe less on the privacy rights of spectators at Rugby World Cup matches if notice were given, whether by writing or announcement, that persons whom authorised officers reasonably believed had been involved in the contravention of a provision of the Bill at the venue might be photographed.

The committee refers to Parliament the question of whether the bill's failure to require notice of the possibility that persons attending Rugby World Cup match venues might be photographed, either generally or in relation to a suspected or alleged breach of the Act, unduly trespasses on personal rights. As an advocate for civil rights, I am concerned about the content of the bill. I would like the Government to consider these matters given that the Legislation Review Committee has raised privacy issues. I foreshadow that I will support Greens amendment

No. 2 to the bill as the Greens appear to have acted on the committee's concerns. I am keen for the Legislation Review Committee to consider civil rights issues—in fact, I wanted the committee to perform a more comprehensive review of all legislation than it is able to in its present form—and its good work is already evident. I support the committee's recommendations and I hope that the Government will do likewise.

**Ms LEE RHIANNON** [6.18 p.m.]: The Greens stand up for sports fans and we are concerned that the Sporting Venues (Pitch Invasions) Bill seeks to divorce sport from its fans still further. Like most Australians, the Greens enjoy their sport. We also share the sadness and regret that many Australian sports fans feel about the commercialisation of many sporting codes in the past 10 to 15 years. The excitement and colour remains certainly, but the evolution of Australian sport into a huge multinational business has come at the cost of several sporting traditions.

Local clubs are no longer tied closely to their local areas, and their distinctive identities have blurred. At the top level, sports such as rugby union, rugby league and cricket are now elite occupations—the sense of connection between players, clubs and fans has been lost. One result of this, as regular match-goers would be aware, is that they rarely see kids running onto the pitch at the end of the game to congratulate their heroes and shake their hands. It is something that many of us have done and something that our children rarely get the opportunity to do. It is a great tradition. It brings the athletes back to the level of ordinary fans—why they play the sport in the first place—and it helps kids connect with the game, to be inspired to emulate their heroes, and to have a go to succeed. It creates an excitement and magic that kids will never experience if they only watch games behind big fences or police cordons, or on video screens and television.

It is with that background in mind that the Greens will seek to amend the bill. The Greens acknowledge and do not deny that strong security measures are required at major international events such as the Rugby World Cup. But the measures proposed in this bill are sweeping, and carry tough penalties which could be applied to young children who go on the field. This bill does not apply only to aggressive or drunken pitch invaders. It also applies to children and ordinary fans who are simply seeking to spend some time on the turf after a match is over. The Greens are prepared to accept that these tough measures are necessary for the duration of the Rugby World Cup.

**The Hon. Duncan Gay:** Who wrote this? Meredith Burgmann?

**Ms LEE RHIANNON:** I do not understand why Mr Duncan Gay has to interject in such a way. He still seems to have trouble accepting that the Greens and sport mix well and truly. I am happy to talk to him about it.

**The Hon. John Della Bosca:** It is healthy.

**Ms LEE RHIANNON:** It is very healthy, as you can see by the three Greens.

**The Hon. John Della Bosca:** Baggio is a Buddhist.

**Ms LEE RHIANNON:** I acknowledge that.

**The Hon. Michael Gallacher:** So has Frank Sartor become a Buddhist.

**Ms LEE RHIANNON:** Yes, and again that is why we need to change our ways. The Greens are concerned that the bill seeks to prolong the measures indefinitely, measures that are discriminatory against people who have gone to sportsgrounds to enjoy their favourite team. We do not believe these huge penalties and sweeping rules are necessary at ordinary matches at WIN Stadium and the Central Coast Express Advocate Stadium. The Greens realised that those two stadiums were being brought into the loop forever after to have those same incredible penalties of \$5,500 for a young child found on the field and that is largely the reason we will move two amendments. One would think that somebody else would speak up for sports fans. The people of the Illawarra and the Central Coast are comfortable with the existing arrangements. They support their teams and the children end up on the field: it is the way it works.

The new bill threatens traditions without delivering any major benefits. It divorces the sports fans from the sports stars. The Greens want to give the communities of the Central Coast and the Illawarra the chance to recognise and continue the longstanding tradition of allowing access to the pitch after a match is over. That is what our first set of amendments aims to achieve: we want to put in place a sunset clause on this bill, so that the

strict provisions only apply for as long as the Rugby World Cup. I hope that the House will agree to support the sunset clause in the Committee stage of the bill. I will also move amendments to ensure that the two venues fully inform spectators and appropriately display the new penalties. I urge members to carefully consider our amendments, which will strengthen the bill and remove unnecessary provisions that make it far too strict and restrictive on sports fans.

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [6.25 p.m.], in reply: I commend the bill to the House.

### In Committee

#### Clauses 1 to 3 agreed to.

**Ms LEE RHIANNON** [6.26 p.m.], by leave: I move Greens amendments Nos 1 and 2 in globo:

No. 1 Page 4, clause 4, lines 4 and 5. Omit "match held with the authorisation of the venue director". Insert instead "Rugby World Cup match held at the venue".

No. 2 Page 5, clause 7, line 1. Omit "Part". Insert instead "Act".

The amendments are designed to introduce a sunset clause into the bill. Instead of continuing indefinitely, as is outlined in the present bill, the bill will only apply to the period of the Rugby World Cup. As I said in my contribution to the second reading debate, the Greens believe that the people of the Central Coast and the Illawarra are comfortable with the current security arrangements at their stadium venues. Nobody has told us about any breaches or problems at those venues. It is a very good arrangement at the moment. In particular, this bill appears to prevent young fans from going onto the pitch area at the end of matches which would drastically change the current arrangements. While acknowledging the need for security at the Rugby World Cup, the Greens do not see the need for such tough sweeping measures to continue after the event.

Amendment No. 1 creates a sunset clause so that the bill only takes effect at WIN Stadium and the Central Coast Express Advocate Stadium for the duration of the Rugby World Cup. As a point of clarification, the sunset clause does not affect the penalties. This will mean that if a pitch invader is given a 12 months attendance ban, that ban will last beyond the period of the Rugby World Cup. By maintaining the potential access for fans after matches, these amendments aim to maintain a flavour of the Australian sporting tradition, a tradition that has been obscured by the trend towards commercialisation in sport. I recommend these amendments to members on both sides of the House because they will not take away the main intent of the bill, that is, is to look after the Rugby World Cup but will allow the traditions in the Illawarra and the Central Coast with regard to sporting events to continue.

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [6.28 p.m.]: Amendment No. 1 would, in effect, provide a sunset clause for the various measures, as outlined by the member. Amendment No. 2 is consequential. These venues have, and will again, host major events. The current measures at Telstra Stadium and Aussie Stadium have been very effective. People who run on to sporting fields disrupt sporting events and risk serious injury to themselves and to participants of events. The Government cannot support, and I urge honourable members to reject, these amendments.

**The Hon. DAVID CLARKE** [6.29 p.m.]: The Opposition will not support the amendments.

#### Amendments negated.

#### Clause 4 agreed to.

#### Clauses 5 and 6 agreed to.

#### Clauses 8 to 16 agreed to.

**Ms LEE RHIANNON** [6.31 p.m.]: I move Greens amendment No. 3:

No. 3 Page 8. Insert after line 17:

#### 18 Penalties—notice to be displayed

- (1) The venue director of a designated sporting venue must, on any day that a Rugby World Cup match is held at the venue:
  - (a) display a notice that complies with this section in the vicinity of all entrances to the venue open to the public, and

- (b) display the notice in such a manner and in such a place that it would be reasonable to expect that a person using such an entrance would be alerted to its contents.
- (2) The notice must contain the following:

You can be fined \$5,500 and/or banned from this venue for 12 months and from other Rugby World Cup matches in NSW for invading the pitch.

You may also be banned from this venue for life if you invade the pitch again or enter this venue while banned.

I seek the advice of the Chair. The Minister has indicated that the Government will not support the Greens amendment as currently worded but may be willing to support a differently worded amendment. As we are in the process of working out that wording, I request a short adjournment in which to finalise the new wording. We have gone some way towards doing that, it will not take much longer, and the amendment could be put after the dinner adjournment. If the answer is no, then so be it. But it has been suggested that we might be able to find a suitable wording to indicate that warnings currently in place advising fans of fines and other sanctions they face are required to be displayed at other stadiums. I ask for some time to work out the new wording.

**The CHAIRMAN:** Order! I will seek guidance from the Minister.

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [6.32 p.m.]: Madam Chair, essentially I am in the hands of the portfolio Minister. Obviously, this bill has been the subject of extensive negotiations and consultations with a wide variety of stakeholders outside this Chamber.

**The Hon. Duncan Gay:** You could have spoken to the Opposition!

**The Hon. JOHN DELLA BOSCA:** The assertion of the Deputy Leader of the Opposition is neither fair nor correct. The preference of the Government is to deal with this matter expeditiously and to continue with the wording of the bill as submitted to the House.

**The CHAIRMAN:** Order! In view of the Minister's advice, it would be preferable to deal now with Greens amendment No. 3.

**Ms LEE RHIANNON** [6.33 p.m.]: I noted the comments of the Minister. It is disappointing that the Government is not willing to take a little time to consider the need to warn people about the severe penalties that will be imposed on them if they invade pitches. We are talking about areas of the Central Coast and the Illawarra where it has been the practice of some people, particularly young persons, to go onto pitches. Suddenly they will be faced with severe fines and possible banning from matches, without knowing about those sanctions. All we are saying is that they should be appropriately informed. I ask the Minister another question. If the Government will not accept an amendment, will the Minister comment that the Government is committed to urging other stadiums, such as the Central Coast stadium and the WIN stadium, to put in place measures similar to those in place at Aussie and Telstra stadiums? If the Government is unwilling to accept this amendment, will it give an undertaking that every effort will be made to make that information available to the people who will be at those venues enjoying their sports?

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [6.34 p.m.]: To the extent that I am able to give that sort of general commitment, I am happy to give it. Ms Lee Rhiannon raised specific concerns in discussions with the portfolio Minister. Those concerns included young people, particularly children, kicking footballs onto the field after the match and when players had retired from the field, and so on. The honourable member indicated that was not doing any great harm and in that context some of these strict liability penalties were perhaps excessive.

**The Hon. Duncan Gay:** What if it was a cricket pitch?

**The Hon. JOHN DELLA BOSCA:** This is, first and foremost, about rugby venues.

**The Hon. Duncan Gay:** Sporting venues.

**The Hon. JOHN DELLA BOSCA:** If I could finish my remarks. The point is that only unauthorised entry is forbidden, and therefore on occasions when such behaviour is permissible the prohibition is cancelled out. At events the relevant ground authority can, and does, permit situations such as this. A specific example is

the one that the honourable member was thinking of: that at AFL matches it is the custom and tradition of supporters to kick footballs onto the field and to go onto the field after the match. I think that is an accepted part of AFL tradition. In answering the specific concern raised by the honourable member, might I say that I, for a variety of reasons but mainly personal, have gone to rugby league matches and other sporting events at Grahame Park, or the Central Coast Stadium as it is now called. I have not noted any problem with people invading the pitch, although there were often very young fans and quite large crowds. Warnings were given over the public address system about not entering onto the pitch. Notwithstanding that, I think these are matters of commonsense.

The Hon. Dr Arthur Chesterfield-Evans raised the point about the very strict liabilities and suggested that someone fleeing from a fight or melee might jump a fence, or that, heaven forbid, a fire might break out in a stand and people might flee onto the field. Clearly, a judge would take that into consideration if someone caught in those circumstances happened to be prosecuted under the proposed Act. So the normal defences would apply. I think that should satisfy the House, and I commend the bill.

**Amendment negatived.**

**Clause 17 agreed to.**

**Clause 18 agreed to.**

**Schedules 1 and 2 agreed to.**

**Title agreed to.**

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

*[The Deputy-President (The Hon. Tony Burke) left the chair at 6.39 p.m. The House resumed at 8.15 p.m.]*

## **NURSES AMENDMENT BILL**

### **Second Reading**

**The Hon. TONY KELLY** (Minister for Rural Affairs, Minister for Local Government, Minister for Emergency Services, and Minister Assisting the Minister for Natural Resources (Lands)) [8.15 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

**Leave granted.**

I have pleasure in introducing the Nurses Amendment Bill for the Parliament's consideration. The purpose of the Bill is to update the regulatory system pertaining to nurses and midwives in New South Wales in accordance with the recommendations of the recent review of the Nurses Act 1991.

The review of the Nurses Act, from which this Bill emanates, was conducted by the Department of Health under the auspices of the Competition Principles Agreement. That review has provided an excellent opportunity to review both the objectives that underpin the regulation of nurses and midwives and the mechanisms that are used to implement that regulation. The review concluded that the public interest is served by the regulation of nurses and midwives and that the regulatory system established by the Nurses Act 1991 is largely effective in ensuring that nurses and midwives are fit to practise and provide top quality health care services to the people of New South Wales.

However, the review also identified a number of areas in which the regulatory system can be updated and improved. Areas in which improvement is warranted include:

- Improving the powers of the Board to register or enrol a person subject to conditions. Increased flexibility in this area will allow the Board to be far more proactive in protecting the public in comparison to current arrangements that largely limit the Board to a reactive role.
- Amendments to allow the Board to appoint inspectors.
- Amendments to the mechanisms for the enrolment of nurses to afford applicants the same natural justice considerations as apply to applicants for registration.

- Updating of the Board's powers with respect to the emergency suspension of a practitioner where such action is necessary to protect the health or safety of a person, and with respect to impaired practitioners in the same manner as amendments to the Medical Practice Act.

Under the current Act recognition of competence to practise midwifery is by way of an additional authority granted to a registered nurse. Therefore all midwives must be registered nurses and are correctly known as registered nurses authorised to practise midwifery, rather than registered midwives. During the course of the review strong representations were received for a greater recognition of the professional status of midwifery within the Act. Whilst a wide range of views have been expressed about the form such recognition should take, the majority of practitioners, at the very least, see nursing and midwifery as linked by common education, philosophies and history. The outcome of the review acknowledged the benefits of nursing and midwifery being professionally linked in this way whilst recommending that midwifery be accorded a distinct status within the legislation.

Given this, and taking account of the increasing numbers of midwives from overseas who have training in midwifery alone without an underlying comprehensive nursing education, in other words direct entry midwives, the Bill establishes two separate registers, one for nurses and one for midwives. A person who is qualified as both a nurse and a midwife will as a condition of registration as a midwife also hold registration as a nurse. This will ensure there is no reduction in the flexibility within the workplace which dual qualifications in nursing and midwifery affords, particularly in rural and regional New South Wales.

It is also important that I place on the record the fact that all practitioners will continue to pay the same annual registration fee irrespective of whether they are registered as a nurse or as a midwife or both.

In keeping with this development midwives, who have demonstrated appropriate advanced practice to become eligible to be authorised nurse practitioners, will now be able to apply to be authorised midwife practitioners. The same criteria will apply to the approval by the Board of people to practise as nurse practitioners and midwife practitioners, and all such practice will continue to be under guidelines approved by the Director-General of Health.

These developments have the support of the New South Wales Nurses Association and the New South Wales Midwives Association.

The majority of the amendments contained in the Bill are designed to implement this development. Other significant changes in the Bill include:

- Proposed section 2A, which sets out the objectives of the legislation as:
  - (a) to protect the health and safety of the public by providing mechanisms to ensure that nurses and midwives are fit to practise, and
  - (b) to provide mechanisms to enable the public and employers to readily identify nurses and midwives who are fit to practise.
- Proposed section 4B, which provides a definition of competence to practise nursing or midwifery that includes adequate physical capacity, mental capacity, knowledge and skill to practise and an adequate command of the English language. This definition is important as it is linked to the proposed section 29A, which will allow the Board to refuse to register or enrol a person, or register or enrol the person subject to conditions following an inquiry into his or her competence. The procedure for such an inquiry is detailed in the proposed Schedule 1B. These provisions are in similar terms in all other recent health professional registration Acts and provide a valuable mechanism to help ensure that registered health professionals are competent to practise to the high standards that the community expects of them.
- The proposed increase by three in the size of the Nurses and Midwives Registration Board to provide a better balance and mix of skills. The additional positions are for:
  - o An additional nursing or midwifery academic. This position is required to ensure that the Board has adequate academic expert to manage the large amount of work involved in assessing and recognising tertiary education courses.
  - o An additional enrolled nurse to be appointed by the Minister. This change recognises that there are over 15 thousand enrolled nurses in New South Wales, who are very important and valued members of the health care team.
  - o An additional community representative to bring to a total of three the number of community representatives on the Board. Community representation recognises that the Board regulates the nursing and midwifery professions in the public interest and that consumers have a very important contribution to make to that process.
- The proposed establishment of the Nurses Practice Committee and the Midwives Practice Committee as standing committees of the Board. These committees are charged with advising the Board on educational matters to do with nursing and midwifery respectively and such other matters in the practices of nursing and midwifery as the Board may determine.
- The proposed Part 4 of Division 7, which will require nurses and midwives to provide the Board with a range of information when they renew their registration or enrolment each year and when charged with a criminal offence involving sex or violence that is committed in the course of practice or involves children. These provisions, which exist in similar terms in all other recent health professional registration Acts including the Medical Practice Act 1992,

are appropriate within a protective jurisdiction and are designed to ensure that nurses and midwives are held to the same high standards of professional accountability as other registered health professionals.

- Proposed sections 77A and 77B, which provide for the Board to appoint inspectors to investigate offences under the Act and for the powers of those inspectors.

The current Nurses Act includes a restriction on the practice of midwifery, although midwifery is not defined. This restriction recognises that the management of labour and childbirth is a skill that requires specialist training. Under those provisions only certain registered professionals and bona fide students are entitled to undertake midwifery practice.

The Nurses Registration Board has been unsuccessful in enforcing this restriction due to the difficulty of proving to the required standard of proof that a person has practised midwifery when the legislation does not include a definition of midwifery.

In response to this obvious problem the review recommended that the restriction on midwifery be replaced with a targeted restriction on those essential practices relating to childbirth that are of particular risk to mothers and babies if undertaken by inadequately qualified people. The Bill therefore proposes to amend the Public Health Act by inserting section 10AG into that Act. Proposed section 10AG will restrict the care and management of a pregnant woman during the three stages of labour to the same categories of health professionals and students as the current midwifery practice restriction, namely:

- registered midwives;
- registered medical practitioners,
- registered nurses and medical students acting under the supervision of a registered medical practitioner or a registered midwife; and
- midwifery students acting under the supervision of a registered midwife.

The proposed amendment addresses the problem of enforceability by providing a readily understood definition of the restricted practice thus providing an effective mechanism to help ensure that women in labour are cared for by appropriately qualified people.

I must stress that the existing restriction on the use of the title midwife will be retained and that title will only be available to registered midwives.

These changes have been supported by the Medical Services Committee, the New South Wales Nurses Association and the New South Wales Midwives Association.

There are minor amendments to the disciplinary system relating to nurses and midwives. These amendments do not seek to change the structure of the system, which will continue in its present form, but will update its operation in the same way as the disciplinary system under the Medical Practice Act has been updated. The important role played by the Health Care Complaints Commission, which is the independent complaints investigation body, will not be affected by the amendments introduced by the Bill.

As honourable members are no doubt aware nurses and midwives are rightly considered to form the backbone of the hospital system. The New South Wales Government has launched a number of initiatives designed to address the shortage of nurses and midwives, including the successful Nurses Re-connect program that allows nurses to be paid while undertaking an individualised and supported re-education program with the support of nurses already in the system. In this way nurses' skills are updated and recharged and there are no course fees because the scheme is fully funded by the Department of Health.

Honourable members will also be aware that last year the Government announced the creation of further nurse practitioner positions in Emergency Departments, Intensive Care Units and Mental Health Services in Sydney, the Hunter and the Illawarra. The expansion of Nurse Practitioner positions will further improve the career path open to nurses in NSW and provide additional incentive for senior experienced nurses to stay in the profession providing services to the citizens of New South Wales and passing their expertise and experience on to other nurses and nursing students.

The provisions of this Bill will help to ensure that the public can continue to have confidence in the professionalism of nurses and midwives and to expect the highest standards of competence and conduct from them.

I commend the Bill to the House.

**The Hon. ROBYN PARKER** [8.17 p.m.]: I speak on behalf of the Opposition on the Nurses Amendment Bill. I note at the outset that we do not oppose the bill. I place on the record my admiration for the role that nurses and midwives play in our health system. It is my view that nurses and midwives are rightly considered to form the backbone of the hospital system. However, I cannot understand why the bill is not called the nurses and midwives amendment bill. The legislation is the result of a review of the Nurses Act 1991, conducted by the Department of Health under the auspices of the competition principles agreement. The purpose of the bill is to update the regulatory system pertaining to nurses and midwives in New South Wales in accordance with the recommendations of the recent review of the Nurses Act 1991.

The review provided an opportunity to re-examine both the objectives surrounding the regulation of nurses and midwives and the mechanisms used to implement the regulation. The review concluded that the

public interest is served by the regulation of nurses and midwives, and that the regulatory system established by the Nurses Act 1991 is largely effective in ensuring that nurses and midwives are fit to practise and provide top-quality health care to the people of New South Wales. However, the review also identified a number of areas in which the regulatory system could be updated and improved—for example, by improving the powers of the board to register or enrol a person subject to conditions. The main change proposed by the legislation relates to the way in which midwives are dealt with under the legislation. Under the current Act recognition of competence to practise midwifery is through additional authority granted to a registered nurse.

All midwives, therefore, must be registered nurses and are correctly known as registered nurses authorised to practise midwifery rather than registered midwives. During the review strong representations were received for greater recognition of the professional status of midwifery within the Act. There are a variety of views about this issue, but I feel there is a great deal of commonality between nursing and midwifery through their training and overall philosophy. I support the notion that midwifery should have its own individual status within the legislation. Because of this, and the fact that increasing numbers of midwives from overseas have training in midwifery alone without a comprehensive nursing education, the bill establishes two separate registers, one for nurses and one for midwives. A person who is qualified as both a nurse and a midwife will also hold registration as a nurse.

In future, nurse practitioners who have demonstrated appropriate, advanced practice to become eligible to be authorised nurse practitioners will be able to apply to be authorised midwife practitioners. The same criteria will apply to the approval by the board of people who practise as nurse practitioners and midwife practitioners, and all such practice will continue to be under guidelines approved by the Director-General of Health. These developments have the support of the New South Wales Nurses Association and the New South Wales Midwives Association. The majority of the amendments contained in the bill are designed to implement this development.

As a result of these changes, other proposals in the legislation include changing the name of the Act and the name of the registration board to include both nurses and midwives. The Act will be changed to the Nurses and Midwives Act 1991. The registration board will be changed to the Nurses and Midwives Board. The bill provides for an expansion in the composition of the board to provide a better balance and mixture of skills. The expanded board will include additional community representatives. The number will increase to three, in recognition of the fact that consumers have a key role to play in the regulation of nurses and midwifery professionals.

In recognition of the fact that there are over 15,000 enrolled nurses in New South Wales, the Minister will appoint an additional enrolled nurse. Additional nursing or midwifery academic representatives will ensure that the board has adequate academic experience to manage the large amount of work involved in assessing and recognising tertiary education courses. There will also be strengthened disciplinary provisions. Nurses and midwives will need to provide the board with a range of information when they renew their registration or enrolment each year, and when charged with a criminal offence involving sex or violence that is committed in the course of practice or involves children.

These provisions, which exist in similar terms in all other recent health professional registration Acts including the Medical Practice Act 1992, are appropriate within a protective jurisdiction and are designed to ensure that nurses and midwives are held to the same high standards of professional accountability as are other registered health professionals. I stated at the outset that the Opposition does not oppose this bill. However, we have some concerns that we would like the Minister to address. It would appear from what the Government has said about the legislation that some registered midwives do not hold nursing qualifications. If that is correct, will it then be possible for midwives who do not hold nursing qualifications to become nurse practitioners?

Concern also has been expressed that new section 4B, which provides a definition of "competence to practise nursing or midwifery", is limited in that it does not articulate the current meaning of "competence" within the profession of nursing and midwifery, and does little to reassure the public that practitioners of either discipline are able to provide safe and effective care. The view has been put forward that better collaboration with some of the professional bodies involved with nursing in this State could lead to a more articulate, accurate and functional definition.

My colleague in the other place and shadow Minister for Health, Barry O'Farrell, has expressed the view that it is disappointing that there is no requirement in this bill for nurses to demonstrate ongoing competence, such as through continuing professional development or any other mechanism, apart from paying

an annual fee to remain on the register. Concern has also been expressed that in order to continue to be registered as a nurse in this State all that one has to do is pay an annual fee.

The Opposition would like some consideration to be given at some point to ongoing training, rather than a mere payment of a registration fee, in line with other health professional registration requirements. In this day and age, the current proposal is hardly sufficient when viewed in the context of national trends surrounding quality and safety in health care. I note in this regard the national review of nursing education by the Commonwealth in 2002. The report, entitled "National review of nursing education 2002: Our duty of care", states:

Nursing is a professional occupation and nurses are the largest professional group of workers in the healthcare system. However, the nursing workforce includes people with a very diverse range of skills, knowledge and experience.

It is crucial that these professional people are able to maintain their competence, develop it through lifelong learning, and maximise their contributions in the interests of both themselves and the overall health care system. Furthermore, the future work force is likely to involve nurses working with other health professionals and care workers, if the best outcomes are yet to be achieved. As for continuing education linked to registration, the report stated:

One area of debate centred on whether or not continuing education should be linked to registration requirements, on the basis that this was fundamental to quality patient care ...

The Opposition requests the Minister to give consideration to the requirements for registration. Many comments referred to in the report recommended that all State and Territory nursing legislation have a requirement for continuing competency for practice to be assessed on a range of indicators, including continuing education, prior to re-registration. It is my view that continuing education is essential for the strengthening of the nursing profession. I ask the Minister to explain the rationale of the Department of Health in not addressing those issues as part of the review. To me, it appears that continuing professional development in all medical fields is important in this day and age. That is certainly the case in countries that have addressed those issues. Further, I would appreciate a commitment by the Minister to address as a matter of priority the issues that have not been addressed. In conclusion, the provisions of the bill will help to ensure that the public can continue to have confidence in the professionalism of nurses and midwives, and to expect the highest standard of competence and conduct from them. I commend the bill to the House.

**Ms SYLVIA HALE** [8.30 p.m.]: The Greens support the bill. However, once again, consultation with the relevant professional bodies has not been as extensive as it might have been. The Nurses Association was consulted, as were representatives of the College of Nursing, but input from the New South Wales Midwives Association has been largely ignored. Midwives make up a very important part of the health care system. As more women choose to give birth in birthing centres rather than in the maternity wards of large hospitals, it is imperative that the profession be adequately supported and represented. To that end midwives deserve more than one secure position on a 16-member professional body. For that reason the Greens will seek an amendment to ensure that midwives are given additional representation on the Nurses and Midwives Registration Board.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [8.31 p.m.]: The Democrats support this progressive bill, which will significantly raise the profile and status of midwives in New South Wales. The bill will amend the 1991 Nurses Act to include representation of midwives practising in New South Wales on the Nurses and Midwives Board. Currently the Register of Nurses is divided into two lists. The bill provides that the register be merged into one list and that a separate register be created for midwives. Midwife practitioners entitled to be registered as nurses and midwives will be required to place their names on both registers. The bill outlines registering and disciplinary procedures as well as appeal mechanisms, which I will not detail. However, some key aspects of the bill are worthy of comment.

The name of the Nurses Registration Board will be changed to the Nurses and Midwives Board. The board will now be authorised to recognise study courses conducted in other Australian jurisdictions, entitling a person who has successfully completed a recognised midwifery course to practise in New South Wales. Procedural fairness is also a key component of the bill. The age restriction on registered and enrolled nurses will be removed, and an applicant will be given an opportunity to appear before the board before it rules on refusing an application for registration.

Private institutions seeking course recognition from the board will also have an opportunity to have the board's decision reviewed by the Administrative Decisions Tribunal. The bill also amends the Public Health Act

by inserting a provision to restrict the management of labour and the delivery of babies to registered midwives and medical practitioners, and registered nurses, medical students and midwifery students acting under appropriate supervision. That provision has an exception for emergency cases. Health care students under appropriate supervision will be able to conduct spinal manipulation and certain electrophysical treatments. The Democrats have had a long association with a wide variety of midwifery advocacy groups, lobbying both the Commonwealth and State governments to recognise the crucial role midwives play in delivering health services. I have lobbied the former and current Ministers for Health regarding indemnity insurance for private midwives and access to midwifery services across the State.

Last September the Democrats at both State and national level endorsed the Maternity Coalition's National Maternity Action Plan, which is about choice for Australian women—freedom for women to choose how they are supported during their pregnancy and during the birth of their child. Primary midwifery services offer a one-to-one continuity of care to healthy women with referral to specialists on an as-needs basis. As a medical practitioner, I believe that we in Australia are locked into an intervention-prone medical model for having our children. Australia has one of the highest rates for caesarean section in the developed world. In stark contrast, 70 per cent of women in New Zealand choose a midwife as their primary carer. In New South Wales only 5 per cent of women have access to midwife-led care. This initiative will greatly assist in expanding services, and I am sure will lead to fewer costs associated with the public health system.

I acknowledge and congratulate the following people for their good work and advocacy over the years: Pat Brodie, the President of the New South Wales Midwives Association; Jan Robinson, the National Co-ordinator of the Australian Society of Independent Midwives; and Denise Hynd and Virginia Miltrup from the Maternity Coalition. On a purely pragmatic level, as well as coping with the increased requirements of the national competition policy, it could be said that this bill has relaxed the provisions and made it easier for people trained overseas and in other States to practise in New South Wales. Of course, that is partly a matter of necessity: we have to get every midwife we can. A change to the age registration requirements was also necessary.

A news release by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists dated 22 August entitled "Who is going to be left holding the baby?" presented a depressing picture of the numbers in the profession and the ageing of its practitioners. The press release referred also to a drift away from private obstetrics, which, of course, is driven to a large extent by the rise in annual indemnity insurance. Between 2000 and 2002 that insurance has increased by almost 50 per cent, from a median of \$35,000 to \$49,000. Dr Andrew Pesce from the Royal Australian and New Zealand College of Obstetricians and Gynaecologists said there were problems associated with alternatives to private obstetrics. In June the *Medical Observer* reported that Federal Government figures showed a drop of 27 per cent in general practitioner obstetric services over four years. The college stated in its news release:

A recent report on the midwifery workforce showed that there would be a shortage of about 1800 midwives within 10 years and Australia's midwives were ageing and mostly working part-time.

Dr Pesce said: "General lifestyle issues appear to be a more significant factor than the medical indemnity issues. The stress of being on-call 24 hours a day, seven days a week, is not appealing to the emerging generation of specialist obstetricians and the older ones have had enough.

In Australia, who will provide obstetric services in future? The bill is intelligently trying to maximise the number of practising midwives, as well it might. A survey conducted by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists found:

The percentage of ... obstetricians and gynaecologists ... aged over 60 had increased from the last survey in 2000 and the percentage under 40 had decreased. A quarter of fellows are aged 60 and over.

There was now a slight majority of female fellows in the 30-39 age group. In the profession as a whole, female fellows had grown from 21 percent in 2000 to 23.2 percent in 2003.

Fellows in their 30's were less likely to be practising obstetrics in the private sector than those in their 40's and 50's. Females across all age groups were less likely to practise private obstetrics than males.

Less than half the qualified fellows were practising obstetrics in the private sector.

Of the obstetricians planning to quit public practice, 26 percent nominated lifestyle as a reason, 23 percent nominated age, 16.4 percent stated medico-legal concerns and 10.6 percent mentioned family.

Total hours worked in the week of the survey was a median of 51, compared to 50 in the last survey in 2000, with females working, on average, five hours less than males. Specialists in their 30's and 40's worked fewer hours than those in their 50's.

More than half the specialists had at least one night's sleep interrupted by the needs of a patient during the week of the survey and 18 per cent had three nights or more interrupted.

There are about 1162 specialists actively practising obstetrics and gynaecology in Australia. Less than half of those (551) are practising obstetrics and only 300 are practising private-only obstetrics.

Those figures obviously mean that obstetricians and gynaecologists are facing a problem, which has been flagged. And it seems, having regard to the demographics, that the problem is likely to get worse. A document published by the Maternity Coalition indicates that in 2000 there were a total of 86,460 births, of which 4.5 per cent were to teenage mothers, and 17.7 per cent to mothers over 35 years. Clearly there is a trend for women to have children later in life.

Aboriginal and Torres Strait Islander mothers represent 2.4 per cent of that figure, two-thirds of whom live in rural New South Wales. Interventions are increasing. Inductions of labour increased from 20.5 per cent in 1996 to 23.6 per cent in 2000; vaginal births decreased from 70.7 per cent in 1996 to 67.1 per cent in 2000; there was an increased use of epidurals; the number of people who had no pain relief decreased from 14.9 per cent in 1998 to 12.2 per cent in 2000; and caesarean sections increased from 17.6 per cent in 1996 to 21.3 per cent in 2000. The bottom line is that the trend has been towards more intervention.

People in the Royal Australian and New Zealand College of Obstetricians and Gynaecologists are leaving the profession. The Government is changing the Nurses Act in an attempt to rectify the situation by maximising the number of practising midwives. It is worth noting the huge increase in women in New Zealand obtaining primary care from midwives. Since 1990, when legislative changes gave women universal access to midwifery care in New Zealand, the maternity budget has been reducing. Seventy-two per cent of women choose the care of a midwife, which is up from 1 per cent in 1990. That massive change in who delivers babies in New Zealand is significant. I do not know whether we will see a trend like that in New South Wales from a base of about 5 per cent; however, demographics relating to doctors, obstetricians and gynaecologists suggest that it is possible.

The Government is addressing that issue by maximising the number of midwives who will be able to practise, and that is a sensible move. The Government needs also to examine medical indemnity. In debate on the public liability and workers compensation bills my position was to look, first, at the preventive aspects of delivering a quality service and not leave it up to tort law to determine the benefits later—an undesirable policy. People must monitor the incidence of risky medical interventions. They must compile records of those who are making mistakes and those who are achieving bad outcomes, analyse those places or those people, and determine what is being done wrongly to minimise the harm being done. All that must be done systematically. We cannot merely rely on tort lawyers, watch premiums rise, and then argue about who will pay for a bad outcome or decide which cases will not be reimbursed if things go wrong. This bill is a step in the right direction.

**The Hon CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [8.43 p.m.], in reply: I thank all honourable members for their contribution to the debate on the Nurses Amendment Bill. This important piece of legislation, will facilitate protection of the health and safety of the people of New South Wales through the introduction of a combination of new initiatives and the updating of procedures for ensuring that nurses and midwives are fit to practice and continue to observe high standards of professionalism. In recognising the importance of midwifery and the position it occupies in the health system the bill will play an important role in encouraging midwives back into professional practice—which can only be a good thing.

The amendments that the bill will make to the existing complaints and disciplinary system and with respect to the reporting of criminal convictions, findings and certain serious criminal charges will ensure that the disciplinary and reporting systems continue to operate in an efficient and effective manner that recognises the professionalism of nurses, midwives and the public interest. I turn to some of the issues that were referred to earlier in debate. I refer, first, to competence and continuing education. The whole scheme of the Act provides a robust system for ensuring that nurses are competent and fit to practice. While there are no specific requirements for continuing professional education in the current bill, the issue remains on the agenda and will be the subject of ongoing consultation with the nursing profession. A number of honourable members referred to consultation. I am advised that the New South Wales Midwives Association was extensively consulted during the drafting of this bill.

I refer next to midwife practitioners and nurse practitioners. New section 20 of the bill will provide an entitlement for a registered midwife to apply for authorisation as a midwife practitioner. That parallels a similar entitlement for registered nurses who attain an advanced degree and skill in their profession to become a nurse

practitioner. I am advised that it will not entitle a person who does not have appropriate qualifications to become a nurse practitioner. I believe that that addresses most of the issues that were raised during debate. I thank all honourable members for their contributions and I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time.**

### **In Committee**

**Clauses 1 to 4 agreed to.**

**Ms SYLVIA HALE** [8.48 p.m.], by leave: I move Greens amendments Nos 1 and 2 in globo:

No. 1 Page 7, schedule 1 [26], line 11. Omit "16 members". Insert instead "17 members".

No. 2 Page 7, schedule 1 [26]. Insert after line 33:

(f) 1 is to be a registered midwife nominated by the New South Wales Midwives' Association, and

No-one would contest the fact that society undervalues nurses and midwives. Their lot is one of poorly paid and long hours, to which should be added the difficulty that many midwives encounter in obtaining professional indemnity insurance. Midwives in particular work under extraordinary conditions, caring for not one patient but two as they bring a new life into this world. In rural hospitals midwives often deliver babies without a doctor being present. In remote and Aboriginal communities they routinely deliver babies on their own. In birthing centres and at home births midwives often perform their duties with only the mother and her partner present.

The trend for natural births and less medical intervention in the birth process is a trend that should be supported. If there are no complications, giving birth can be a wonderful and a natural event. However, it is a potentially difficult process for all concerned. It is essential that the midwifery profession be adequately acknowledged, supported and represented. It is all the more puzzling, therefore, that the Government has been so deaf to calls for appropriate midwife representation on the Nurses and Midwives Board, whose function it is to promote and maintain professional standards of both nurses and midwives, to promote the education of nurses and midwives, and to advise the Minister on registration and practice standards for nurses and midwives.

The proposed restructure of the board increases the total number of positions to 16, but only one of these is designated specifically for a midwife. Seven positions are designated for registered or enrolled nurses and three are designated for community representatives. A further four positions may be filled by either nurses or midwives but in each case the pool from which the positions must be drawn consists overwhelmingly of nurses. In light of this it is far more likely that nurses rather than midwives will be nominated to the board. The almost certain result will be one midwife on a 16-member Nurses and Midwives Board—representation that is undeniably inadequate. At least two nominated positions on the board should be reserved exclusively for midwives.

The Greens amendments acknowledge all the professional bodies nominating representatives, although we question the need for nine from a total of 16 members to be ministerial appointments. The Greens amendments propose to increase the total number of board members from 16 to 17 by adding an additional position that would be filled by a nominee of the New South Wales Midwives Association. While the bill appears at first blush to offer midwives adequate representation on the board, in practice they will probably be limited to a single position. I urge all honourable members to support the New South Wales Midwives Association in its calls for representation on the board that is both adequate and guaranteed.

**The Hon. CARMEL TEBBUTT** (Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Youth) [8.51 p.m.]: The Government does not support the Greens amendments. The board is already significant in size and representation and a further nomination from the New South Wales Midwives Association is not warranted.

**Amendments negated.**

**Schedule 1 agreed to.**

**Schedule 2 agreed to.**

**Title agreed to.**

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

## POWERS OF ATTORNEY BILL

**Bill received, read a first time and ordered to be printed.**

**Motion by the Hon. Carmel Tebbutt 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 ordered to stand as an order of the day.**

## ARCHITECTS BILL

### Second Reading

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [8.56 p.m.]: I move:

That this bill be now read a second time.

As the second reading speech has been delivered in the other place, I seek leave to incorporate my speech in *Hansard*.

**Leave granted.**

Honourable members would be well aware of the Carr Government's record of both maintaining and enhancing consumer protection, and introducing policies to improve the standard of the built environment for all members of the community. As a major part of the Government's initiatives in both these areas, the Government has undertaken extensive review of legislation regulating the architectural profession. The Government sought to undertake reforms in 1998, but decided to hold them in abeyance pending the results of the work of the Productivity Commission, which undertook a review of legislation regulating the architectural profession. The review was handed down in late 2000.

Following the review State and Territory governments agreed to compile a joint response to the report. Under the leadership of New South Wales the joint response provided a framework that was adopted by State and Territory governments. It was also endorsed by the Australian Procurement and Construction Ministerial Council. I am introducing a bill to implement this nationally agreed framework into New South Wales. The bill will achieve greater consumer protection, more effective professional discipline and enable a renamed Architects Registration Board to take a more active role in promoting community discussion on the role of architects in the community. In addition, the new board will have a broader membership than the current board to reflect its redefined role under the legislation.

There has been extensive consultation with the profession over the past 18 months. Organisations consulted include the Royal Australian Institute of Architects, the Association of Consulting Architects of Australia, the Architects Accreditation Council of Australia and the current Board of Architects. There have also been representations from consumers of architectural services regarding deficiencies in the complaint process available under the current Act for unprofessional conduct by architects. The resulting proposals for reform are so extensive that the bill I am introducing repeals the Architects Act 1921 and starts afresh. Enhanced consumer protection is a major plank of the reform, with the legislation guarding the interests of consumers and supported by a board that draws its membership from a wider range of backgrounds and architecture alone.

Community members will predominate on the board and include persons with demonstrated public interest in architecture, representing consumers, local government, and legal and allied professions. Architect members will include two architects elected by all New South Wales registered architects, the past President of the Royal Australian Institute of Architects New South Wales Chapter, the New South Wales Government Architect, and an academic drawn from one of the schools of architecture in New South Wales. The Government wants the new board to be concerned with consumer issues, and broader public and industry interests in architecture, while at the same time ensuring a strong professional presence is maintained and professional architectural knowledge is applied to the board's activities.

The bill also creates a code of professional conduct for all registered architects and provides for the creation of a model client-architect agreement for use in home design. These will go through the normal process for the making of subordinate legislation, the code itself being in the form of a regulation. The code will define the conduct required of architects; breaches will provide grounds for discipline. The client-architect agreement, when made, as advised by the board will balance the rights and responsibilities of the parties in a fair and equitable manner, and mandate a dispute resolution process. This process must be exhausted prior to more formal proceedings being commenced by either party. Such formal proceedings will also occur in the first instance in the Consumer Trader and Tenancy Tribunal.

The Government intends to take steps to co-ordinate these processes with amendments to home building legislation when they are finalised. Through this new legislation consumers will be provided with the strongest protection of any jurisdiction of which I am aware. It will also protect the interests of competent professional architects and the profession as a whole by creating a robust regime of disincentives to poor conduct, which will enhance public confidence in the profession. The major effect of the current legislation is to protect the use of the title "architect". This will continue in the legislation, but with some changes. Protection will be restricted to the use of the title in connection with building and construction, overcoming the awkwardness of the current Act in dealing with terms such as systems architect and software architect in use in the information technology industry.

Although only registered architects will be able to use the title "architect" and offer services provided by an architect, any corporation or firm that employs an architect may also use the title architect or its derivatives on notifying the board of its nominated architect. The nominated architect is an architect nominated by a corporation as the one who manages and directs the services provided by the corporation. The nominated architect must be normally on duty during business hours at the place at which the services are advertised as being provided. In addition, primary dealings with clients must be with the registered architects employed by the corporation or firm. These provisions of the proposed legislation replace the current requirement that one-third of directors of a company be architects to allow such a company to use the title "architect".

To ensure that the market is properly informed of the nominated architect, firms or corporations will be required to advise the board of the nominated architect, and advise the identity and business location of the nominated architect or architects. The intent is that this advertising would relate to normal business communications, including letterheads, and be prominently displayed in the place of business such that prospective clients would be able to read it. Any corporation, firms or person offering architectural services in the marketplace to be performed by an architect, or could be reasonably construed as such, will commit an offence if that person is not an architect or if a corporation or firm does not have a nominated architect. The intent is for the market to be clearly informed as to who is and who is not an architect so that prospective clients can make an informed commercial judgment as to whose services to use.

The Government does not want to prevent non-architects from engaging in the business of designing buildings, but it does not want anyone to mislead their market in any way as to their professional status. The legislation provides severe penalties for any such misleading. However, a person or company not an architect, who has clearly stated in an offering to the market the qualifications relied upon, obviously will not intend to mislead. If it is found that these provisions do not provide sufficient consumer protection, those terms found to be used in a misleading manner will be proscribed at a later date by a regulation under the new Act. The board will have as part of its role the responsibility of ensuring adequate communication to the market of what the term "architect" means in connection with building and construction. I also point out that the bill should be read in conjunction with the tort law reforms adopted by the previous Parliament.

The reforms introduced a proportionate liability for certain claims and profession-focused defences for professional negligence for professions, including architects. Other features of the legislation are the provision for two levels of misconduct with simpler matters able to be dealt with by the board and more significant matters taken to the Administrative Decisions Tribunal, which will sit with an architectural member. The board's role will be to investigate complaints and take matters to the tribunal where it considers a case can be made against an architect. Penalties for misconduct would be greatly increased, commensurate with the seriousness of misconduct and offences created by the legislation. The maximum penalty will be 100 penalty units or, currently, approximately \$10,000 for an individual and double for corporations and firms.

Penalties of suspension or cancellation of registration will also exist. Greater flexibility in available penalties will be provided with orders possible to require architects to undergo further education and/or mentoring under an architect approved by the board. This brings the regulation of architects into line with the other regulated professions, as the community would expect. All findings against architects will be published to inform both possible clients and other architects. Because entry to registration is of great concern to the board it will be empowered to accredit courses that produce graduates suitable to seek registration. This replaces the current fixed schedule of courses in the regulations under the current Act. It is important to note that the board will be required to provide a pathway to registration that recognises the demonstrated experience of non-architect building designers.

The current board has developed such a pathway in consultation with the Architects Accreditation Council of Australia, named the Built Work Program of Assessment, which is an examination of candidates' built work against published competency criteria. A number of people have already been successfully assessed under the program to meet the criteria established in State environmental planning policy 65. As honourable members know, the policy limits to architects the right to design certain classes of multiple unit residential buildings. The Built Work Program of Assessment ensures that experienced building designers of demonstrated capability will be able to register as architects without sitting theoretical examination of the knowledge of technical aspects of architectural practice. They will be able to continue designing these classes of multiple unit residential buildings, thus helping to achieve the Government's objective of improved urban built environments.

This will not remove the consumer protection requirement on all candidates seeking registration to pass an examination in professional aspects of architectural practice. One issue that has been of concern to architects who export their services has been the lack of a national register of architects. Of course, given the division of powers under the Australian Constitution it is not possible to legislate to create a national register. However, the legislation allows for the board to join with counterpart boards in other jurisdictions to administratively compile their registers to create a national registry of architects. The Architects Accreditation Council of Australia has undertaken to the Australian Procurement and Construction Ministerial Council to facilitate this.

The bill offers no impediment to the board to work with the Architects Accreditation Council of Australia to achieve national compilation of registers, but rather in its objectives encourage the board to work towards this and other national initiatives to achieve uniformity of administration of architects. The Carr Government committed itself to the finalisation of this legislation during this sitting of Parliament. In moving towards fulfilling this commitment on behalf of the Carr Government, I am pleased to note that consumers of architectural services, the market for building design as a whole, the community and architects who practice in a professional manner will all benefit from the introduction, passage and implementation of the legislation. I commend the bill to the House.

**The Hon. MICHAEL GALLACHER** (Leader of the Opposition) [8.56 p.m.]: The Opposition will not oppose the Architects Bill, which implements the national competition policy established through the Council of Australian Governments and is the result of industry concerns that many proprietors who operate as architects are not qualified to do so. However, at present they are allowed to continue operating because there are no guidelines to define who is a qualified architect. In order to rectify this situation the bill will amend the Architects Act 1921, first, to provide for the registration of architects; second, to provide for the constitution and

functions of the New South Wales Architects Registration Board, which will comprise industry, community and government representatives; third, to regulate the conduct of professional architects; fourth, to create offences that prohibit persons from representing themselves as architects when they are not registered with the New South Wales Architects Registration Board; and, five, to create offences that prohibit persons from advertising their services as an architect when they have not been registered with the New South Wales Architects Registration Board.

The Opposition has consulted both the Royal Australian Institute of Architects and the Building Designers Association of New South Wales about the bill, and we thank them for their contributions. I commend to honourable members a submission written by Caroline Pidcock, the President of the Royal Australian Institute of Architects. The letter outlines several problems that the institute believes should be rectified. It appears from the correspondence that the institute has consulted the Special Minister of State about the bill. However, reading between the lines, I suggest that that representation has not proved fruitful in addressing the organisation's concerns about the bill. My understanding is that although the Royal Australian Institute of Architects does not oppose the bill, it believes that several aspects of it must be tidied up, and it advances some quite reasonable propositions in that regard.

One proposition relating to the period of civil liability does not fit within the ambit of this legislation but should be addressed by way of a private member's bill to ensure that the concerns of architects are addressed in another way. I understand from discussions that the Hon. Dr Peter Wong will address this matter at a later stage. This debate raises the question of the composition of the board about which architects have made some important observations for Legislative Council members to consider. The Hon. Henry Tsang is indicating "Roll Della, keep going." Should this matter go to a conscience vote I am sure it is in the bag as the Hon. Henry Tsang is on our side.

The Government has taken the concept of community representatives further than it has with any other board. Will the Minister tell us before the conclusion of the debate that architects are the first to be treated in this way and that we can expect the same approach to be meted out to all other boards? The current board comprises five registered architects and four community representatives, which is reasonable. In this legislation the Government proposes that the board comprise five registered architects and six community representatives. Architects are concerned about that imbalance especially when they compare their board with other boards. For example, the statutory board under the Chiropractors Act comprises four registered chiropractors and one community representative and is very much focused towards the professionals. The board of the legal profession comprises eight registered legal practitioners with no mention of community representatives. The Medical Practitioners Board comprises 11 medical practitioners and four consumer representatives. The board established under the Nurses Act comprises nine registered nurses and two community representatives.

All those boards as well as boards representing optometrists, osteopaths, podiatrists and psychologists are weighted in favour of professionals in the industry. However, we do not know why the Government has changed the mix for architects. We have been led to believe that the purpose is to focus architects towards the needs of their consumers, but the Government did not put forward a strong argument in that regard in the Legislative Assembly. The Special Minister of State recognises that this bill is a lemon by not even bothering to make a second reading speech but simply tabling the bill as quickly as possible. The Hon. Dr Peter Wong has foreshadowed some amendments, and if they are consistent with what we have discussed earlier and with my discussions with the representative of the Royal Australian Institute of Architects, the Opposition will support those amendments.

**The Hon. Dr PETER WONG** [9.05 p.m.]: The Government has introduced the Architects Bill for the purpose of reform, because of its desire to increase consumer protection and co-operation and to promote community discussion. That is commendable. When this bill came before the House we sought advice from the Royal Australian Institute of Architects, the professional organisation that ought to have been the Government's first port of call. We learnt at that time that it was not fully informed about what was happening. We also became aware of certain issues that should have been rectified long before this bill was introduced in the House. Since then I believe the Special Minister of State has made significant amendments to the original bill.

There are, however, two remaining issues that need to be redressed. As mentioned by the Leader of the Opposition, the first issue is the composition of the New South Wales Architects Registration Board. The current bill proclaims a board of architects which has a majority of lay members and a reduced representation from the Royal Institute of Architects, being five from the profession and six lay persons, totalling 11 members. The second issue is the limitation of civil liability as referred to by the Leader of the Opposition. In relation to

the first issue, I will not repeat what the Leader of the Opposition said about the obvious inconsistency with many occupational boards in New South Wales.

On a national level, the proposed board of architects is also not in line with other States. While accepting that some States are still awaiting the new legislation to be passed, overall every State accepts that the composition of the board, either now or in the future, will be more architects than lay persons. The composition of the board in Queensland is five architects and two lay persons, and in Western Australia it is five architects and four lay persons. Similar support will be received in other States. I have no doubt that honourable members will share my view and that of the Royal Institute of Architects that professional architects will be more than capable of managing their affairs and it is appropriate to have more architects than lay persons on the board. I therefore intend to move an amendment during the Committee stage, and I urge the Government to support such an amendment.

On the second issue, I believe that the intention of the Government is to require all architects in the future to be covered by indemnity insurance, which is quite appropriate. However, currently it seems that there is no limit in time on the liability of architects. In comparison, builders are liable for the condition of the building for up to 10 years. However, I agree with the Leader of the Opposition that that is beyond the leave of this bill, but I urge the Government to look carefully into this matter. Finally, I thank Caroline Pidcock, President, Royal Institute of Architects, New South Wales Chapter, and her dedicated team for bringing this matter to our attention. I acknowledge their presence in the public gallery this evening.

**Ms SYLVIA HALE** [9.08 p.m.]: The Greens support the bill. We are particularly pleased to see, however belatedly, the raft of amendments foreshadowed by the Government, because without them the bill is seriously flawed. The initial bill was poorly drafted. The consultation process that occurred with the profession was handled even more poorly. The Royal Australian Institute of Architects was consulted only once and was not given a copy of the draft bill before it was introduced. Only after intense lobbying during the winter recess did the Minister's office finally respond to calls from the profession.

The Greens are gravely concerned that this bill has been largely driven by the demands of developers and the property industry. The restructuring of the board of architects reduces it from 13 to 11 members, but only five of them are architects. In the draft bill the remaining six could not be architects. In other words, the 11-member board could be stacked by developers or other representatives as the Minister deems fit.

The Minister finally relented, with the result being the amendments introduced tonight. This means that the remaining six may not be architects, although they may be representatives of other professions. This is still an unsatisfactory outcome. The potential remains for the board to be stacked with developers, which raises the question: Why did the Government so strenuously resist the architects board being dominated by architects? No other professional body has a governing board made up substantially of other professions. Whom did the Government consult regarding the design of such a framework? It certainly was not the Institute of Architects. Nevertheless, we welcome the bill as proposed to be amended. We will support it, as we will support the amendments proposed by the Hon. Dr Peter Wong.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS** [9.10 p.m.]: The Democrats support the bill in its final form. The Government was criticised for not having consulted sufficiently with the architect profession, but the nine amendments it will move will deal with almost all the concerns expressed by the profession, except that relating to the composition of the board. Precedents of other boards regulating professions suggest that at least the majority of those constituting the board of a profession should be of that profession—architects in this case. I support that general principle. One of the main features of the bill is that it allows firms to operate as architects if those firms are controlled by an architect. I spoke to building designers who had been prominent in discussions about architects and architecture as well as in discussions about competition. My office spoke to the President of the Building Designers Association, who said that building designers would be happy to be able to refer to their work as "architectural design".

Another concern related to professional indemnity insurance, which is very hard to obtain. The Government needs to look into that matter, which has been an increasing problem in all professions, particularly since 11 September 2001. At the moment, uncertainties of tort and an insurance industry that wants to underwrite that uncertainty by simply passing on high costs are getting to the point where the tail is wagging the dog, with the possibility of some future happening becoming so distorted that services are becoming absurdly expensive for very many professions. That matter, as it relates to architecture, certainly needs to be addressed. In architecture, as in many things, good preventive policies are worth far more than tort law remedies arrived at

years down the track at an indefinite but certainly astronomical cost. We would like the Government to look at those issues. As far as the Democrats are concerned, the Government amendments, along with the amendments proposed by the Hon. Dr Peter Wong, will make the bill satisfactory.

**Reverend the Hon. FRED NILE** [9.13 p.m.]: The Christian Democratic Party supports the Architects Bill. We also were present at the briefing of crossbench members by representatives of the New South Wales Architects Association, who indicated their support in general for the bill but expressed concern about matters that had been raised by the proposed amendments, which the Christian Democratic Party will support. The bill results from a review of New South Wales legislation by the Productivity Commission. That review required reform of such Acts across the nation. The bill now before this House is perhaps one of those delayed longest by that process. The bill creates the Architects Registration Board of New South Wales. That raises the first matter of contention: the eleven-member board will include a majority, by one, of non-architect, community members, some of whom may have knowledge of design.

The Government has advised that it is its deliberate intention to change the focus from what seems to be the obvious role of the board—to maintain the qualifications of architects and the high standards for architects in this State. The Government has stated that one of its aims in changing the membership of the board to give it a majority of non-architects is to enable the board to promote "community discussion of architecture". I should not have thought it would be a prime aim of an Architects Registration Board to promote community discussion of architecture. Surely that can be done in other ways, even through advisory bodies, community meetings, and so on. For some reason, the Government has changed the emphasis away from what I believe would be the view of the community and of the architects themselves that that is the role of the Architects Registration Board.

Protection of the title "architect" will continue. We are pleased that that will be so, because there had been some wavering on these sorts of issues regarding other bills. That protection is to give the public confidence that a person who uses the term "architect" will be a registered architect and that the services will be provided by a qualified person. I note that the bill also provides that a corporation or firm that employs only one architect may also use the title "architect" in company publicity and perhaps even in its name. That also seems a strange development. Previously, a firm wanting to use the term "architect" had to have greater than one-third of its directors who were qualified architects. Again, that would give the public confidence that the firm or company had professional know-how. This is yet another move away from the high standards that we should be promoting.

However, on the plus side, the bill provides for a code of professional conduct that will clearly define professional conduct for both architects and their clients, provide fairer discipline in management and so on. Serious matters will be heard by the Administrative Decisions Tribunal, and that will offer an opportunity for an architect to sit on the tribunal. I assume that person will be a qualified architect, and perhaps one appointed by the Architects Registration Board of New South Wales, or someone that the association is happy with.

The Government also stated that one of its objectives is not to prevent non-architects from engaging in the business of designing buildings. That objective also seems strange. I think it will cause some confusion in the community about the qualifications of persons from whom they will seek assistance to design buildings and so on. I do not think it is the role of government to make it easier for non-qualified non-architects to be designing buildings. We may pay for that down the track if buildings have design problems. We have seen such problems in other countries, where buildings have simply collapsed. I know there is also concern about a national register of architects, but it is not possible for this House to solve that problem. However, there must be a concerted effort to ensure that there is ultimately a national register. I understand that process is now under way. So we are pleased to support the bill and the proposed amendments.

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [9.18 p.m.], in reply: I thank all honourable members for their contributions. The Government is satisfied that the new legislation and the amendments that the Government will propose in Committee constitute comprehensive reform of the architecture profession consistent with national competition principles and the contemporary demands placed on the profession and all of the elements of the economy that it services. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time.**

**Consideration in Committee ordered to stand as the order of the day.**

**COMMONWEALTH POWERS (DE FACTO RELATIONSHIPS) BILL**

**Bill received, read a first time and ordered to be printed.**

**Motion by the Hon. John Della Bosca 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 ordered stand an order of the day**

**COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION**

**The DEPUTY-PRESIDENT (The Hon. Patricia Forsythe):** I report the receipt of the following message from the Legislative Assembly:

MADAM PRESIDENT

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

That Allan Francis Shearan be appointed to serve on the Committee on the Health Care Complaints Commission in place of Pamela Diane Allan, discharged.

Legislative Assembly  
16 September 2003

MR JOHN AQUILINA  
SPEAKER

**HEALTH LEGISLATION AMENDMENT BILL****Second Reading**

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [9.23 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard* as it was delivered in the Legislative Assembly.

**Leave granted.**

The Health Legislation Amendment Bill incorporates a number of proposed amendments to legislation within the Health portfolio, namely, the Health Services Act 1997, the Mental Health Act 1990, the New South Wales Institute of Psychiatry Act 1964, the Poisons and Therapeutics Goods Act 1966, the Royal Society for the Welfare of Mothers and Babies Incorporation Act 1919 and the Smoke-free Environment Act 2000. The various amendments are to ensure that these Acts are kept up to date and operate effectively.

I will now outline the nature of these amendments. First, in relation to the Health Services Act, the bill introduces amendments to clarify that medical indemnity insurance under section 85 of that Act has the same meaning as approved professional indemnity insurance under the Health Care Liability Act 2001. In 2001 the Government introduced the Health Care Liability Act to help address the medical indemnity crisis. The Health Care Liability Act introduced the requirement for all medical practitioners practising in New South Wales to be covered by approved professional indemnity insurance unless exempt by the Act or regulations. The Minister for Health approves the kind and extent of insurance cover doctors must carry. In addition, the New South Wales Government moved to extend Treasury Managed Fund coverage to the public patient work of visiting medical officers and, where relevant, their practice companies.

As the Health Services Act currently stands, where a visiting medical officer contracts with a public health organisation through his or her practice company, the company must carry a level of public liability and medical indemnity insurance approved by the Director-General of Health. It is, therefore, proposed to amend the Health Services Act to clarify that medical indemnity insurance under the Health Services Act has the same meaning as professional indemnity insurance under the Health Care Liability Act. This will enable consistency between the kind of cover visiting medical officers' practice companies are required to have under the Health Services Act and the mandatory cover requirements of the Health Care Liability Act.

The amendment will also clarify that a medical practitioner's practice company does not need to carry medical indemnity insurance when it is exempt under section 19 (4) of the Health Care Liability Act 2001 in respect of medical services to be provided under the relevant service contract. The Treasury Managed Fund coverage for public patients is one such set of exempt circumstances. This bill also introduces an amendment to the Act to allow the Minister to appoint a member to the board of a statutory health corporation in lieu of the staff-elected member where the statutory health corporation has a staff of fewer than 50. The Act currently requires the boards of both area health services and statutory health corporations to include one member elected by the staff of the organisation.

The Act requires those elections to be conducted by the New South Wales Electoral Commission. Having a staff representative on the board provides a useful channel for staff and management to address various issues. However, where a statutory health corporation has a very small staff, the time, expense and resources involved in conducting the election process is difficult to justify. As a case in point, the New South Wales Institute for Clinical Excellence was created in December 2001 as a statutory health corporation to address training and education and to set priorities for health services research. The corporation currently has five permanent employees. The employees operate as an executive unit liaising with the board, area health services, health professionals and other stakeholders. As such, the institute does not have the same day-to-day work force issues faced by other statutory boards and the staff representative position would be better utilised in providing additional expertise to the institute's board in its main educative and research functions.

In order to accommodate such circumstances it is proposed to amend clause 2 of schedule 5 to the Act, which deals with the election and the appointment of staff-elected board members to allow for the Minister to appoint a person where the corporation employs fewer than 50 people, thus saving the expense of an election. The Government also proposes minor amendments to the Mental Health Act in relation to the appointment to the Mental Health Review Tribunal. The Mental Health Act currently provides that the Mental Health Review Tribunal is to consist of members appointed by the Governor. Of the members appointed to the tribunal, one is to be a full-time member appointed as the president of the tribunal; one or more may be full-time members appointed as a deputy president of the tribunal; and the remaining members, if any, may be appointed as full-time or part-time members.

The proposed amendment will enable the deputy president to be appointed on a part-time basis. This will allow for greater flexibility where, for example, the workload of the tribunal warrants the appointment of additional part-time deputy presidents rather than, as at present, requires the positions to be filled on a full-time basis. The bill also makes a minor consequential amendment to the Statutory and Other Offices Remuneration Act 1975. It is also considered necessary to amend the New South Wales Institute of Psychiatry Act 1964. The Institute of Psychiatry is established by the Act as a not-for-profit organisation, the objects of which are directed at research and training in relation to mental illness. The institute is partly funded through the health budget that generates more than one-third of its income from fees charged for education courses that it runs.

The Act contains a general power enabling the institute to do and perform all acts and things necessary to give effect to its objects, but it does not contain an express authority to charge fees for courses. While there is no suggestion that the institute has been acting beyond its power in charging fees, in accordance with advice provided by the Crown Solicitor, the bill proposes to amend the Act to put the institute's ability to charge fees beyond doubt. The Poisons and Therapeutic Goods Act 1966 and regulation establish the framework for the regulation and control of poisons in New South Wales. This regulatory regime is designed to prevent accidental poisoning, medical misadventure and abuse and it is an important tool in ensuring public health and safety.

As part of this objective, part 4 of the Act contains a specific set of provisions designed to restrict and regulate the possession, manufacture and supply of drugs of addiction. Division 2 of part 4 of the Act contains specific restrictions on the prescribing of drugs of addiction as a treatment for drug-dependent persons. Under these provisions, drugs of addiction can only be prescribed as treatment for a drug-dependent person where a medical practitioner has been granted a special authority by the Director-General of Health. These provisions regulate the prescription of methadone and buprenorphine and represent the legislative basis for the NSW Health methadone program.

Sections 28A and 29 of the Act grant the director-general the power to issue approvals to prescribe and supply drugs of addiction and to impose conditions on such approvals. When exercising this power the director-general relies on the recommendations of the medical committee which is established under section 30 of Act. The provisions also allow the director-general to revoke an approval with the regulations establishing powers for an immediate suspension of an approval where there is a risk to public health or safety. The bill proposes to make a number of amendments to this regulatory regime to improve and enhance the oversight of the New South Wales methadone program. First, as I indicated, the regulations currently allow suspension of authorisations to supply drugs of addiction where there is a risk to public health or safety.

However, a question has arisen as to whether this regulatory power was sufficiently broad to cover approvals granted under the Act. To put this matter beyond doubt, it is proposed to place the suspension power in the Act itself. The bill therefore provides for suspension of an approval or the imposition of conditions on an approval when the circumstances are sufficiently urgent and when the director-general is of the opinion that the action is necessary for the purpose of protecting the life, or the physical or mental health, of the medical practitioner or any other person. This is the same test currently used in the regulation.

Section 29 will also be amended to allow the recognition of electronically generated forms, including applications and authorities to prescribe drugs of addiction. The aim of this change is to support the Department of Health's current project to develop an Internet-based system designed to increase the efficiency of processing applications. The system will include appropriate security mechanisms to verify and protect the information provided. The bill will also make some amendments to ensure that the director-general and the Medical Committee are able to obtain all relevant documentation they require to properly perform their regulatory role. At the moment information is obtained through enforcement and monitoring of compliance activities, involving voluntary provision of information by approved prescribers and through reliance on the powers of entry and seizure contained in section 43 of the Act. The aim of the bill is to improve both of these options.

New section 30AA will allow the Medical Committee to obtain relevant information from both the Health Care Complaints Commission and the New South Wales Medical Board when considering a possible contravention of an approval or the related provisions of the legislation. As honourable members would be aware, the Health Care Complaints Commission and the Medical Board have a key role in the assessment, investigation and determination of complaints against medical practitioners. Information they hold on, for example, outstanding disciplinary action relating to misuse of drugs by a practitioner can be directly relevant to that practitioner's obligations under the poisons legislation. The amendment proposed in the bill will allow the committee to obtain this information, and thus ensure that it has relevant information to hand when considering these issues. It will also prevent the duplication of effort on the part of the various regulatory authorities and, by avoiding duplication of effort, will also ensure a quicker response to situations when there is an issue of public safety involved.

It should, however, be emphasized that the power will be subject to tight constraints in relation to both who may exercise it and the circumstances in which it will apply. The exercise of the power will be confined to the Medical Committee or persons operating under delegation from that committee. Further, the power will only be available in circumstances when the committee is investigating a breach of the legislation or a breach of an approval under part 4 of the Act. As I have already indicated, the second set of powers relied on to oversee the New South Wales methadone program arises out of the search and seizure powers in section 43 of the Act. These are also to be enhanced by the bill.

The section 43 powers operate for the purpose of ascertaining whether the provisions of this Act or the regulations are being complied with. The activities of approved prescribers of methadone and buprenorphine are also covered by the conditions of the director-general's approval under section 29. Similarly, the activities of methadone clinics are governed by their licence and licence conditions. While these approvals and licences are given under the terms of the Act, it is considered important to ensure that the Act clearly states that the powers established under section 43 apply not only to the Act and regulations but also to any approval, authority or licence given pursuant to the Act or regulations and any conditions thereunder.

In addition, the current powers granted under section 43 do not allow inspectors to access documentation of approved prescribers or clinic records, but are directed almost entirely to the seizure of goods and tracking their supply. While this is highly appropriate in relation to most breaches of the legislation, effective enforcement of part 4 of the Act, which deals with access to and regulation of the supply of drugs of addiction to drug-addicted persons, requires an ability to access clinic records. It is only by examination of the records that inspectors can ascertain whether the conditions imposed by the Act and legislative approvals are being complied with. Records of a prescription are, for example, critical in establishing whether an approved practitioner is prescribing in accordance with a recognised therapeutic standard and in a quantity within such recognised standards. I draw the attention of honourable members to the fact that these changes to section 43 will also apply to the activities of methadone clinics, and will allow examination of records relevant to auditing compliance by a clinic with its licence and licence conditions. They will thus provide the regulators with a more effective tool in their oversight of both practitioners and clinics.

In addition, the enhanced section 43 powers will also apply to provisions relating to schedule 4 appendix D substances such as anabolic steroids and barbiturates. Under the legislation, prescription of such "prescribed restricted substances" must only be for medical treatment and in accordance with the "recognised therapeutic standard". Again, in order to properly check possible breaches of these provisions, it is important for inspectors to be able to obtain access to the relevant records. Finally, as honourable members would be aware, in March last year the Government announced new measures designed to combat the use of anabolic steroids, particularly among body builders and gym enthusiasts. In statements previously made to the House, the then Minister for Health noted that the most recent national drug strategy household survey revealed a 30 per cent increase in lifetime steroid use for non-prescribed purposes.

That means that there may be as many as 40,000 people in this State alone who are using or have used anabolic steroids. Steroid abuse has well-known negative side effects. Two homicides in New South Wales have been linked to roid rage, as it is commonly known. Anabolic steroids are currently classified as schedule 4 appendix D drugs under the legislation. As one of the measures being taken to combat the growing abuse of these drugs, the bill provides for an increase in the maximum penalty for illegal possession of these drugs from six months to two years imprisonment. Such penalty may be imposed either separately or in addition to a fine of up to \$2,200. The Department of Health has consulted a number of relevant bodies during the drafting of these amendments, including the Attorney General's Department, the Office of the New South Wales Privacy Commissioner and the Health Care Complaints Commission. They have indicated broad support for the proposals. In addition, both the Medical Board and the Medical Services Committee have indicated support for the proposed amendments.

Section 11 of the Royal Society for the Welfare of Mothers and Babies' Incorporation Act 1919 provides that the Governor, on the recommendation of the society's council, is to make by-laws for the management of the society's affairs. The by-laws are primarily concerned with the internal management of the society. The Regulation Review Committee has suggested that the Act be amended so that the by-laws no longer need to be made by the Governor, and therefore would not be subject to the staged repeal process under the Subordinate Legislation Act 1989. As suggested by the committee, the bill amends the Act to permit the society to make its own by-laws. Finally, minor amendments are also proposed to the Smoke-free Environment Act 2000 to ensure that all bars, pubs and nightclubs within Star City Casino are included in the general bar and gaming area exemptions under section 11 of the Act.

The amendment proposed is designed to address an anomaly arising from the fact that section 11 failed to include premises regulated under the Casino Control Act, but only those premises under the Liquor Act and Registered Clubs Act. It represents no change in government policy. Future amendments to the Smoke-free Environment Act have already been announced to underpin the agreement between the hotel and club industry and the Government for the phased rollout of non-smoking around bars. This phased rollout will also extend to premises in the casino environs. The various amendments to legislation that I have outlined are designed to ensure that the relevant pieces of legislation operate effectively. I commend the bill to the House.

**Debate adjourned on motion by the Hon. Peter Primrose.**

## ADJOURNMENT

**The Hon. JOHN DELLA BOSCA** (Special Minister of State, Minister for Commerce, Minister for Industrial Relations, Assistant Treasurer, and Minister for the Central Coast) [9.26 p.m.]: I move:

That this House do now adjourn.

## READING RECOVERY PROGRAM

**The Hon. CHRISTINE ROBERTSON** [9.26 p.m.]: I wish to outline the implementation in my duty electorates of Barwon, Clarence, the Northern Tablelands and Tamworth of the Carr Government's excellent

Reading Recovery program. Reading Recovery is an early intervention literacy strategy designed to support students who, at an early age, exhibit difficulties with reading and writing. Over the past three years the year 3 Basic Skills Literacy Test results indicate that, on average, 75 per cent of former year 1 students statewide who successfully completed Reading Recovery were still performing at or above acceptable levels for their grade. In 2002 year 5 students statewide who successfully completed Reading Recovery in 1997 have also continued to improve, with 88 per cent achieving results at or above acceptable levels.

Since 1999, 26 schools across the Barwon electorate—Gilgandra, Burren Junction, Coonamble, Moree East, Moree, Narrabri, Narrabri West, Pallamallawa, Pilliga, Toomelah, Walgett, Wialda and Wee Waa public schools, and Baradine, Brewarrina, Trangie, Warren, Collarenebri, Goodooga, Gulargambone, Lightning Ridge, Bingara, Boggabilla, Mungindi, Barraba and Manilla central schools—have participated in Reading Recovery. Funding to the electorate for the implementation of Reading Recovery is now in excess of \$449,000 annually. In 2002, 198 students participated in the program. The good news is that 78 per cent of those students who completed the program no longer require the additional support of a reading recovery teacher.

By the end of 2003, 73 teachers in the Barwon electorate will have completed reading recovery training. It is anticipated that by the end of this school year 27 Reading Recovery teachers delivering the program will have supported more than 180 students in the electorate during 2003. In the Barwon electorate Reading Recovery is operating in many isolated communities, yet experienced teachers in schools as small as Pallamallawa Public School that are new to the program in 2003 continue to be amazed at how quickly young literacy learners are responding to the additional individual intensive daily support provided by the Reading Recovery program.

Since 1999, 18 schools across the Clarence electorate—Corindi, Gillwinga, Grafton South, Gulmarrad, Maclean, Mullaway, Tucabia, Ulmarra, Westlawn, Coraki, Ellangowan, Leeville, Tabulam, Broadwater, Cabbage Tree Island, Wardell, and Woodburn public schools, and Evans River Community School—have participated in Reading Recovery. It is amazing. The electorate receives \$254,000 annually for the program. In 2002, 122 students participated in the program, and 84 per cent have completed the program. By the end of 2003, the Clarence electorate will have 25 teachers trained in the Reading Recovery program. During 2003 the program will support more than 100 students. At a school within the area a shy little girl who was struggling with literacy entered the Reading Recovery program. She underwent 60 lessons over 17 weeks and has successfully discontinued the program. Subsequently, her mother decided to donate two afternoons a week to support other children, which is excellent news.

Since 1999, 17 schools across the Northern Tablelands electorate—Armidale City, Ben Venue, Drummond Memorial, Gilgai, Glen Innes, Glen Innes West infants, Inverell, Martins Gully, Newling, Ross Hill, Sandon, the Sir Henry Parkes Memorial and Tingha public schools, and Emmaville, Ashford, Guyra and Uralla central schools—have participated in the program. More than \$337,000 annually is allocated for the program. In 2002, 133 students participated in the program, and 89 per cent who completed the program no longer require additional support. The Northern Tablelands electorate will have 46 teachers trained in Reading Recovery by the end of 2003. It is anticipated that by the end of this school year 19 reading recovery teachers will have supported more than 130 students in the electorate.

In the Tamworth electorate, Gunnedah, Gunnedah South, Hillview, Kootingal, Meningha, Tamworth, Tamworth South, Tamworth West, Werris Creek and Westdale public schools, and Walcha Central School have participated in the program. Funding of 267,000 annually is allocated to the electorate for the program. In 2002, 99 students participated in the program and 84 per cent of those who completed the program no longer required additional support. By the end of 2003, 27 teachers in the Tamworth electorate will have completed Reading Recovery training. During 2003, 13 reading recovery teachers will have supported more than 100 students.

#### **ORICA LTD TOXIC WASTE REMEDIATION PROGRAM**

**Ms SYLVIA HALE** [9.30 p.m.]: Last Wednesday night I attended a community meeting about chemical contamination of the Orica site at Botany. Two hundred residents were furious at the lies and deception surrounding the plumes of toxic ground water seeping beneath their homes, and there are thousands more residents who are sick and tired of cover-up and inaction. Orica manufactured chemicals at the site for 50 years, including compounds used in the manufacture of petrochemicals such as polyvinyl chlorides [PVCs], ethylene dichloride, the now-banned solvent carbon tetrachloride; and pesticides 245D and 245T, which are the primary ingredients of agent orange, to name just a few.

The site now contains waste stockpiles, including the world's largest hexachlorobenzene [HCB] dump. There are 51,000 drums containing 8,300 tonnes of crystalline waste, and another 1,000 tonnes of HCB contaminated waste is stored in 25 concrete tanks. The HCB contains what Greenpeace considers to be the largest known stockpile in Australia of the highly toxic substance dioxin. There is widespread soil and ground water contamination, mostly from chlorinated hydrocarbons, some of which are serious cancer-causing compounds.

Orica has known about the extent of the contamination for at least 15 years. In 1997, after a four-year detailed study involving the Environment Protection Authority [EPA], New South Wales Health and the Department of Land and Water Conservation, Orica developed a five-year remediation plan. Part of this plan was to monitor and report any changes to the contaminated area. Orica and the EPA knew that the ground water was contaminated and drilled hundreds of test core samples across the contaminated area between 2000 and 2002. Yet during this time there was no effective strategy in place to communicate with residents. Only four of the 200 people attending last week's meeting had received information about the problems with the ground water. Only in July this year, after considerable local pressure, did Botany council, not Orica, conduct tests that revealed that the highly contaminated water table was on the move.

Orica had not tested the key bore since 1996, yet it knew that ethylene dichloride was highly susceptible to ground water movement. The Botany aquifer has indeed moved from beneath the Orica site to beneath nearby homes and is moving inexorably towards Botany Bay at a rate of 130 metres per year. Within a few years the contamination will reach the bay and the results will be devastating. It defies belief that for seven years Orica and the EPA did not test the key bore. Either the system they jointly developed—and that Orica managed—to monitor the contamination failed, or they withheld information about the full extent of the problem. Either they knew about the problem and lied, or they were grossly incompetent and negligent. Take your pick!

To date, the Government has taken no decisive action to address this negligence and/or deception. In fact, the EPA is shortly to issue Orica with a second five-year voluntary remediation notice. Orica failed to meet the targets set down in the five-year remediation plan that ended in 2002. Despite failing to meet these targets, and despite the negligence and deception associated with the monitoring program, Orica is once again to be given carriage of its own voluntary remediation program. Contaminated water has been used from the key council bore to water golf courses and other council parks. Children have played under the sprinklers on the golf course and have swum in its seriously polluted pond—pollution at a level that is 3,000 times higher than that recommended for drinking water. One of the nation's largest food manufacturers, Kellogg, makes its breakfast cereals next door. Orica has demonstrated itself to be negligent and/or deceitful, yet the State Government has failed to step in.

At last week's meeting of residents, where was Kristina Keneally, the local Labor member of Parliament? Where was Craig Knowles, whose portfolio covers ground water? Where was Labor mayor Ron Hoenig, and his fellow Labor councillors? Where was Malcolm Broomhead, the chief executive officer of Orica? Not one of them was at the meeting, yet a spokesperson for the EPA who did attend that meeting said that this is the single most important contamination issue facing New South Wales today. The people of New South Wales have a right to expect action. The health of residents and the safety of Botany Bay are at stake. The Greens will be working with the community every step of the way until the State Government, the EPA and Orica take the necessary action to avert an environmental and health crisis that will only get worse.

### **COMPULSORY TERTIARY STUDENT UNION MEMBERSHIP**

**The Hon. DAVID CLARKE** [9.34 p.m.]: Tonight I want to say something about a great blight on Australian democracy. I want to say something about compulsory student unionism—a practice of iniquity whereby every student in an Australian tertiary institution is compelled to join and to fund a student union as a prerequisite for admission to or graduation from a tertiary institution. Australia is a nation steeped in democratic values—values which are enshrined in our country's institutions. At the core of this democratic values system is the fundamental right of freedom of association—freedom to belong to a trade union or a religious group, or to a political or civic organisation. Conversely, we have the right to refuse to belong to such organisations if we so choose. That is a right that is exercised by everybody—everybody, that is, except students in tertiary institutions.

The freedom of association is a right enshrined in many international covenants to which Australia is a signatory, including the Universal Declaration of Human Rights, the International Covenant on Civil and

Political Rights, and the International Labor Organisation Convention [ILO] of 1948, but that is not a right that tertiary students in Australia are free to exercise. They are compelled to fund the student unions for the provision of services—and, very often, dubious services at that—which they may not need or do not want. They are compelled to fund a multitude of political groups, including many of an extremist nature. They are compelled to finance groups with policies and values which may be anathema to their religious or political views, or to their sense of decency.

The important point to remember is that the services supposedly provided by student unions, and financed by compulsory levies on all tertiary students, do not relate, nor are they ancillary, to their student studies, their educational qualifications or their future professional or employment lives. Whether they like it or not, tertiary students were levied to the tune of about \$725 million in 1999 alone. Goodness knows what the figure is at the present time. When students in the past on rare occasions were given the opportunity to exercise a right not to belong to student unions, they invariably chose not to do so. After legislation was passed by the Court Liberal Government in Western Australia in 1994 legalising voluntary student unionism, students in that State chose to walk away from their student unions in massive numbers. For example, in 1999 only 30 per cent of students at the University of Western Australia chose to join the student union. At the Edith Cowan University, the figure slumped to just 6 per cent.

Student unions did not collapse; they were just made to reform themselves. Unfortunately for tertiary students in Western Australia, they were subsequently sold out—and so was democracy and freedom of association—when the Labor Government reimposed compulsory student unionism. In 1999 the Howard Coalition Government, with courage, conviction and a belief in the right of the freedom of association, sought to give back the right of freedom of choice to students. Shamefully, that proposed legislation was rejected by a Labor-dominated Senate. I understand that new proposals will be presented by the Federal Government to the Commonwealth Parliament shortly. It is to be hoped that on that occasion the Senate will answer the overwhelming call of tertiary students and give to them the same rights that other Australians already exercise. Only then will this great injustice to students in our nation be addressed.

#### **TIMBER RAILWAY SLEEPERS**

**Mr IAN COHEN** [9.38 p.m.]: Logging on private land is a major conservation issue for New South Wales, particularly as this form of land clearing is considered to be exempt from the Native Vegetation Conservation Act. Unsustainable logging is occurring throughout the State. I want to take this opportunity to highlight the plight of the river red gum forests in the Riverina region that are being cut down for use in Victorian railway line upgrades. In the recent Bairnsdale upgrade, 44,000 river red gum sleepers were used over the 60-kilometre project. Mighty trees from New South Wales were sacrificed to facilitate the cheap transport of east Gippsland woodchips. The Victorian Department of Infrastructure requires a further quarter of a million or more red gum sleepers for future projects, and that is likely to be sourced from New South Wales private lands.

Very little of these iconic forests remain, having been largely cleared for agriculture. Many of those that are remaining are seriously under threat from changed water flow patterns. Irrigation denies them the floodwaters on which their survival depends, yet these grand old trees are being slowly eliminated from the landscape. The crazy thing about it is that there are viable alternatives available. The most appropriate alternatives are the use of concrete or 100 per cent recycled plastic sleepers. These are termite proof, last three times as long as timber, and cost the same in the short term as do wooden sleepers when fittings are taken into account. According to the Rail Infrastructure Corporation of New South Wales and VicTrack, river red gum sleepers cost \$45 each, but extras and fittings can cost up to \$45 per sleeper.

On the other hand, concrete and recycled plastic sleepers cost about \$65 each, can come with precast fittings and, due to their longevity, are certainly more economically viable in the longer term. The beauty of the recycled plastic sleepers is that they are completely interchangeable with the current wooden sleepers and use exactly the same maintenance methods. They provide an immediate alternative, which not only makes recycling plastic more profitable but also saves an irreplaceable natural resource, the old river red gums. Concrete sleepers could be used for upgrades of longer sections of track. No matter which way one looks at it, the use of timber sleepers just does not make environmental or economic sense. The national rail network operators are also of the view that the use of river red gum sleepers is inappropriate. The wooden sleepers that the Victorian Department of Infrastructure is using do not meet the new national rail standards.

This begs the question as to why they are being used at all! While some may argue that the use of timber sleepers for railway projects is being gradually phased out, this process is not happening anywhere near

quickly enough. There is still gross overexploitation of the river red gum resource, with forests being selectively logged to extinction and 200- to 400-year-old trees still being felled, most of which contain tree hollows. Those hollows are vital habitats for many species, particularly birds and bats, which, in turn, feed on insects. As the birds and bats disappear the insect damage to crops increases. The removal of those old trees is also leading to the environmental degradation of the region, particularly in relation to erosion, decline in water quality and increasing salinity. The river red gum forests, both private and public, of the Riverina region need to be protected from further exploitation and they need to be protected now, before it is too late.

Those iconic forests need to be recognised for their intrinsic values, such as the preservation of biodiversity; the values they provide for the community, such as recreational uses and benefits to agriculture; and cultural values, particularly to the Yorta Yorta and other Aboriginal communities in the area. The Government should not continue to allow this environmentally damaging practice to continue. It should be embarrassed that this practice is occurring in a wholly unregulated manner. The Government needs to immediately implement the key elements of the Wentworth report and its pre-election land-clearing policy. It must take immediate action to ensure that the surviving river red gums are not sacrificed for railway line upgrades when an immediate alternative is at hand.

Often the reason given for not using concrete sleepers and saying that there are problems with replacing them in areas where timber sleepers are installed is that they are not compatible. The plastic recycled sleepers are compatible. So recycling plastic, taking it out of the environment and putting it to a worthwhile cost-effective use that is environmentally sound is a win-win for the environment, the Rail Infrastructure Corporation and VicTrack. I urge the Government to consider this method of resolving both an economic and ecological problem that is facing the west of the State.

#### **COMPULSORY TERTIARY STUDENT UNION MEMBERSHIP**

**The Hon. TONY BURKE** [9.42 p.m.]: I admit that when my name appeared on the list of speakers in the adjournment debate I was struggling for material. While I was listening to the progress of the debate the Hon. David Clarke began his contribution. I immediately came into the Chamber and awaited my opportunity to explain to the House my reasons for being a strong supporter of universal membership of student unions. Members of our nation's parliaments have problems with student unions because they already have a set attitude towards trade unions and, given that student unions include the word "union", they have decided to oppose those as well. Essentially student unions are service organisations; they provide a service to the university community. When such a community service is provided it is right, proper and fair that everyone contribute to it—because everyone benefits. It is impossible in a university environment to say that there will be people who do not benefit from basic provisions such as the availability of footbridges across major roads, subsidised food or free entertainment.

**The Hon. Rick Colless:** You are starting to sound like Ms Lee Rhiannon now.

**The Hon. TONY BURKE:** The Hon. Rick Colless said I am starting to sound like Ms Lee Rhiannon. Earlier we heard from the Hon. David Clarke about radical organisations that are supported by student unions; and that is true, they are supported by student unions. Why? Because university campuses comprise people from every end of the spectrum; they are all there in the one place. If a student union is doing its job properly it will support the entire spectrum, including the clubs. As well as the really radical groups mentioned by the Hon. David Clarke, other really radical groups such as the Evangelical Union are supported by the student unions. Groups out on the edge, such as the Society of St Peter, the Greek Society and the sailing club, represent the breadth of the student population. There is nothing wrong with that, nor should there be seen to be. It is like me claiming that it should be voluntary for me to decide which sort of tax I wish to pay.

**The Hon. Michael Egan:** No, not even I would say that.

**The Hon. TONY BURKE:** But there are provisions that one cannot avoid benefiting from. The classic example is the footbridge over City Road, at the University of Sydney.

**The Hon. Michael Egan:** It should never have been built. Nobody uses it.

**The Hon. TONY BURKE:** The Treasurer says the footbridge should never have been built.

**The DEPUTY-PRESIDENT (The Hon. Amanda Fazio):** Order! The Treasurer will cease interjecting.

**The Hon. TONY BURKE:** There is a series of benefits that will help everyone, yet the suggestion is that contributing to the provision of those benefits should be voluntary. It is not fair to enshrine a situation that guarantees that there will be free riders, that people who choose to not pay can still take the benefits. That is the single group that benefits from voluntary student unionism. There is a reason why a number of people come through the Young Liberals—the Young Nationals have never pursued this in the same way. That is, the Young Liberals have always supported student unionism with the certain knowledge that every time they participated in an election they would be thumped down. The people who have done all right in elections tend to be those who have accepted universal membership of student unions. That has been a significant group within the Liberal Party.

Certainly those who run the voluntary student unionism are those who have not always been the most electable teams on the student campus. It is no wonder that the solution they seek is to do what they imagine might abolish an institution which they believe may not have given them the platform that they otherwise had sought. I am very happy to be a supporter of universal membership of student unions. If a lot of people decide to free ride, the result is a very fast downward spiral. Before long, those who would have otherwise joined will look around and see that there is very little left to join. For those reasons it makes sense, if we are to regard universities as serious academic communities, that everyone who benefits should contribute. That can only be done properly through a system of universal membership.

### AUSTRALIAN INSTITUTE OF CRIMINOLOGY REPORT

**The Hon. PATRICIA FORSYTHE** [9.47 p.m.]: I draw to the attention of the House the findings of a recent paper from the Australian Institute of Criminology entitled "The Experiences of Child Complainants of Sexual Abuse in the Criminal Justice System", paper No. 250 in the "Trends and Issues in Crime and Criminal Justice" series. The findings highlight the trauma that is associated with sexual assault cases involving children under the age of 16 years that end at trial. The study compared the experiences of child complainants in New South Wales, Queensland and Western Australia. It found that in all three jurisdictions three main difficulties were identified.

Cross-examination procedures, which can often be used by defence lawyers to intimidate children and undermine their credibility, was a significant issue cited in the study. Another was the waiting period between reporting and trial. In New South Wales the average delay was almost 17 months—an unacceptable standard by any measure. Similar delays were reported in both Queensland and Western Australia. Whilst I know that efforts have been made to seek to reduce court waiting times in New South Wales, we still have a long way to go. Eighteen-month delays compound the trauma experienced by children as a result of the criminal court system. Seeing the accused also presents serious difficulties for children.

In fact, the study reported that all of the children interviewed who came face to face with the accused in the courtroom found this to be a disturbing experience. However, this fear is not confined merely to children in cases of sexual abuse. I note a 1996 report by the Bureau of Crime Statistics and Research, quoted in this place at another time, which reported that most complainants said that the worst aspect of having to attend court was seeing the accused.

It is therefore not surprising that the study by the Australian Institute of Criminology found that two-thirds of child complainants in New South Wales would not again report sexual abuse. In Queensland, just over half—56 per cent—said that they would not repeat the experience. However, in Western Australia the figure was significantly lower. Only one in three children said that they would not again seek justice through the courts. It is a sad indictment of our justice system that those it is designed to protect can so easily end up worse for the experience. But the figures from Western Australia are noteworthy because of the strategies that are in place to assist children who report sexual abuse through the courts. For example, despite average delays in Western Australia of 18 months between reporting and trial, one-third of children fully pre-recorded their evidence.

Pre-recording their evidence ensured that they had to give evidence only once. Perhaps the most significant feature of the system in Western Australia, however, is the use of closed-circuit television for child sexual assault cases. That reduces the trauma associated with court appearances, as the complainant does not have to directly face the accused. It also reduces the intimidation often associated with cross-examination strategies by offering a level of protection. As one 16-year-old child stated:

It's easier... because if someone is yelling at you through the TV, it's not as bad as yelling at you from five feet away.

During the last State election the Coalition promised that, if elected, it would introduce both these strategies in New South Wales. It is a sad indictment of this Government that despite adopting many of our policies during and after the election it seems slow to adopt these changes—changes that could really make a difference to the experience of children who complain of sexual abuse through the criminal justice system. It is not enough to continue the haphazard use of closed-circuit television for child complainants, as is currently the practice in New South Wales. The study by the Australian Institute of Criminology found that 43 per cent of the children interviewed from New South Wales were refused the use of closed-circuit television because, unlike Western Australia, the court and not the child makes the decision.

This Government has just passed legislation to help older victims of sexual assault in the courts by giving them the same protection as currently exists in New South Wales for children under the age of 16 years. But this protection is piecemeal while such simple strategies as closed-circuit television for children in sexual abuse cases is optional and while the decision regarding its use is decided by the courts and not by the child. While the pilot trial of a specialist child sexual assault jurisdiction in Western Sydney is a welcome move, the fact remains that much more can be done and must be done. I urge the Government to examine current practices in Western Australia with a view to ensuring that more children who report sexual abuse in New South Wales feel protected and are not mistreated by the justice system.

#### **LEGISLATION REVIEW COMMITTEE "LEGISLATION REVIEW DIGEST"**

**The Hon. PETER PRIMROSE** [9.52 p.m.]: Earlier today all honourable members received a bright yellow document from the Legislation Review Committee entitled "Legislation Review Digest". I had the privilege today of tabling report No. 2 in this House. This House is represented on that joint committee by the Hon. Peter Breen, the Hon. Don Harwin and me. The committee continues with its ongoing function of looking at and reviewing regulations. However, this is only the second digest relating to bills. Every bill that is presented to either House—and that includes private members' bills—is reviewed by the committee. If those bills have been passed by one House or by both Houses of Parliament the committee still has the responsibility of commenting on each of them.

It might be of benefit to point out to honourable members that the document lists when a bill was introduced, the House in which it was introduced, the responsible Minister and the portfolio. The committee then outlines the purpose and description of the bill, the background of the bill and any issues arising under section 8A of the Legislation Review Act 1987. Honourable members looking at any bill in the report would see a simple table. The committee is required under the legislation to examine five items—trespassing on rights, insufficiently defined powers, non-reviewable decisions, delegates powers and parliamentary scrutiny.

The committee has a responsibility to report on whether any bill unduly trespasses on personal rights and liberties; makes rights, liberties or obligations unduly dependent upon insufficiently defined administrative powers; makes rights, liberties or obligations unduly dependent upon non-reviewable decisions; inappropriately delegates legislative powers; or insufficiently subjects the exercise of legislative power to parliamentary scrutiny. The committee is responsible for all those aspects of a bill. A number of outside experts have the responsibility, if the committee considers it appropriate, to review each of the relevant sections of the Act and to comment to the House in a non-partisan way. Members and others can use this document to prepare their comments. All Ministers responsible for a particular piece of legislation are given copies of this document to prepare their comments. I take this opportunity to alert honourable members to the availability of this publication. I urge them to read through the committee's reports.

**Motion agreed to.**

**The House adjourned at 9.56 p.m. until Wednesday 17 September 2003 at 11.00 a.m.**

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