LEGISLATIVE COUNCIL

Tuesday, 27th October, 1992

———

The President (The Hon. Max Frederick Willis) took the chair at 2.30 p.m.

The President offered the Prayers.

ASSENT TO BILLS

Royal assent to the following bills reported:

Dairy Industry (Corporations) Amendment Bill
Lotto (Amendment) Bill
Totalizator Legislation (Amendment) Bill

MUTUAL RECOGNITION (NEW SOUTH WALES) BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

JOINT SELECT COMMITTEE UPON WASTE MANAGEMENT

The President reported the receipt of the following message from the Legislative Assembly:

Mr President

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

(1) That a Joint Select Committee be appointed to examine and report upon the "Waste Management Green Paper" having regard to:

(a) the aim to achieve a 50% reduction in waste quantities per capita by the year 2000;

(b) the need to ensure community involvement into siting decisions for waste management facilities;

(c) the need to ensure that sufficient capacity is available in waste management facilities to cope with NSW waste management requirements;

(d) other matters related to waste management raised in the Green Paper;

(e) future statewide strategies for waste management concentrating on options for waste minimisation, reduction of waste at source, recycling and community participation in the formulation and implementation of these strategies;

(f) long-term safe disposal, or processing of remaining waste, with minimum environmental impact; and

(g) proposals to transfer waste management to local government.

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(2) That the committee shall consist of six members of the Legislative Assembly and four members of the Legislative Council.

(3) Notwithstanding anything to the contrary in the Standing Orders of either House:

(a) that Ms Allan, Mr Downy, Mr Gibson, Dr Kernohan, Dr Macdonald and Ms Machin be appointed to serve on such committee as members of the Legislative Assembly;

(b) that the Legislative Council members shall be two members supporting the Government and two members not supporting the Government.

(4) That the Chairman of the committee will be Dr Kernohan.

(5) That at any meeting of the committee any six members shall constitute a quorum, provided that the committee shall meet as a joint committee at all times.

(6) That the Chairman of the committee shall have a deliberative and casting vote.

(7) That the committee have leave to sit during the sittings or any adjournment of either or both Houses; to adjourn from place to place; to make visits of inspection within New South Wales and have power to take evidence and send for persons and papers; and to report from time to time.

(8) That should either or both Houses stand adjourned and the committee agree to any report before the Houses resume sitting:

(a) the committee have leave to send any such report, minutes and evidence taken before it to the Clerks of each House;

(b) the documents shall be printed and published and the Clerks shall forthwith take such action as is necessary to give effect to the order of each House; and

(c) the documents shall be laid upon the Table of each House at its next sitting.

(9) That for the purposes of this inquiry, a Local Government Reference Group be appointed by way of the Chairman inviting the Presidents of the Local Government and Shires Associations to nominate six Association representatives (four city and two rural) to serve on the Group.

(10) That the committee shall liaise with the Local Government Reference Group by:

(a) inviting a representative of the Local Government Reference Group to attend hearings of evidence; and

(b) providing the Group with copies of all submissions and transcripts of evidence and inviting comments from the Group on such evidence or submissions.

(11) That for the purposes of this inquiry, a Community and Conservationist Reference Group be appointed by way of the Chairman inviting:

(a) the Chairperson of the Nature Conservation Council to nominate three conservationist representatives to serve on the Group;

(b) the President of the Waste Recycling and Contractors Association of New South Wales to nominate two representatives of the waste management industry to serve on the Group; and

(c) the Minister for the Environment to nominate one representative of industry to serve on the Group.

(12) That the committee shall liaise with the Community and Conservationist Reference Group by:

(a) inviting a representative of the Community and Conservationist Reference Group to attend hearings of evidence; and

(b) providing the Group with copies of all submissions and transcripts of evidence and inviting comments from the Group on such evidence or submissions.

(13) That the committee may from time to time, meet with the Groups to discuss issues raised in submissions or evidence or the committee's draft recommendations.

(14) That the committee shall report to both Houses by no later than the end of the 1993 autumn sittings of Parliament.

and requests that the Legislative Council will appoint four of its members to serve with the members of the Legislative Assembly upon such Joint Select Committee.

Legislative Assembly **K. R. Rozzoli**

PETITIONS

Forestry Commission

Petition praying that the Forestry Commission of New South Wales be reformed in accordance with the recommendations of the Public Accounts Committee and that the House urge the Government to act immediately for the good of our environmental heritage and the health of the plantation timber industry, received from the **Hon. R. S. L. Jones**.

Cat Desexing

Petition praying that because wildlife is threatened by predatory feral cats, and because unrestricted breeding of cats results in their destruction, starvation, injury and susceptibility to disease, there should be compulsory desexing of all domestic cats other than those with registered breeders, received from the **Hon. R. S. L. Jones**.

STANDING COMMITTEE ON STATE DEVELOPMENT

Report: Coastal Planning and Management

The Hon. Dr B. P. V. PEZZUTTI [2.42]: I table a report of the Standing Committee on State Development entitled "Coastal Planning and Management in New South Wales: The Process for the Future, Volume II".

Ordered to be printed.

The Hon. Dr B. P. V. PEZZUTTI: I move:

That the House take note of the report.

It gives me great pleasure to table the report of the Standing Committee on State Development entitled "Coastal Planning and Management in New South Wales: The Process for the Future, Volume II". This is the second and final of the standing
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committee's reports on the issue of coastal development. It completes an inquiry of 3½ years' duration. The inquiry has been a monumental effort, both in the size of the task and the breadth and significance of the two reports. Honourable members may recall that the committee's original terms of reference for this inquiry were to inquire into and report upon the environment and or other implications of development in the costal region of New South Wales and or any other matter incidental to or arising from the above terms of reference. This left the committee with a giant task, yet free to range broadly over the ground that needed to be covered. The committee's volume I report, entitled "A Framework for the Future", was tabled in September 1991. It contained more than 70 recommendations relating to the broad principles of coastal planning and management. At a number of public seminars on the coast relating to the issues raised in the volume I report, the committee was pleased to note a very positive public response to its work. In finalising the volume II report, the committee has continued its extensive program of public participation, receiving more than 50 submissions, in addition to more than 350 received earlier, and conducting a number of public hearings.

The volume I report stated that the central goals of the committee's inquiry were

to increase certainty and reduce conflict; to increase pro-active planning, and to ensure ecologically sustainable development. The committee concluded that the attainment of these goals would require considerable changes to the present coastal planning and management systems - to institutions, procedures and attitudes. In its volume II report, the committee addressed the issue of what processes are required to ensure the successful implementation of the strategies for improved coastal development outcomes outlined in volume I. The volume II report contains 52 recommendations, relating to four specific areas: the development approval process; environmental impact assessment; the planning appeals process, and the environment protection measures. The committee has concluded that, in order to achieve the considerable reforms in coastal planning and management envisaged in the volume I report, changes are required in institutions, procedures and attitudes. The committee believes that substantial positive change can be achieved with some modifications to the Environmental Planning and Assessment Act but, more importantly, with a shift in the culture and attitudes of the key players involved in coastal development and with a streamlining of decision-making processes.

The State Government must drive the reform process. The committee welcomes the commitment to streamlined development approval processes contained in the "New South Wales Facing the World" statement. It is also incumbent on local councils and State authorities involved in approving coastal development to reduce cost delay and uncertainty in their approval procedures. The committee recommends earlier public involvement in the decision-making process, better regional planning, greater consultation between councils, proponents and interested parties, more use of alternative dispute resolution techniques to avoid the costs associated with the legal system, and the quick processing of straightforward development applications. The committee endorses the concept of the one-stop-shop approval process in local government decision-making. The committee confronted the vexed issue of environmental impact assessment and made recommendations to improve the process. In particular, the committee endorsed industry accreditation of environmental impact assessment consultants and the monitoring of actual environmental impacts.

On the critical issue of environment protection measures, the committee made a number of important recommendations, particularly in the area of the cumulative impact of developments which cause environmental problems. The committee saw an important role for local government in managing the process of controlling non-point source

pollution in conjunction with the Environment Protection Authority. The committee also recommended the introduction of regional environment protection programs. In completing its inquiry, the committee is aware of a number of important current developments which will affect the way in which the New South Wales coastline is managed. These developments include the Department of Planning's review of the New South Wales planning system; the Government's natural resources legislative package; the Commonwealth Resource Assessment Commission's current inquiry into the coastal zone; and the intergovernmental agreement on the environment signed by the States and the Commonwealth in May this year. The committee has taken on board these developments. It has also considered carefully the views of interested parties and those the general public expressed in more than 50 submissions to the committee, along with the 350 submissions that were received earlier in the inquiry and in public hearings. The committee's recommendations are timely and achievable and, if adopted, will lead to better outcomes in coastal decision-making processes. Finally, I thank all members of the committee and the secretariat for the many hours of work dedicated to this report. In particular, mention should be made of the committee director, Michael Jerks, the senior project officer, Paul Collits, and committee officers Heather Crichton and Annie Marshall for their efforts. I commend the report.

Debate adjourned on motion by the Hon. Dr B. P. V. Pezzutti.

MINISTRY

The Hon. J. P. HANNAFORD: I wish to inform the House that on 22nd October, 1992, His Excellency the Governor accepted the resignation of the Hon. Edward Phillip Pickering, M.L.C., as Minister for Justice, Minister for Emergency Services, Minister Assisting the Premier, and Vice-President of the Executive Council. On the same day, His Excellency appointed the Hon. John Planta Hannaford, M.L.C., as Vice-President of the Executive Council and Mr Wayne Ashley Merton, M.P., as Minister for Justice, and Minister for Emergency Services.

I desire to inform the House that in the representation of Government responsibilities in this Chamber I shall act in respect of my own portfolio and represent the following Ministers in the other House in relation to all matters concerning their portfolios: the Hon. J. J. Fahey, M.P., Premier, and Treasurer; the Hon. G. Souris, M.P., Minister for Finance, Assistant Treasurer, and Minister for Ethnic Affairs; the Hon. T. A. Griffiths, M.P., Minister for Police; and the Hon. W. A. Merton, M.P., Minister for Justice, and Minister for Emergency Services. My colleague the Hon. R. J. Webster, M.L.C., Minister for Planning, and Minister for Housing, will act in respect of his own portfolio and will represent the following Ministers of the other House: the Hon. W. T. J. Murray, M.P., Deputy Premier, Minister for Public Works, and Minister for Roads; the Hon. I. M. Armstrong, M.P., Minister for Agriculture and Rural Affairs; the Hon. G. B. P. Peacocke, M.P., Minister for Local Government, and Minister for Cooperatives; the Hon. G. B. West, M.P., Minister for Conservation and Land Management, and Minister for Energy; the Hon. J. J. Schipp, M.P., Minister for Sport, Recreation and Racing; the Hon. C. P. Hartcher, M.P., Minister for the Environment; and the Hon. B. G. Baird, Minister for Transport, and Minister for Tourism. My colleague the Hon. V. A. Chadwick, M.L.C., Minister for Education and Youth Affairs, and Minister for Employment and Training, will act in respect of her own portfolio and will represent the following Ministers in the other House: the Hon. I. R. Causley, M.P., Minister for Natural Resources; the Hon. P. J. Collins, M.P., Minister for State Development, and Minister for Arts; the Hon. A. M. Cohen, M.P., Chief Secretary, Minister for Administrative Services, and Minister Assisting the Premier on the Status

of Women; the Hon. K. A. Chikarovski, M.P., Minister for Consumer Affairs, and Assistant Minister for Education; the Hon. R. A. Phillips, M.P., Minister for Health; and the Hon. J. A. Longley, M.P., Minister for Community Services, and Assistant Minister for Health.

LEADER OF THE GOVERNMENT

The Hon. J. P. HANNAFORD, by leave: I desire to advise the House that on 22nd October, 1992, I was appointed Leader of the Government in the Legislative Council.

The Hon. M. R. EGAN: On behalf of the Opposition I congratulate the Minister on his elevation to the position of Leader of the Government and Vice-President of the Executive Council and wish him well.

The Hon. ELISABETH KIRKBY: On behalf of the Australian Democrats I, too, wish to congratulate the Minister on his elevation to the position of Leader of the Government in this House. I wish him well in the very heavy portfolio load that he now

carries in this House and look forward to working with him in a co-operative and harmonious manner.

Reverend the Hon. F. J. NILE: I wish also to support fully the remarks made by the Leader of the Opposition. I congratulate the Hon. J. P. Hannaford on his appointment as Leader of the House and Vice-President of the Executive Council. He will have our full co-operation and support in his onerous duties.

MUTUAL RECOGNITION (NEW SOUTH WALES) BILL

Second Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [2.49]: I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of this bill is to enable New South Wales to enter into a scheme for the mutual recognition of regulatory standards for goods and occupations adopted in Australia.

Mutual recognition is an initiative arising out of the series of Special Premiers Conferences which have been conducted over the past 18 months with the objective of achieving an historic reconstruction of intergovernmental relations.

In this speech I will outline the aim of mutual recognition, the background to this important initiative, the principles on which it is based and the mechanism for implementation. I will conclude the speech with a summary of the provisions of the bill.

Aim

The principal aim of mutual recognition is to remove the needless artificial barriers to interstate trade in goods and the mobility of labour caused by regulatory differences among Australian States and Territories. Mutual recognition is expected to greatly enhance the international competitiveness of the Australian economy and is a major step forward in the achievement of microeconomic reform.

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It involves a recognition by heads of government that the time has come for Australia to create a truly national market - a dream the realisation of which the founding fathers of this nation enshrined in the Constitution - a dream which the parochial politics of successive State and Territory governments have frustrated for almost one hundred years.

Background

At the Special Premiers Conference in Brisbane in October 1990, heads of government agreed to apply mutual recognition of standards in all areas where uniformity was not considered essential to national economic efficiency.

Between October 1990 and July 1991, models for introducing a scheme of mutual recognition of standards and regulations relating to goods and occupations were developed by the Commonwealth-State Committee on Regulatory Reform, chaired by the Director-General of the New South Wales Cabinet Office.

Heads of government gave their in-principle support to these models at the Special Premiers Conference held in Sydney in July 1991, subject to the outcome of a national community consultation process.

National consultation between July and November 1991 involved the release of a discussion paper entitled "The Mutual Recognition of Standards and Regulations in Australia" and a series of seminars in each capital city led by the Hon. Neville Wran, A.C., Q.C. Input was sought from business, industry, trade unions, the professions, standards setting bodies, consumer and community representatives on any necessary refinements to the mutual recognition models. Some 200 written submissions were received.

Results of the consultation process were considered by Premiers and Chief Ministers at their meeting in Adelaide on 21-22 November 1991. Whilst there were different views expressed at the seminars and in the submissions, the concept of mutual recognition was widely embraced as a means to overcome regulatory impediments to a national market in goods and services.

The majority of submissions did not call for substantial changes to the models, although some expressed a preference for uniformity.

On that point, it is important to note that mutual recognition is intended to complement the efforts of regulatory authorities in achieving nationally uniform standards. It will not impede those efforts where it is agreed that uniform national standards are necessary. On the contrary, recent experience with the doctors, for instance, suggests that mutual recognition will hasten the successful resolution of such endeavours.

The intergovernmental agreement on mutual recognition, signed by all heads of government when they met on 11 May 1992, actively promotes the development of national standards where the operation of mutual recognition highlights the necessity of such standards for protecting the health and safety of citizens or preventing or minimising environmental pollution.

The mutual recognition proposals were subjected to further public scrutiny after Premiers and Chief Ministers agreed to release the draft mutual recognition bill last November. Changes which have been made to the draft legislation as a result of submissions received are generally of a minor drafting nature only and again overwhelming support for the concept of mutual recognition was evident with a few notable exceptions, which continued to favour national uniformity.

It is an indication of the common sense which underlies the concept of mutual recognition, that these proposals have had the clear support of governments of

all different political persuasion from the outset.

By signing a final intergovernmental agreement on mutual recognition in May 1992, heads of government endorsed a revised version of the mutual recognition bill. It was agreed to aim for enactment of this legislation in all States and Territories by 31 October 1992 and in the Commonwealth by 1 January 1993. Proclamation of the Commonwealth Act will follow by 1 March 1993 after administrative arrangements have been put in place.

Principles

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The legislation is based on two simple principles. The first is that goods which can be sold lawfully in one State or Territory may be sold freely in any other State or Territory even though the goods may not comply with all the details of regulatory standards in the place where they are sold.

If goods are acceptable for sale in one State or Territory, then there is no reason why they should not be sold anywhere in Australia.

To give you some examples of the difficulties we are trying to overcome:

It was not so long ago that it was virtually impossible to market cooking margarine nationally in one package. Western Australia required margarine to be packed in cube tubs whereas the familiar round tub was acceptable everywhere else.

New South Wales has deregulated its egg industry yet interstate consumers are still denied access to competitively priced eggs produced here.

New South Wales eggs cannot be sold in Queensland without first being inspected, size graded, and then stamped with a symbol issued by the Queensland Department of Primary Industries. It seems that the only way for a New South Wales producer to become eligible for this symbol is to identify the farms from which the eggs will be sourced and have those farms inspected and approved by a Queensland Department of Primary Industries authorised inspector - at the New South Wales producer's expense! Then a New South Wales producer must set up a grading floor in Queensland and seek approval for that grading floor and the egg inspection process, again from a Queensland Department of Primary Industries authorised inspector. Tasmanian law also effectively prohibits New South Wales egg imports by imposing grading requirements unique to that State.

Mutual recognition will mean producers in Australia will only have to ensure that their products comply with the laws in the place of production. If they do so, they will then be free to distribute and sell their products throughout Australia without being subjected to further testing or assessment of their product. This ensures a national market for those products.

Similarly, goods manufactured or produced overseas which comply with the relevant standards in the jurisdiction through which they are imported will be able to be sold in any jurisdiction.

The second principle is that if a person is registered to carry out an occupation in one State or Territory, then he or she should be able to be registered and carry on the equivalent occupation in any other State or Territory. If someone is assessed to be good enough to practise a profession or occupation in one State or Territory, then they should be able to do so anywhere in Australia.

A person who is registered in one jurisdiction will only need to give notice, including evidence of their home registration, to the relevant registration authority in another jurisdiction then they will immediately be entitled to commence practice in an equivalent occupation in that State or Territory. No additional assessment will be undertaken by the local registration or licensing body to assess the person's capabilities or expertise. Local registration authorities will be required to accept the judgment of their interstate counterparts of a person's educational qualifications, experience, character or fitness to practise.

It is ridiculous that under present arrangements lawyers, doctors and other professionals may have qualifications from the best universities in Australia or the world; skilled tradesmen may have the finest training and on-the-job experience, but cannot work outside their home State because of a multiplicity of bureaucratic obstacles and delays.

In some cases, their work experience in their home State is considered irrelevant; in others they are required to spend months or even years retraining.

Even then they may never succeed in gaining recognition without virtually starting from scratch. This has little to do with ensuring competency. Much of it is simply motivated by a desire to protect local practitioners from competition.

Mr President, I am sure that everyone would agree that in Australia the existing regulatory arrangements of each State or Territory generally provide a satisfactory set of standards. Thus, on implementation of mutual recognition, no jurisdiction will suddenly be flooded with products that are inherently dangerous, unsafe or unhealthy, nor will there be an influx of inadequately qualified practitioners.

Indeed, mutual recognition could result in an elevation of standards in some instances.

Implementation mechanism

The mechanism for implementing mutual recognition and thus achieving free trade in goods and services in Australia is an innovative one. The States and Territories have agreed to request and empower the Commonwealth to pass a single Act which, once enacted by the Commonwealth, will override any State or Territory Acts or regulations that are inconsistent with the mutual recognition principles. The States and Territories will effectively cede power to one another through the mechanism of Commonwealth legislation.

Let me stress that the additional powers of the Commonwealth will be extremely limited. States and Territories are not granting extensive new powers to regulate goods and occupations.

The Commonwealth will be empowered to pass a single piece of legislation. Amendments to this legislation will require unanimous agreement among all participating jurisdictions.

There will be no new powers for the Commonwealth to unilaterally establish new standards or controls. Under the terms of the intergovernmental agreement on mutual recognition that all heads of government signed in May 1992, Commonwealth Ministers, like their State and Territory counterparts on ministerial councils, will be subject to the same controls and limits. A majority vote of Ministers in support of a new standard will bind all the parties.

Summary of provisions

Mr President, I will now explain the provisions of the Mutual Recognition (New South Wales) Bill in greater detail:

New South Wales Bill - General Provisions

As I have already explained the New South Wales Bill will enable the Commonwealth to pass an Act in the terms, or substantially in the terms of, the Act which is set out in the schedule to the Mutual Recognition (New South Wales) Bill 1992.

Amendment of the Commonwealth Act will require approval by a designated person from each jurisdiction - for New South Wales, this person is the Governor.

The mutual recognition scheme is to last initially for five years, after which time the Governor has the power to terminate the reference by proclamation.

Schedule to New South Wales Bill - Commonwealth Bill

The mutual recognition principles in relation to goods and occupations are set down in clauses 9-11 (for goods) and clause 17 (for occupations) of the schedule to the State legislation. The bill in the schedule is intended to become an Act of the Commonwealth Parliament.

The legislation will not encroach on the ability of jurisdictions to impose standards for locally produced or imported goods nor for local people wishing to enter into an occupation.

Mutual recognition will not affect the ability of jurisdictions to regulate the operation of businesses or the conduct of persons registered in an occupation. Nor is it intended to affect the registration of bodies corporate. Its focus is on the regulation of goods at the point of sale and on entry by registered persons into equivalent occupations in another State or Territory.

Laws that regulate the manner in which goods are sold (such as laws restricting the sale of certain goods to minors) or the manner in which sellers conduct their businesses are explicitly exempted from mutual recognition.

For occupations, the legislation is expressed to apply to individuals and occupations carried on by them.

As I indicated earlier, mutual recognition is intended to encourage the development of uniform standards where these are considered necessary for reasons of protecting health and safety or preventing or minimising environmental pollution.

Thus, provision is made for States and Territories to enact or declare certain goods or laws relating to goods to be exempt from mutual recognition on these grounds on a temporary basis, that is, up to 12 months. During that time, the intergovernmental agreement provides for the relevant ministerial council to consider the issue and make a determination on whether to develop and apply a uniform standard in the area under examination. Wherever possible, ministerial councils are to apply those standards commonly accepted in international trade.

In respect of occupations, the Administrative Appeals Tribunal will hear appeals against decisions of local registration authorities and will have the power to declare an occupation to be non-equivalent. This would occur in instances where there is no technical equivalence (in the sense that the activities a practitioner is authorised to carry out under registration from one jurisdiction to another are not substantially the same).

Declarations of non-equivalence may also be made where there is technical equivalence but there are health, safety or pollution grounds for preventing practitioners from one State from carrying on that occupation in other States and Territories. Such declarations are to have effect for 12 months, during which time relevant State and Commonwealth Ministers have to agree on whether or not to develop and apply a uniform standard. If not, mutual recognition will apply.

The intergovernmental agreement also provides for a concerned State or Territory to refer a matter relating to a particular good or occupation to the appropriate ministerial council for a decision on whether or not to develop and apply a uniform standard.

It is expected that where a ministerial council decides that a uniform standard is required in respect of a particular occupation, it will apply a national competency standard if such a standard is available. Heads of government asked that the process of developing such standards be accelerated so that by December 1992 it is expected that national competency standards will be developed for all regulated occupations and professions.

The legislation also provides for certain permanent exemptions in relation to goods. Heads of government have agreed that the exemptions schedules should be extremely limited - focusing on those products for which a national

market is undesirable. Examples include pornography, firearms and other offensive weapons, and gaming machines. Amendment of the exemptions schedules will require the unanimous agreement of all jurisdictions.

The mutual recognition principle in relation to goods is intended to operate by way of a defence. That is, it will be a defence to a prosecution for an offence against a law of a jurisdiction in relation to the sale of goods if the defendant expressly claims that the mutual recognition principle applies and establishes that:

(i) the goods offered for sale had labels saying the goods were produced in or imported into another jurisdiction; and

(ii) he or she had no reasonable grounds for suspecting the goods were not produced in or imported into that other jurisdiction.

It will then be up to the prosecution to rebut this or to say that the mutual recognition principle does not apply (because, for example, the goods did not comply with requirements imposed by the law of the other jurisdiction). Except where the defence is overturned, mutual recognition will apply.

The mutual recognition principle in relation to occupations will mean that a registered practitioner wishing to practise in another State can notify the local registration authority of his or her intention to seek registration in an equivalent occupation there. The local registration authority then has one month to process the application and to make a decision on whether or not to grant registration.

Pending registration, the practitioner is entitled, once the notice is made and all necessary information provided, to commence practice immediately in that occupation, subject to the payment of fees and compliance with various indemnity or insurance requirements in relation to that occupation. No other preconditions can be imposed on the entitlement to commence practice.

Conditions can be placed on the practitioner's registration in order to achieve equivalence. In addition, the interstate practitioner is immediately subject to the disciplinary requirements and other rules of conduct in the new jurisdiction applicable to local practitioners.

Mr President, the Government is confident that participation in this legislative scheme will provide major benefits for New South Wales.

The unnecessary costs for producers in accommodating minor differences in regulatory requirements of States and Territories in relation to goods will be removed. Genuine competition across State and Territory borders will be encouraged as a result of producers having more ready access to the Australian market as a whole.

Labour mobility will be enhanced with the removal of artificial barriers linked to registration and licensing laws. As a result, we will be able to make better use of our labour force skills.

Australia's international competitiveness will rise as producers capitalise on the economies of scale made possible by mutual recognition. This is a process that will occur over the medium to long term.

More efficient standards brought about by competition among jurisdictions should result in community requirements being met at a lower overall cost.

Wider consumer choice and a greater responsiveness to the needs and demands of consumers among producers and regulators should result.

At the same time, as I pointed out earlier, the mutual recognition scheme is designed to ensure that there is no compromise on standards in the important areas of health and safety and environmental protection.

Mr President, this legislative scheme is an historic initiative aimed at overcoming the regulatory impediments to the creation of a truly national market in goods and services in this country. I am pleased to acknowledge the substantial contribution New South Wales officials have made in developing the mutual recognition scheme. The Government would also like to acknowledge the positive contribution made by all heads of government,

including Nick Greiner, in fostering and promoting this important development. It is a fine example of what can be achieved when all governments co-operate and work together in the national interest.

I commend the bill to the House.

The Hon. M. R. EGAN (Leader of the Opposition) [2.51]: The Opposition supports this bill. It is the result of a great deal of work by the Commonwealth and all State governments. The purpose of the bill is to remove impediments to the establishment of a national market for goods in Australia and to remove the impediments in respect of people who are registered for particular occupations from carrying out those occupations in all the Australian States. The Opposition supports the bill because it supports the goal which the bill is trying the achieve. However, it has concerns about the way in which very significant areas of government responsibility seem to be handed these days from State governments not to the Federal Government - which is a course with which I would concur - but in fact to no Parliament at all. Honourable members will recall that recently legislation known as the Australian Financial Institutions Commission legislation went through all the Australian State parliaments. The effect of

that legislation was to hand over the powers which the various States had for the regulation and control of non-bank financial institutions not to the Commonwealth Government but, in effect, to a ministerial council and an organisation set up for the purpose which would be accountable to that ministerial council. That effectively meant that no Parliament in Australia, whether it be a State parliament or the Federal Parliament, has the power to legislate in those areas.

Similarly, the present bill seeks to hand over powers in relation to requirements for the production and sale of goods not to another parliament, namely, the Commonwealth Parliament, but to the parliament which has the least stringent requirements. For the purposes of achieving a truly national market and removing many impediments to that national market which really have no justification, the Opposition supports the legislation. Nevertheless, the preferred approach of the Opposition would be to enact legislation which actually hands the power to legislate in these areas to the national Parliament rather than just providing that if goods can be sold in one State, they can be sold in another State. Though the Opposition supports the goal of the Mutual Recognition (New South Wales) Bill, it has concerns about the means by which that is being achieved. That is becoming something of a favoured approach of the Premiers Conference. I hope that before too much time elapses the States and the Commonwealth will find a more satisfactory way of dealing with these matters.

The Hon. ELISABETH KIRKBY [2.53]: The Australian Democrats support the Mutual Recognition (New South Wales) Bill, which will enable the enactment and legalisation for mutual recognition by States and Territories of each other's differing regulatory standards regarding goods and occupations. As has been pointed out by the Leader of the Opposition, this legislation is based on a series of agreements between heads of government, reached between 1990 and 1992, to establish a scheme of mutual recognition throughout Australia. The assumption underlining mutual recognition is that regulations and standards covering goods and occupations in one State or Territory generally meet community expectations and, therefore, should be acceptable in all other States and Territories. The aim is to enhance the flexibility and competitiveness of the national economy by removing unnecessary barriers to the free movement of goods and labour.

In the November 1991 report of the committee on regulatory reform to heads of

government, the advantages of mutual recognition were listed in these terms: they would allow faster adjustment to changing conditions and the avoidance of rigid and proscriptive technical standards which could be superseded by rapid technological change; they would reduce the heavy resource commitment and protracted negotiation often required to achieve uniformity; they would help to reduce duplication and administrative costs by encouraging the adoption of rules and decisions developed elsewhere; and they would also encourage local authorities to review their regulatory requirements to ensure they are as efficient and cost effective as possible. This is particularly important in the building sector because many of the regulations that are laid down by local government building authorities in one State are not enforced in other States. In fact, the enforcement of such regulations could add greatly to the cost of building a home.

The bill will introduce two models of mutual recognition - one for goods and the other for occupations. The goods model means that goods produced in one State or Territory or imported into and complying with the standards of that State or Territory will be able to be distributed and sold throughout Australia. The most commonly expressed concern about mutual recognition is that it may result in the lowest common denominator being used as the standard. However, this legislation contains a number of

safeguards. First, laws of the second State that regulate the manner of sale of goods in the second State or the manner in which sellers conduct their business will still apply. Laws relating to the transportation, storage or handling of goods within the State will still apply, as will laws regarding the inspection of goods. These laws will apply so long as they apply equally to goods produced in or imported into the second State and in so far as they are directed towards ensuring health, safety and environmental standards.

Second, there will be a requirement to label clearly the State of origin of a product, thereby signalling to consumers any possible differences. Third, temporary laws - and by temporary I mean up to 12 months' duration - exempting sale on the grounds of risk to health, safety or environmental impact may be enacted, and during this time the authorities will have the opportunity to try to reach an appropriate standard. Goods in relation to which a national market should not develop and are permanently exempted from mutual recognition principles are listed in the legislation. These include firearms, fireworks, gaming machines and pornography. In view of the number of amendments to be moved in Committee, I ask the Minister in his reply to assure the House that the purpose of the proposed amendments is to ensure that articles considered to be indecent in New South Wales - pornographic videotapes, pornographic films and other publications which are not allowed in this State - will not be able to be imported and sold in New South Wales. I can only assume that that is the purpose of the items listed in the bill, such as videos, films, publications and so forth. I hope that the Minister in reply will tell the House chapter and verse the Government's intention in moving the proposed amendments.

The second model this legislation will encompass is the occupations model. A person registered in the first State for an occupation is entitled to be registered, after notifying the local registration authority of the second State, for the equivalent occupation in the second State. "Occupation" under the terms of the legislation is defined as an occupation, trade, profession or calling of any kind that may be carried on only by registered persons, where registration is wholly or partly dependent on the attainment or possession of some qualification - for example, training, education, examination, experience, character, or being fit or proper - and includes a specialisation in any of the above in which registration may be granted. This is an important provision because the present situation where a person might be able to carry on the profession of a nurse in

New South Wales and yet not be registered in another State is ridiculous. Similarly, in the past, many other professions have had the same problems. There is no mutual recognition. If that is the only benefit this legislation will have in the future, it will be of great value. At present, as the Hon. Dr B. P. V. Pezzutti would know, in theory doctors have now to be registered in every State of Australia in which they wish to practise. It is the same with the legal profession. This causes the registration authorities to waste a ridiculous amount of time and effort because it is well known that the qualifying examinations for medicine and for law are now of equal standard in every State.

As was the case with the goods model of mutual recognition, there are a number of safeguards relating to occupational standards. Laws regulating the carrying on of an occupation in the second State will apply to all people carrying on the occupation in the second State so long as they are not based on the attainment or possession of some qualification or experience relating to fitness to carry on the occupation. Registration may be refused, however, if the information given by the applicant is false or misleading. However, there is also a right of appeal to the Administrative Appeals Tribunal. Furthermore, registration will occur only if there is an equivalent occupation in the second State. Some conditions may need to be imposed on practice to achieve this.

Occupations must be substantially the same and they must not pose a threat to health, safety or the environment. After lodging an application with the local registration authority, it is said to have deemed registration. Certain conditions, however, may apply. A person will have to comply with any requirements in the second State regarding insurance, fidelity funds, trust accounts and other measures, to protect consumers. Disciplinary provisions and laws relating to the occupation will also apply. The provision in regard to fidelity funds and trust accounts is most important for consumer protection, particularly in the establishment of a business as a travel agent, a business agent or a real estate agent. In those professions it is necessary for the licence holders to have trust accounts, to contribute to fidelity funds and to look to consumer protection.

Practitioners in a partially regulated occupation must be registered in one jurisdiction but not necessarily in the others. Under the proposed legislation, a person from an unregulated jurisdiction will not be entitled to automatic deemed registration. Therefore, it would appear that in preparing this legislation the Government has recognised the pitfalls that might have occurred in some professions and has legislated to prevent that happening. But, it has also made it easier for people with equal qualification to practise their calling or profession in any State of Australia. In conclusion, I call on the Minister to give a full explanation to the House of the meaning of the Government's amendments and to assure the House, if this legislation is passed, that it will not mean a free flow into this State of unsuitable material, pornographic videos, pornographic films and material that is not in the public interest. With that one proviso, the Australian Democrats are very happy to support the legislation.

Reverend the Hon. F. J. NILE [3.5]: The objects of the Mutual Recognition (New South Wales) Bill read:

> 1. The object of this Bill is to enable the enactment of legislation applying uniformly throughout Australia for the mutual recognition by the States and Territories to each other's differing regulatory standards regarding goods and occupations.
>
> 2. The Bill forms part of the legislative scheme that involves the enactment of Bills, first by the States and Territories, and then by the Commonwealth.

3. The Northern Territory and the Australian Capital Territory are treated as States for the purposes of this Explanatory Note, and accordingly references to a State extend to either Territory.

The legislation is based on two principles. The first is that goods that can be sold lawfully in one State or Territory may be sold freely in any other State or Territory even though the goods may not comply with all the details or regulatory standards in the place where they are sold. If the goods are acceptable for sale in one State or Territory, there is no reason why they should not be sold anywhere in Australia. However, as other honourable members have said, in further considering the legislation before the House and its implications the Government will move amendments in Committee to page 23, schedule 2 after line 26, to insert 31 Acts from other States. The majority - if not all - of those Acts relate to some area of classifications of publications, which is simply another name for legislation dealing with pornography or film classification, publications control, indecent articles, the Classified Publications Act and similar Acts of the various States.

Where the States have differing standards, those State laws will stand and will not be bypassed by this legislation. Therefore, a State that has high standards and strict controls will not be required to submit to the lower standards of a State weak on moral issues and those that affect family life, as has occurred in the past in South Australia, particularly during the Dunstan era. In more recent years in the Australian Capital

Territory the Legislative Assembly has shown a great willingness to accept almost anything from X-rated videos onwards. All other States have prohibited the sale of X-rated videos but they are available for sale in the Australian Capital Territory, and may be obtained in all the other States through mail order. An item that is illegal in New South Wales can be mailed from Canberra to New South Wales in response to an order. Australia Post or any other government agency or private company may deliver the item. In my view, if an item is illegal in this State, it should not be allowed across the State borders.

I am glad the Government has foreshadowed the amendment circulated to honourable members. Attitudes in the States are changing. We all know how ruthless the X-rated video industry is. If that industry were to select a weak State or Territory, such as the Australian Capital Territory, in order to exploit a loophole in the legislation, that exploitation could be expanded to the sale of marijuana. Marijuana is close to becoming a legal product in the Australian Capital Territory, although it is prohibited in other States. From investigations made by the Call to Australia group I know that the X-rated video industry in the Australian Capital Territory is unhappy about the tax imposed upon it by the Australian Capital Territory Government. The industry is not unhappy that it has an open market but it is most unhappy that it is being taxed. I understand that an appeal was lodged in the High Court about that matter and that the industry won the case. It is now in doubt whether the tax is legal. There is also a question of the Legislative Assembly of the Australian Capital Territory having to refund the money collected so far. Because of the taxes imposed in the Australian Capital Territory, the X-rated video industry has been trying to find a more congenial home for its copying, mass production and mail order business and is now operating in Darwin. I am pleased that the Northern Territory Government has taken steps to prohibit the industry's activities in that Territory. Though the issue has not been finalised, the process has begun.

On one hand I acknowledge that this legislation has tremendous advantages, for example, by way of a single set of standards for the sale of commodities such as eggs, margarine and other everyday products. On the other hand, I believe that the New South

Wales Government and the Parliament should be very wary of the possible exploitation of this legislation. More importantly, our authority as a sovereign State with a sovereign Parliament could be overridden by decisions made by other States, or even by decisions made by one of the Territories because the legislation will give the Australian Capital Territory the same powers and status as a State, though it is not a State. I am concerned at the way in which the Commonwealth is operating, so much so that I would prefer a system whereby both Houses of this Parliament had to endorse legislation from other States before it came into effect. I would go so far as to say that the New South Wales Parliament should endorse any Federal legislation before it has any effect in our State. That may sound radical, but I understand it is the principle followed by the new, free, democratic Commonwealth of Independent States, which was previously the Union of Soviet Socialist Republics. The novel idea of the Commonwealth of Independent States that any law passed by the overriding authority has no effect on a State unless and until it is endorsed by that State perhaps is the key to the future of true federalism in our nation. It would keep the balance between the Commonwealth Government growing more and more powerful and the States becoming more and more undermined and weaker.

Some might argue that this legislation may have the long-term effect of giving

further ammunition to those who would like State governments abolished. Some might say that more and more power is being given to the Federal Government and might question the need for the States. By this legislation the States and Territories have agreed to request and empower the Commonwealth to pass a single Act which, once enacted by the Commonwealth, will override any State or Territory Acts or regulations that are inconsistent with the mutual recognition principles. The States and Territories will effectively cede power to one another through the mechanism of Commonwealth legislation. That is a fairly big leap in one direction. Though the Commonwealth is dealing with respective State and Territory legislation, it is creating a funnel-type operation whereby more and more matters will be funnelled through the Commonwealth. The Government has claimed that that was the vision of those who drew up the Constitution for Australia. I believe their vision was to allow free trade. There was lengthy debate about whether there should be a Commonwealth and whether the Constitution should be adopted by the States. I gather that New South Wales was one of the States most reluctant to enter into the agreement because of the fear of losing some State sovereignty. That is my concern.

The Call to Australia group will not vote against the legislation and will allow it to operate, but we will keep it under close observation. The Government should keep the legislation under close observation also. The reality in our nation is clear: at some stage the majority of States may be governed by Labor governments, yet New South Wales may be governed by a Liberal Party-National Party government which may object to some of the policies of the Labor States. At the moment there is only one Labor State. With the recent change of government in Victoria, the scales may tilt in the other direction. The majority of State governments may become Liberal Party-National Party governments, which may have similar views on these issues. By the same token, a Labor State could object to what a Liberal Party-National Party government was doing, but that Labor State would be overridden by the effect of this legislation. It is not the case that governments of different persuasions come and go and there is no radical change of policy. Very different policies are adopted by respective governments. I do not believe it is right for States with governments of a different political flavour to have forced upon them the views of States under the authority of a political party with which that first State might disagree. That is another aspect of the legislation that the Government will need to watch closely.

The Minister probably has a simple answer to the question I am about to pose. A fairly prominent doctor carried on business in this State - Dr Edelsten - but because of his activities his authority to practise in this State was cancelled. He moved to Victoria where he was able to practise. I gather his status is now under challenge in Victoria. I am wondering whether someone like that could move from this State following deregistration, be registered in Victoria and, under the provisions of the proposed legislation, be entitled to practise in New South Wales. The legislation may provide a technical loophole that may be exploited by people who wish to practise in this State, though we may not want them to do so. With those reservations I urge the Government to watch closely the progress and implementation of this legislation to ensure that it does not in any way undermine the sovereignty of the New South Wales State Parliament, in both its upper House and its lower House, or undermine the policies of the Government, which was elected with a mandate from the people of this State to carry through its policies, and that those policies are not overridden by another State or Territory.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [3.19], in reply: A number of questions have been raised by honourable members, and I will respond to those questions. I thank honourable members for their support of this important piece of legislation. The

Leader of the Opposition raised a question as to whether mutual recognition will result in the application of lowest common denominator standards. The Mutual Recognition (New South Wales) Bill does not provide for the transfer of power to the Parliament with the lowest standards. Mutual recognition is based on an assumption that the differences in regulations between the States and the Territories are not great. There are already numerous areas where regulations have been harmonised. This work is continuing, so the risk of any downward spiralling of standards is limited. Further, the mutual recognition scheme has inbuilt safeguards with the temporary exemptions for goods and temporary declarations of non-equivalence for occupations to ensure that standards aimed at protecting health and safety and preventing environmental pollution are kept at an acceptable level. The result may be an elevation of standards in many instances. The States are ceding power to each other in the interests of national economic efficiency.

The Hon. Elisabeth Kirkby and Reverend the Hon. F. J. Nile wanted assurances that censorship amendments will not allow a trade in pornographic material. The purpose of the amendment that will be moved in Committee and to which I will speak in some detail is to ensure that mutual recognition leaves unaffected the present powers of the States and the Territories to legislate in this area. My speech will make that quite clear. All existing bans, limitations and prohibitions on pornographic material in videos, films and publications, as they remain in the various States and Territories, will continue. The Hon. Elisabeth Kirkby raised also the question of the relationship of mutual recognition to the review of partially regulated occupations. The heads of government have asked Ministers for vocational education, employment and training to accelerate their work on a rationalisation of partially regulated occupations that are registered in some States, but not all. This is a separate, but related, exercise of mutual recognition.

The concern of the heads of government was to remove barriers to interstate labour mobility created by the fact that some States require practitioners to be registered, while others do not. They are asking: if some States do not require registration, is registration really necessary? The heads of government have limited criteria for retention of registration to health and safety matters. They are seeking advice on what the implications would be of removing registration, except where this would threaten public health and safety. The Ministers were asked to report to the heads of government on the review of partially regulated occupations by the end of 1992, although delays

caused by State elections will mean a delay in reporting back until March 1993. An information seminar on the review was held in Sydney on Friday, 16th October, and local registration authorities were invited. Mutual recognition of occupations is relevant only between States which register an equivalent occupation, of which registration may be a barrier to interstate labour mobility. If registration is removed as a result of the review, mutual recognition will not apply. Because mutual recognition applies only in the practitioner's home jurisdiction and that in which he or she wishes to practise a particular registered occupation, there was a need to look at partially regulated occupations. Heads of government are expected to consider the findings and the recommendations of this review early next year. Final decisions on whether or not to register occupations will be taken at that time.

Running parallel with this review are two related reviews. The first - partially regulated health professions - will report to health Ministers. The second is under the aegis of the Australian Labor Ministers Council. As part of the latter, the National Occupational Health and Safety Commission is reviewing occupational health and safety occupations with a view to developing uniform standards by December 1993. In addition, work is being undertaken by the Department of Labor advisory committee on electricians, plumbers and gasfitters. Both of those groups of Ministers will report

separately to the heads of government. Reverend the Hon. F. J. Nile raised the matter of why a reference of powers to the Commonwealth is necessary at all. The Premiers and Chief Ministers have agreed on an extremely limited reference of powers. The Commonwealth will be empowered to pass a single piece of legislation and will be able to amend that legislation only with the unanimous concurrence of all other States and Territories participating in the scheme. The reference is limited in time, limited to a power to enact a specific piece of legislation and subject to termination by the State or the Territory.

The significant advantage of this approach is that it makes any State laws that are contrary to the principles of mutual recognition invalid by force of section 109 of the Constitution. This gives mutual recognition a robustness, immune from any attempts by future State Governments seeking to depart from mutual recognition. States and Territories will effectively be using the Commonwealth as a vehicle to cede powers to each other. Both adoptive complementary - all States pick up another's laws - and mirror complementary - all States enact identical laws - powers are open to variation among States and Territories encroaching on the mutual recognition scheme. Reverend the Hon. F. J. Nile raised also the matter as to whether there will be mutual derecognition and referred to Dr Edelsten. The committee's model does provide for mutual derecognition. Any disciplinary action, including deregistration, taken by the registering authority in a State or Territory where the breach occurred would apply automatically in all other jurisdictions. The other jurisdiction would, however, retain the discretion not to take this action itself. I commend the legislation.

Motion agreed to.

Bill read a second time.

In Committee

Schedule

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [3.28]: I move:

Page 23, Schedule. After line 26, insert:

14. *Business Franchise ("X" Videos) Act 1990* of the Australian Capital Territory

15. *Classification of Publications Ordinance 1983* of the Australian Capital Territory

16. *Crimes Act 1900* of the Australian Capital Territory, section 92NB

17. *Film Classification Act 1971* of the Australian Capital Territory

18. *Publications Control Act 1989* of the Australian Capital Territory

19. *Film and Video Tape Classification Act 1984* of New South Wales

20. *Indecent Articles and Classified Publications Act 1975* of New South Wales

21. *Classification of Publications and Films Act* of the Northern Territory

22. *Classification of Films Act 1991* of Queensland

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23. *Classification of Publications Act 1991* of Queensland

24. *Classification of Films for Public Exhibition Act 1971* of South Australia and regulations under that Act

25. *Classification of Publications Act 1974* of South Australia and regulations under that Act

26. *Summary Offences Act 1953* of South Australia, section 33 and section 35

27. *Classification of Publications Act 1984* of Tasmania

28. *Classification of Films and Publications Act 1990* of Victoria

29. *Censorship of Films Act 1947* of Western Australia

30. *Indecent Publications and Articles Act 1902* of Western Australia

31. *Video Tapes Classification and Control Act 1987* of Western Australia

In May 1992, at the time of signing the intergovernmental agreement on mutual recognition, it was clearly the intention of heads of government that mutual recognition should not become the vehicle for free trade in pornographic material, hence the inclusion of such material in schedule 1 "Permanent Exemptions: Goods" to the bill. In agreeing to this exemption, the heads of government decided also to seek advice from the Standing Committee of Censorship Ministers on the impact of mutual recognition on the different classification schemes applying to films, videotapes and publications in each State and Territory.

The Ministers considered this issue at their meeting on 2nd July, but resolved to seek further advice from the heads of government before making a recommendation.

There was, however, general agreement among the Ministers at that time that the permanent exemption for pornographic material in schedule 1 to the bill is not a legal term and would not necessarily have the effect of exempting all State and Territory censorship laws. New South Wales has now canvassed the views of other State and Territory governments and the Commonwealth Government and has found that there is clear support for an addition to schedule 2, "Permanent exemptions: laws relating to goods", to create an exemption for mutual recognition of all State and Territory censorship laws. This proposed amendment will more clearly give effect to the original intention of the heads of government that mutual recognition should not become the vehicle for free trade of pornographic material across States and Territories. As a result of this amendment the whole area of classification and censorship for films and publications will remain unaffected by mutual recognition. This amendment seeks to preserve the status quo by retaining the capacity of States and Territories to legislate on censorship. It does not preclude agreement further down the track on reform in the development of more uniform censorship procedures among the States and Territories, if that is desired by the jurisdictions. I commend the amendment.

Reverend the Hon. F. J. NILE [3.31]: I put on record the wholehearted and enthusiastic support of the Call to Australia party for this amendment. It covers some of the concerns I expressed earlier. The Government still needs to monitor this legislation carefully in case there is an unanticipated effect from something which has not been included.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and report adopted.

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SUPREME COURT (VIDEO LINK) AMENDMENT BILL

Second Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [3.33]: 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.

This bill will permit certain court appearances in the New South Wales Supreme Court to be made using video facilities.

These _electronic' appearances will routinely occur in bail review proceedings during a pilot program to be conducted in the Supreme Court.

Under this arrangement, bail review applicants who are in custody at the Metropolitan Remand Centre will _attend' court without actually leaving the secure environment of the remand centre, by using video link facilities.

At the outset I wish to clarify that the procedure authorised by this bill does not involve the use of video-taped appearances. All appearances using the video facilities will be _live'.

The word _video' in this bill carries its wider meaning, and refers to a two-way, audio-visual communication link between two separate locations, using live televised images.

The importance of this bill lies in the significantly reduced security risks to the community which will ensue from its implementation.

Worldwide, it is recognised that transporting prisoners from one secure location to another is a process of inherent risk to the transporters and to the community generally. The transportation process presents a number of problems, and is therefore considered the _weakest link in the chain' of security precautions taken in respect of prisoners.

There are many examples of breaches of security occurring during prisoner transportation.

As recently as March of this year, a dangerous prisoner escaped from custody whilst being transported to the Downing Centre for a court appearance. This incident occurred in a busy suburban street and involved the use of firearms. The community was at risk when the escape took place, and continues to be at risk while the prisoner is at large.

Opportunities for exploiting the security _weak link' must be kept to a minimum.

Reducing the need for attendance at court, by permitting electronic appearances to be made, is one very effective means by which this may be achieved.

Apart from security aspects, implementation of this legislation will offer other advantages.

For one thing, electronic bail review applications will be less disruptive for the remandee, as transport van schedules will no longer dictate movements. Confinement in unconvivial, and often overcrowded holding cells at the court will also be avoided.

The court will benefit by avoiding time wasted as a result of delays in applicants arriving at the court complex, or being escorted up from the holding cells.

Some of the corrective service officers that have, until now, been engaged in escort and guard duties may also now be freed for other duties.

Eventually, if the program is extended, it is expected that significant cost savings will accrue from the reduced demand for prisoner transportation and security escorts.

The concept of electronic appearances before a court is not a new one. Indeed, as a result of legislation passed by this House in 1990, child witnesses in sexual assault cases are now able to give their evidence from a room away from the courtroom, using closed-circuit television facilities.

Electronic court appearances have also been successfully used for some time in many American jurisdictions. In many American courts, such appearances have become an accepted, and supported, practice in a wide range of proceedings.

A program for bail hearings involving electronic appearances has also been operating in the Melbourne Magistrates Court since 1989.

The pilot program for electronic appearances in the New South Wales Supreme Court is therefore not without precedent.

Notwithstanding the successful precedents in other jurisdictions, any proposal to replace traditional court appearances with electronic appearances must be approached with caution.

It is imperative that care is taken to ensure that such proposals do not compromise the rights of the accused, and do not inhibit the fairness and efficiency of court proceedings.

The need to protect the interests of the person before the court, and to preserve the integrity of the court proceedings, is accommodated fully in the Supreme Court (Video Link) Amendment Bill.

Firstly, this bill prescribes minimum standards for the quality of audio-visual communication between the court and the remote location.

As demanded by proposed section 110B, the quality of sound and image to be produced by the video link facilities will be equivalent to the standard that we expect of a commercial television broadcast. Under the legislation, the equipment will be required to comply with certain Australian standards which will be specified in the regulations.

This will enable clear, unimpeded communication, both audio and visual, between the participants at the two locations.

The bill also provides other important guarantees and safeguards.

For example, the guarantee contained in proposed section 110C will ensure that a bail review applicant's access to legal representation and advice is not adversely affected by an electronic appearance.

Pursuant to this provision, secure telephone and facsimile facilities will be provided at the court and the remand centre, to permit confidential communication between remandees and their legal representatives during, prior to, and after the proceedings.

Furthermore, proposed section 110A provides that in all cases the presiding judicial officer may order the applicant to be brought into the courtroom, should the interests of justice so demand. This will ensure that the new procedure is sufficiently flexible to deal with all matters in a manner acceptable to a court.

The integrity of proceedings in which electronic appearances are to be made is further protected by the attention that this bill pays to ensuring high sound and picture quality, and by the deeming of the remote location as a part of the courtroom, and therefore within the jurisdiction and control of the presiding judge.

The positioning of cameras, microphones, and other equipment is obviously a matter to which careful attention must be paid in implementing the pilot project.

As closely as possible, the video link facilities will simulate the perspectives that arise from a

traditional court appearance. This will include providing the public gallery with a view of the applicant, and giving the applicant the opportunity to see family and friends who may be in the courtroom.

The pilot program will have an effective life of two years, after which it must be reviewed. Section 110G of the bill requires that the pilot program be adequately assessed, and that this

Parliament be properly informed of the operative effect of this legislation.

In the result, the pilot program and electronic court appearances generally will remain under close scrutiny until such time that they are proven to be effective.

I should advise the House that this pilot program has the complete support of the Chief Justice of New South Wales.

Consultation has also taken place with both prosecution authorities and the legal profession to ensure that, in its implementation, the program will have the greatest possible support and co-operation from all key players in bail review proceedings.

In this regard, I note that the bill as it now stands has been substantially altered in order to address some of the concerns expressed during these consultations.

Significantly, the bill only provides for electronic appearances in the context of the pilot program, and guarantees that the pilot will be evaluated before any decision is made to make it a permanent feature. Drafting of the bill in these terms has been a response to the consultation process.

This bill provides the means by which prisoner security can be maintained, and unnecessary exposure to risk avoided, without any jeopardy to the rights of the accused.

I commend the bill.

The Hon. R. D. DYER [3.34]: The Opposition supports in principle the Supreme Court (Video Link) Amendment Bill. Honourable members will appreciate that under the Bail Act all persons charged with a criminal offence have the benefit of the presumption in favour of bail. Bail applications should be conducted in a manner that is satisfactory to the person most directly affected, that is, the person seeking bail. Applications must also be dealt with in the public interest. The bill will amend the Supreme Court Act to provide for what I would term legislative safeguards and controls regarding a pilot project, trial or experiment that is to be undertaken with bail review hearings before the New South Wales Supreme Court. This pilot project will use video link technology to allow bail review applications to be made to a judge of the Supreme Court from the remand centre at the Malabar prison complex. Contact will be made through the video link between the person applying for bail and the court or the judge hearing the bail application. In the bill that was originally proposed, the new procedure was to be reviewed after two years. I note that following representations made by members of the Opposition during the course of debate in the other place, the review is now to be held after 18 months. The Government's concession in that regard is welcomed by the Opposition.

I note that the introduction of the new procedure, which this bill will give effect to on a trial basis, will not occur until the practical experience gained under the pilot program has been fully evaluated by the Government. If one were to look for motives for the introduction of this video link facility for the making of bail applications, it could be said that enhanced security would be the prime reason motivating the Government's introduction of it. If bail applications can be made using a video link, the person applying for bail does not have to be transported between the prison and the Supreme Court. I imagine that a secondary reason for the change would be that security would be enhanced and that substantial cost savings would be made if a person in custody did

not have to be transported from the gaol to the court to make a bail application and, following the outcome of that application, then returned to prison. It is well known that

transporting prisoners between courts and the places at which they are held in custody carries with it a substantial cost.

I wish now to make a brief reference to the terms of the bill. The bill will insert a new part 7A in the principal Act. Proposed new section 110A provides that proceedings before the court for the review of a decision concerning bail are to be conducted by means of video link facilities unless the court, in the interests of justice, otherwise orders. I ask the Minister's advisers to indicate in what fashion that provision would work. I instance a party wishing to obtain bail who believed that it was in the interests of justice that the application be made in person rather than by way of the video link. What procedure would apply to the making of such an application? I imagine that the party, or his or her counsel or solicitor, would approach the judge and make the application, probably in chambers. Will the Minister indicate, for example, whether the application would be made ex parte or whether notice would be served on the Crown so that State legal representatives would have the opportunity of arguing that video link facilities should be used in any event, rather than that the application should be made in person? Proposed section 110A(2) provides:

> The Court may at any time vary or revoke an order made under this Part, either of its own motion or on application by a party to the proceedings.

That provision appears to be a necessary safeguard and an appropriate provision, which has the support of the Opposition. Proposed section 110B provides that video link facilities are to be operated in a manner which ensures two-way audio and visual communication of television standard between the place at which the court is sitting and the other place - in the usual case I would imagine a prison - at which the facilities are being operated. Proposed section 110B provides further that the regulations may contain further provisions with respect to the technical and performance specifications for the video link facilities. I ask the Minister what is the current position regarding the development of the regulations to give effect to the detail regarding these video link facilities? I realise that it is an ordinary activity of government for regulations to be gazetted at some time following the passage of legislation, but I would be interested to know whether the Government is now giving attention to the drafting of the detailed regulatory provisions which will give effect to the standards broadly referred to in proposed section 110B.

The next important provision in the bill is proposed section 110C, which provides that facilities are to be available for private communication between a person using the video link facilities and the person's representative in the proceedings if that person's representative is at the place where the court is sitting. It appears to me that that provision contemplates that the person in custody is using the video link facilities at one end, so to speak, of the video link - namely at the prison - and the person's legal representative might well be at the other end of the video link - in the court. In that event, the profession seeks to ensure that facilities are available for private - I emphasise the word private - communication between the legal representative and the client. It is my general understanding that the facilities referred to will comprise both telephone and fax facilities. I ask the Attorney General for a response, and confirmation that they are the actual facilities to be made available to ensure private communication between the person in custody and his legal representatives.

It is normal in dealings between a client and his solicitor or barrister that they ought to be able to converse in a private fashion. It is important that legal

representatives should be able to take instructions on a confidential basis. The section to which I have just referred provides also that if the video link facilities fail, the court may adjourn the proceedings or make such other order as is appropriate in the circumstances. That is obviously a proper provision, which the Opposition welcomes. I have already said that the practical operation of this legislation is to be reviewed after 18 months. The original intention of the Government was to have that review after two years. The Opposition believes that the two-year period previously contemplated by the Government was somewhat on the long side, and that it is more satisfactory that the Government has now agreed to conduct a full review after 18 months. I understand that during the debate in another place some interest was expressed by the shadow attorney general, and possibly by other members of the Opposition who participated in the debate, in actually viewing the video link facilities in operation. The Minister responsible for introducing this legislation was the former Minister for Justice, the Hon. Terry Griffiths. It is a little hard to keep up with who is the Minister for Justice at the moment because, after all, there have been three changes within the last month. I hope we can all catch our breath in expectation that the Hon. Wayne Merton will retain office as Minister for Justice for some reasonably respectable period of time.

The Hon. J. M. Samios: He is a resilient figure.

The Hon. R. D. DYER: Perhaps he needs to be a resilient figure, because his two predecessors have both, to use the vernacular, bitten the dust, or have been transferred elsewhere. If members of the Opposition are to be given the opportunity of seeing this video link technology in practice, I would be interested in attending, if I am able to, to see how it works. I am very interested in the sort of technology which has been introduced in recent times, to some extent, in child protection matters to facilitate the taking of evidence in those cases. I welcome the legislation. I believe it probably will enhance security and save costs. I express some caution on the part of the Opposition and indicate that we await the outcome of the 18-month trial with very much interest. With those few words, the Opposition does not oppose the bill.

The Hon. J. F. RYAN [3.47]: I commend the Government for introducing this forward-thinking yet cautious approach to the introduction of new technology into our court system. This legislation was initiated by the Hon. Terry Griffiths when he was Minister for Justice. That factor alone gives me a great deal of confidence in the intent of this legislation and the manner in which it has been developed; and in the level of consultation which is bound to have been carried out prior to the legislation being presented to the Parliament. It is conceded almost without debate that while the Hon. Terry Griffiths was Minister for Justice he greatly changed the atmosphere in which the public administration of our corrective services system was carried out; and that he did so in a way that distinguished himself in some regards over and above his predecessors, particularly many of those who came from the other side of the House. It was thought for some time that the Minister for Justice, because he had responsibility for corrective services, was a dead-end position. However, the Hon. Terry Griffiths, by his compassion and his vision for how that service could be managed to the best advantage of the people of the State generally, including those who find themselves in our corrective services institutions, demonstrated that the administration of corrective services is a means by which the Government can gain a great deal of confidence from the community and can be seen to be populist.

This legislation was introduced into the Parliament in an atmosphere of consultation. It is obvious from the comments made by the Minister when introducing

the legislation in the other place that it has been welcomed by the Chief Justice and legal practitioners in the field. As a result it is not legislation that is being imposed as a niggardly, cost-saving exercise. Nevertheless, it takes into consideration the reasonable requirements of the public that courts be places of public attendance in which members of the public can be safe, and that the system of justice should proceed in a speedy, efficient manner so that persons appearing before the courts - in this instance bail applicants - will have their cases heard as quickly, efficiently, openly and fairly as is possible. There has been almost no debate against video technology becoming part of our court system. That was well said by the shadow attorney in the other place in debate on the bill. He said that video evidence is becoming part of modern court life. It has been approved already in Victoria and is in use in a limited form in New South Wales. It seems to be working well. If there is any criticism of video evidence, it is that it is not used widely enough in the court system.

I am sure that the Government more than welcomes the co-operative approach extended by members of the Opposition to the introduction of this technology to the court system. The question boils down to whether the safeguards included in the proposed legislation are sufficient to ensure that the rights of an individual making an application for bail are protected. A number of important safeguards have been included in the bill. One proposed section provides that in all cases the presiding judicial officer may order that the applicant be brought into the court if that is deemed to be in the best interests of justice. In the final analysis it will be up to the judge to make sure that the interests of the applicant are protected. If the judicial officer is satisfied that a case is either too complex to be heard by means of this technology, or that the transmission facilities - the quality of the sound or the video recording - are not adequate or good enough, he may call a halt to the proceedings at any time. Opposition members have asked questions about how that might be done. The opportunity is always there for a legal representative of a bail applicant to make a submission to the court that the case might be better heard with the applicant being present in person. It appears that where similar legislation has been introduced in other States, such a position has not commonly arisen. By and large, legal representatives and applicants have been happy with the use of this technology in hearings of this nature.

Another provision in the bill will guarantee that applicants are given access to legal representation and advice, and will not be adversely affected by an electronic appearance. Further safeguards in the legislation refer to the quality of the sound and the video transmission. The Government has indicated, through the Minister in another place, that it will provide secure telephone and facsimile facilities, without which it would be impossible to carry out this procedure. That will include access to those facilities for at least an hour after the court has risen. The Government has acknowledged that this is an important issue. It has guaranteed that adequate resources will be provided and that regulations will be gazetted that will prescribe the standard of the equipment to be used in the courts to assist those making bail applications so that they can be assured that the best interests of justice will be served. Another safety mechanism included in the legislation is that the project is being introduced as a pilot scheme, with a review to be conducted and presented direct to the Parliament. The review will not be such that only the Minister will be able to supervise it. The Parliament itself will be able to carry out the review. In general I note the comments made by Opposition members that they want to review the technology and to see this facility in operation. One of the features of the present Government of which I am most proud is that by and large it has seen the Opposition as an important part of the policy-making process. The contributions of

Opposition members have always been considered when they have been willing to

participate in a co-operative manner; and Ministers have always made these types of facilities available for inspection by Opposition members.

When this legislation was introduced in the other House the Opposition proposed an amendment. The Minister considered that amendment to be reasonable, and it was adopted. That has been a hallmark of the Government: legislating with co-operation, not simply riding roughshod over other members of Parliament. Probably there has not been any other Parliament in which a government has been more co-operative and receptive to reasonable suggestions made by Opposition members. That is a practical demonstration of how the Government is governing in co-operation with the community. The video link program will cause less disruption to genuine applicants - those not seeking to abuse the system; it will increase the efficiency of the courts, improve security and reduce the risk to public safety. I am pleased that there has not been any real criticism in the community that this program is to be run on the basis of consent. A similar program operating in Victoria is run on the basis of consent, and it is obvious that the New South Wales Government had this in mind. If the program is to have any chance of success, it needs the co-operation of all participants in bail hearings, from the judges to the applicants and their legal representatives. I note generally that the legislation has been introduced with the intention of there being co-operation between all parties; it is bound to be acknowledged as having been introduced for the genuine benefit of the community. There is no secret agenda: the intention is to ensure that the public safety is secure and that the best interests of justice are observed. I support the legislation.

The Hon. ELISABETH KIRKBY [3.57]: The Australian Democrats support the Supreme Court (Video Link) Amendment Bill with reservations, and I wish to raise a number of issues with the Minister. The object of the bill is to enable bail review proceedings before the Supreme Court to be conducted by means of video link facilities. First one might question the phrasing of the proposed legislation: so that the use of the video link is mandatory unless the court, in the interests of justice, otherwise orders. It might be the other way around. In fact, that has been stated by Trevor Nyman of the Law Society of New South Wales. Nevertheless, the court's discretionary power to use the video link facilities should be tempered by the fact that a party to the proceedings may apply to the court requesting that the accused appear in person. That request must be taken into account under proposed sections 110A and 110B. I believe that a video link should be used only where a set of criteria can be met and where the court believes that the interests of justice may be sufficiently served by the use of such a link. That is partly satisfied by proposed section 110B(1) which states:

> Video link facilities used for the purposes of this Part are to be operated in a manner which ensures two-way audio and visual communication of television standard between the place at which the Court is sitting and the other place at which the facilities are being operated.

I note also that the regulations will provide for technical and performance specifications of these video link facilities. The guaranteed secure private communication facility between lawyer and client at the gaol should be one of the criteria that must be met before this video link can go ahead. However, this appears to have been met by proposed section 110C. Happily, I believe that there should be safeguards in the legislation to deal with the possibility that the video link may break down and thereby cause injustice. The second broad concern of the Australian Democrats is the practicality of such a scheme. There is the question of whether video linkage technology will be available when the Metropolitan Remand Centre is moved to Silverwater.

The PRESIDENT: Order! Pursuant to sessional orders, business is

interrupted for the taking of questions.

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DISTINGUISHED VISITOR

The PRESIDENT: Before I call for questions I wish to draw the attention of honourable members to the presence in my gallery of Mr Alec Neill, M.P., a member of the New Zealand House of Representatives.

QUESTIONS WITHOUT NOTICE

SENTENCING OF CHRISTOPHER OXLEY

The Hon. M. R. EGAN: My question without notice is directed to the Leader of the Government, the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council. In view of the previous driving record of Mr Christopher Oxley, the concocted version of events he put to the court, his lack of contrition and the seriousness of his offence, does the Attorney General share the community's outrage at the very lenient sentence he received? Will the Attorney General give an assurance that an appeal will be lodged against the leniency of the sentence?

The Hon. J. P. HANNAFORD: The honourable member refers to a recent case involving the conviction of Mr Oxley in which a penalty was imposed. All honourable members would commiserate with the family of the deceased in that particular incident. As the Leader of the Opposition would be aware, the Parliament established the position of Director of Public Prosecutions as an independent agent to administer prosecutions for the State. It is only in exceptional circumstances that the Attorney General will intervene in these matters. The particular charges brought before the court related to culpable driving. As the Leader of the Opposition is no doubt aware the Staysafe committee has been given a reference to completely review the culpable driving laws which, to my recollection, provide for a maximum penalty of five years' gaol. The Staysafe committee will be considering whether the maximum penalty that may be imposed is, in fact, appropriate.

I have already taken up with the Director of Public Prosecutions the matter of Mr Oxley. The Director of Public Prosecutions has informed me that in exercising his discretion as to whether an appeal should be lodged, he looks at comparable sentences and determines whether the penalty imposed was within the normal range of penalties imposed by the District Court in these matters. The Director of Public Prosecutions also looks at decisions of the Court of Criminal Appeal in these matters - and there are a large number of culpable drive appeal decisions - to determine whether the penalty imposed is likely to be varied by the Court of Criminal Appeal. I am advised by the Director of Public Prosecutions that, having undertaken a review of this particular matter, he does not believe an appeal would be successful and he has made a determination that no appeal will be lodged.

BRADFIELD COLLEGE

The Hon. PATRICIA FORSYTHE: I direct my question without notice to the Minister for Education and Youth Affairs, and Minister for Employment and Training. Has a foundation director for Bradfield College been appointed? Will the Minister inform the House whether the position has been filled and, if so, by whom?

The Hon. VIRGINIA CHADWICK: I thank the Hon. Patricia Forsythe for her continuing interest in Bradfield College and, in particular, for the work she is performing as part of a ministerial committee on education in this Parliament. I am

delighted to say that a selection panel has made a recommendation, which I have gladly accepted, that Mr Allan Coman be appointed as the foundation director of Bradfield College on Sydney's north shore. I am pleased and delighted that Mr Coman, a progressive and innovative educator, has agreed to become Bradfield College's first director. He is a former principal of De La Salle College at Ashfield and is presently the secondary schools' consultant for the Catholic Diocese of Broken Bay. He has an outstanding record of achievement in educational leadership and a great understanding of post-compulsory education. It is that track record of being a proven administrator and innovative educational leader, with a practical interest in post-compulsory education, which makes him so ideally suited. He was chosen from a first-class field of candidates. He is highly qualified academically and holds masters degrees in both science and educational administration.

Honourable members will be aware of the importance of Bradfield College, given that it represents a coming together of the Department of School Education and TAFE to provide a different type of educational facility in New South Wales - one that we have not seen before. This senior college is available for students interested in a more traditional group of subjects than one would normally associate with the higher school certificate. It will provide a significant number of TAFE subjects; its hours and weeks of operation will be different from those of traditional schools or technical and further education colleges. Given the interest in post-compulsory education and the need to ensure that challenges of increased retention and low employment opportunities are met, I am excited that next year someone of Allan Coman's calibre will be leading this important venture. Finally, I wish to acknowledge the work of our colleague the Hon. R. T. M. Bull who has undertaken the most onerous task of chairing the community consultative committee that has brought us to the point of appointing the foundation director of this most exciting educational venture.

THERAPY SERVICES FOR DISABLED CHILDREN

The Hon. ELISABETH KIRKBY: My question without notice is directed to the Minister for Education and Youth Affairs, and Minister for Employment and Training, representing the Minister for Community Services, and Assistant Minister for Health. Will the Minister confirm that therapy services for disabled children in Bega and Cooma have been frozen? Is it a fact that no new children will be admitted for treatment? Will the Minister confirm further that therapists providing these services have been told to send in their final accounts to the department? What is the current status of funding for therapy services for disabled children in this region?

The Hon. VIRGINIA CHADWICK: I acknowledge that if there is sufficient concern in the community about this matter that it has been raised with the Hon. Elisabeth Kirkby it is clearly of enormous interest and relevance to all parents of children with a disability, or people with a disability themselves, who are in need of such services. However, I regret to say I have no information at hand of particular services provided in the Bega area. I will take the matter up with my colleague Mr Longley as a matter of urgency.

LEGISLATIVE COUNCIL NAME CHANGE

The Hon. B. H. VAUGHAN: I direct my question without notice to the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council, representing the Premier, and Treasurer. I ask the Minister and the Premier a question which I have asked the Wran Government, the Unsworth Government and the

Greiner Government on previous occasions, as *Hansard* will show. Will the Government give consideration to changing the name of this House of the Legislature from the Legislative Council to Senate, thus abandoning the colonial overtones inherent in that name? Is the Premier aware -

The PRESIDENT: Order! I wish to hear the question being asked by the Deputy Leader of the Opposition.

The Hon. B. H. VAUGHAN: Is the Premier aware that such a change could be made by a simple amendment to section 3 of the Constitution Act of this State? Does the Premier agree that such a change would not only be more appropriate to the times but would more felicitously explain to the electorate at large what this Chamber is all about?

The Hon. J. P. HANNAFORD: The mere fact the honourable member has asked the question of so many former Premiers indicates that he obviously has not been able to prevail upon at least his own colleagues in relation to this matter. It is obvious that from debate I have heard on this issue there are two aspects to it. First, whether the name of the Chamber should be changed; second, whether the title of the members should be changed. I must say there might be those who would have less sympathy with the former proposition, as the Legislative Council was, in fact, the first legislative institution in Australia. Many members would be reluctant to depart from the historical association of this institution, particularly as not only is it the first legislative institution but also the building in which it is housed is the longest existing original legislative building in the world. Perhaps that is only because we have not been inflamed as other buildings have! As to the second proposition, I can recall the Hon. R. S. L. Jones advocating at least a change in the title of the members of this Chamber. As the Deputy Leader of the Opposition has said, that could be achieved by a minor amendment to the Act without the need for a referendum. As the honourable member has been persistent in raising this matter with each respective leader of the House, I respect the fact he has also asked that question of me and I shall convey his question to the Premier.

NORTH SYDNEY BROTHEL

Reverend the Hon. F. J. NILE: I address my question without notice to the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council. Is it a fact that a busy brothel has begun operating at 65 Crows Nest Road directly opposite the convent of the Black Josephite Sisters and the North Sydney police station? Will the Government give wholehearted support to the 80 residents in this street who have objected to this brothel? Will the Government give genuine legal support to the North Sydney council in its efforts to close down this brothel, in the same way as the Queensland Government is supporting the closure of brothels in that State? Will the Attorney General cease making the misleading statement that there is a legal loophole in the Disorderly Houses Act and state categorically that there is no legal loophole but that the Act is fully effective, as upheld by the New South Wales Court of Appeal?

The Hon. J. P. HANNAFORD: The question asked by the honourable member is in two parts. The first part of the question concerns the operation of the law in relation to such facilities. In its decision in *Sibuse* v. *Shaw* the Court of Appeal held that all brothels are disorderly houses under the Disorderly Houses Act, and hence are

liable to closure regardless of whether they are disorderly in the usual sense of the word. The question still is whether they are brothels. That, obviously, is an evidentiary matter. No doubt the police will pursue the law as evidence is put before them.

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The Hon. J. R. Johnson: Do you want to go for a look?

The Hon. J. P. HANNAFORD: In response to the invitation from the honourable member, no, I do not wish to go and have a look. The legal position is quite clear as a result of the decision in *Sibuse* v. *Shaw*. The observations made in that decision by Chief Justice Street, as he then was, show clearly that the intention of the law is not as the legislation now operates. One of the other judges dealt with the matter of whether brothels needed to be disorderly to be liable to closure. It is a matter for Parliament to determine whether the law should be changed. As the law stands, it is appropriately administered by the police.

EXCELLENCE AWARDS FOR ETHNIC SCHOOL STUDENTS

The Hon. HELEN SHAM-HO: My question without notice is addressed to the Minister for Education and Youth Affairs, and Minister for Employment and Training. Will the Minister inform the House of the significance of the Minister's inaugural awards for excellence for ethnic school students? How has the Ethnic Schools Board, established earlier this year, been involved?

The Hon. VIRGINIA CHADWICK: I thank the Hon. Helen Sham-Ho for her important question. All members of the House recognise her deep and sustained interest in matters that relate to the well-being of people from non-English speaking backgrounds in the broader Australian community. I am delighted to say that yesterday evening I had the opportunity to attend Five Dock Public School with many representatives of the ethnic schools of New South Wales to hand out what amounted to the first public recognition in New South Wales, and indeed in Australia, of excellence for students who attend the many ethnic schools in New South Wales. Regardless of political differences that might be found in this Chamber, I believe people such as the Hon. Franca Arena, Hon. J. Kaldis and others would join with me in saying, given the long and proud history of ethnic schools in New South Wales and Australia, that it is astonishing that last night was the first occasion on which the excellence of ethnic school students had been recognised by any government of any persuasion.

It is certainly not my intention to rake over the history of what might have been but to express the joy and pride demonstrated as awards were presented to 10 students from schools in New South Wales. Better those who were the judges than I to have determined the recipients of those awards. Though these awards were being presented for the first time in this State, I am delighted to report that 110 entries were received with only 10 awards to be given. I speak for myself and the Government when I say that what was something of an experiment last night, as well as a first, was such a resounding success that I have no hesitation in agreeing with the Ethnic Schools Board, so ably chaired by Dr Peter Wong, who is known to many members of this Chamber, that this awards presentation should become an annual event. I hope in years to come it will be something that is absolutely unremarkable in the same way that recognition of excellence in children attending government schools or independent schools is regarded as commonplace and unremarkable. I would like to think that in years to come such recognition for excellence in our ethnic schools is similarly regarded.

The honourable member also asked how the Ethnic Schools Board - a fairly recent innovation - was operating. As could be expected, given the calibre of membership of the Ethnic Schools Board and the able leadership of Dr Peter Wong, it is highly regarded by me, but, more importantly, it has won the respect of ethnic communities generally and of schools in particular. There is a most happy working

relationship between the board, myself, my ministry and the department. That augers well for the future. The board was established to provide guidance and advice on the distribution of the grants that the Commonwealth used to administer but which have now been passed over to New South Wales - with no additional funds since 1986, I might add - and that function is clearly within the province of the Ethnic Schools Board. So successful has the board been to date that that component of multicultural funding that is particularly relevant to ethnic schools and is currently administered by my Department of School Education is also now to be handed to the board. That is a great vote of confidence in the board and a great increase in its responsibilities.

SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM

The Hon. R. D. DYER: My question without notice is addressed to the Minister for Education and Youth Affairs, and Minister for Employment and Training, representing the Minister for Community Services, and Assistant Minister for Health. Has the Department of Community Services advertised recently to let by tender a consultancy for a comprehensive review of the supported accommodation assistance program in New South Wales? What are the objectives of this review? Why is a further review necessary following the previous review of SAAP services earlier this year by Nicholas Clarke and Associates?

The Hon. VIRGINIA CHADWICK: I thank the honourable member for his question. I certainly acknowledge the importance of the SAAP program. The honourable member might forgive me when I say that I have no knowledge of the consultancy, having left responsibility for community services 2½ years ago and reassumed responsibility for it yesterday. However, I undertake to find out about the alleged advertisement for a further consultancy and to provide the honourable member with an answer as soon as possible.

BOTANY-WEST TRANSPORT STUDY REPORT

The Hon. R. S. L. JONES: I ask my question without notice of the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council, representing the Deputy Premier, Minister for Public Works, and Minister for Roads. As it is now four months since public submissions to the Botany-West study closed, when will a final report go to the Minister on the increase in funds?

The Hon. J. P. HANNAFORD: I thank the honourable member for his question. It is one that warrants a detailed response and I will refer it to the Minister and get a response as soon as possible.

TAFE STUDENT SURVEY

The Hon. D. F. MOPPETT: Will the Minister for Education and Youth Affairs, and Minister for Employment and Training confirm the existence of a statewide survey of student attitudes to TAFE courses? What is the nature of that survey and what were the main points found in the survey?

The Hon. VIRGINIA CHADWICK: There can be few issues of greater importance in the educational and training arena in Australia, let alone New South Wales, than trying to understand the perceptions of students, the broader community, and school students towards TAFE as opposed to the university sector. I can advise the honourable member that a number of studies have been conducted. The one to which the honourable

member refers related to the satisfaction of TAFE students in respect of facilities, equipment and courses and their understanding of where their courses will take them and what opportunities are opened up as a result of those courses. TAFE completed a survey that elicited responses to a questionnaire that was available to many TAFE students. I can advise the honourable member that the survey elicited responses from 30,000 students at more than 100 TAFE colleges in New South Wales. Given that most people - and I include myself - do not like filling in questionnaires, particularly when there are pages of questions to answer, I think it is incredible and very positive for TAFE that such a large number of responses were elicited. This provided a meaningful survey through which TAFE was able to provide a report that has some credibility.

In simple terms there is a high level of satisfaction among TAFE students about the nature of their courses, the support they get from their teachers and the relevance of their courses to their vocational aspirations or their present workplace needs. I believe that is commendable, given the enormous structural and curriculum changes that TAFE has undergone in recent years. Though I have not seen the full analysis to date, I am aware that a further survey has been conducted relating to the views of the broader community and, in particular, school students about TAFE. I suspect that the findings of that survey may not be as positive as those in respect of TAFE students themselves. As I say, I have not yet had the opportunity to look at the results of that survey. One thing is clear: those students who are in TAFE find their courses relevant and have a high level of satisfaction with them.

EQUAL OPPORTUNITY TRIBUNAL

The Hon. Dr MEREDITH BURGMANN: My question without notice is to the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council. Will the Equal Opportunity Tribunal be forced to close down and to put 200 cases on hold because of a lack of adequate funding? Has the tribunal told the women complainants in the long running Australian Iron and Steel case that it has no money to hear the case even though some of the women have been waiting for 10 years? Has the Attorney General stated that the case could be arbitrated before the Industrial Relations Commission? Under what section of the Industrial Relations Act does the Industrial Relations Commission have the power to hear such a case?

The Hon. J. P. HANNAFORD: As to the first part of the question, the answer is no. As to the second part of the question, whether there is a lack of money to hear the case, I say quite clearly that that is also not correct. This year the Equal Opportunity Tribunal has been established as its own cost centre, and there has been a 43 per cent increase in the allocation of funds in this year's Budget to the Equal Opportunity Tribunal.

The Hon. Dr B. P. V. Pezzutti: State funds.

The Hon. J. P. HANNAFORD: As the Hon. Dr B. P. V. Pezzutti says, those funds will come from State moneys. That has to be emphasised because in the past two years the Commonwealth Government has cut its contribution to the funding of anti-discrimination programs in New South Wales. Two years ago the Federal

Government provided $460,000 to New South Wales in order to assist in the operation of the Anti-Discrimination Board and the Equal Opportunity Tribunal. This year the Commonwealth will provide no moneys whatsoever. The New South Wales Government has maintained the level of funding and, therefore, has picked up the cut in funds made by the Commonwealth Government. That has been done by the reorganisation of funds within the Attorney General's portfolio. Rather than there being a reduction in funds, there has been a significant increase.

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The Hon. Franca Arena: But also an increase in complaints.

The Hon. J. P. HANNAFORD: Naturally, and that is why there has been an increase in funds. I notice one of the issues of concern to the senior judicial member was salaries for members of the tribunal. Recently an increase to the salaries of judicial members was approved. The senior judicial member also raised the matter of not having a secretary. Yesterday, when that issue was raised, I asked the director-general of the department to get in touch immediately with the senior judicial member and find out what the problem was because specific approval had been given to allocate funds to employ an additional secretary. Apparently, they had not filled the position but were unaware that they could employ a permanent part-time person from an agency. That situation has been corrected. There are a number of other issues, with which I will not burden the House, as to why the senior judicial member had some problems. When I learned about those problems yesterday - they had not previously been raised with the director-general or myself - I spoke to the director-general who corrected those issues with the senior judicial member.

As to whether these matters could be arbitrated before the Industrial Relations Commission - people who report what I have said on the radio should obtain a full transcript - I did say on the radio this morning in Wollongong that I was looking at other ways in which to approve the efficient dealing with matters that come before the Anti-Discrimination Board and the Equal Opportunity Tribunal. I said one of the issues to which I would be adverting was a recommendation made in the Niland report, which had support from the industrial unions. That was a recognition that a large number of the matters that come before the Equal Opportunity Tribunal - in excess of 75 per cent, from recollection - are directly related employer-employee matters. A large number of those matters could be dealt with before the industrial tribunal as an industrial matter, as recommended in the Niland green paper. However, these particular matters are not matters that would be regarded as falling necessarily within that category.

Although the honourable member did not mention it, I also stated that I am encouraging parties to recognise the significant role that can be played by mediation as an alternative to the expense of litigation. I made some comment to the effect that I was concerned that these matters could become bogged down in legalisms and litigation and that the parties should look at alternative dispute resolution methods, as is encouraged in all other jurisdictions within the court. I was able to state that yesterday during a meeting with the executives of Broken Hill Proprietary Company Limited. I expressed my view that it appeared that these matters would get bogged down in legalism and the people who might most benefit would be the lawyers and not the parties before the tribunal. I indicated that mediation measures were available and that perhaps they might address their minds to the question of whether alternative dispute resolution methods could be best adopted, thereby avoiding considerable legal costs to all parties, recognising that they are still matters that have to be determined by the parties. The role of the Attorney General in such major matters should be to remind parties that dispute

resolution measures exist and they might address their minds to them, but if they still wish to avail themselves of the legalisms available through the tribunals, that finally is their decision.

EQUAL OPPORTUNITY TRIBUNAL

The Hon. Dr MEREDITH BURGMANN: I seek to ask a supplementary question. In what way under the Act can methods be brought forward to encourage the employer to mediate? Given that Australian Iron and Steel has admitted discrimination in this case, it would seem that time is on their side and that it needs to be -

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The PRESIDENT: Order! The honourable member will ask the question.

The Hon. Dr MEREDITH BURGMANN: Will the case go forward on Thursday, as set down?

The Hon. J. P. HANNAFORD: The case is set down for Thursday. No doubt it will go ahead on Thursday. That is a matter between the tribunal and the parties. It is not for me to interfere in those proceedings. I have drawn to the attention of the parties that mediation mechanisms are available. There is no legal mechanism to direct parties to mediate. The honourable member would be aware that mediation is a mechanism by which the parties sit down, with the aid of another party, to try to seek a resolution of the problem before the court. Forcing parties into mediation will never result in a solution, because mediation is a matter of the parties willingly acknowledging that they want a resolution of the problem and then sitting down and dealing with the issues. In this particular matter I have done as much as appropriately could be done, and that is to draw the parties' attention to the existence of alternative dispute resolution measures. It is now a matter for the parties. That is not to say that at some time in the future alternative approaches may not be addressed by me because steps have been taken by the Chief Justice of the Supreme Court to develop mechanisms by which the Supreme Court will seek to encourage parties to address more meaningfully the issues of alternative dispute resolution before they embark upon most expensive litigation processes. I am pursuing that issue, and I hope I shall be able to make more announcements on it in the near future.

REEF BEACH

The Hon. ELAINE NILE: My question without notice is directed to the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council. Is it a fact that the Government, through the Minister for the Environment, and Manly council have agreed to restore Reef Beach as a family beach, open to all decent men and women? What legal assistance will the Government give to Manly council to ensure that its policies to abolish nude beaches will be fully implemented at Reef Beach and any other beaches in New South Wales? Will the Government restore the indecent exposure provisions in the Summary Offences Act to ensure that both the New South Wales Police Service and Manly council have adequate legal powers to implement this new policy?

The Hon. J. P. HANNAFORD: The Government has provided Manly council with detailed legal advice that it has the power to deal with the behaviour of individuals on public beaches. Manly council has that power. Therefore, it is for the council to determine what areas, if any, of the public beaches within its jurisdiction could be set

aside for nude bathing. The Government has also indicated to the council that it is properly within its powers to exercise those controls over the extent of Reef Beach that falls within the area of a national park. The matter is before Manly council, and I have noted in today's press that it has indicated it will take certain steps in that regard. The other aspect is whether the signs - that the area was exclusively set aside for nude bathing - erected in the National Park by the National Parks and Wildlife Service under the direction of former Premier Wran were authorised signs. It is clear that those signs were illegal, and they have now been removed. The other question raised by the honourable member was what legal assistance was to be provided by the Government. The Government does not propose to provide legal assistance in the form of financial help; it proposes to assist in opening up the area to the community. I do not know whether honourable members have had an opportunity to use the public walking paths in that area. Recently I walked from the Spit Bridge to Manly Cove, through the national park.

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The Hon. Franca Arena: That is a lovely walk.

The Hon. J. P. HANNAFORD: As the Hon. Franca Arena has said, it is a most delightful walk. It is a beautiful area of the city to walk through.

The Hon. P. F. O'Grady: Did you stop at Reef Beach?

The Hon. J. P. HANNAFORD: One cannot get down to Reef Beach from this national park. Mr Justice McClelland once described an area of Kings Cross as a condom littered moonscape. Some parts of that walk could well be described in that way. I was a little surprised and taken aback with the littering of the area. I was concerned at the way in which the area had been bespoiled. The public, and particularly families, are not encouraged to use the pathways because of the perception that they are near Reef Beach and nude people could be observed running backwards and forwards through the bush. That comment was made to me by people I met walking. The Government intends to open up walking paths through the area and to return this asset to the community. This massive harbour foreshore - a much larger area than North Head or South Head - should be opened to the public. I welcome the Government's decision to expend resources to open up the foreshore to the public by putting in place walking paths.

My friends from the National Parks and Wildlife Service, who were walking with me on this occasion, have advocated for some time the opening up of this area with formed pathways. I think they welcome this decision. Obviously, other matters have to be addressed. Any honourable member who has walked through the area would know that some old shanties were built on the foreshore during the Depression of the 1930s. Those heritage items need to be preserved. I can remember in debate referring to the fact that once the area is opened up there is a significant possibility that vandals will destroy those shanties. Vandals are already a problem. Once money has been allocated for this project I hope the National Parks and Wildlife Service will ensure that those buildings are preserved to serve as a reminder to the community of the blight of the Depression. No doubt other blights will emanate from the current depression, which will remind the community that these sorts of economic times should be avoided. The Government's decision has been welcomed by the Manly community. In addition to the opening of pathways, steps have been taken to provide appropriate parking areas and other traffic control measures. A major issue of concern to residents in the area is the disturbance to the residential environment caused by the use of some culs-de-sac. I understand that matter will be corrected by the planning measures that are proposed to be undertaken.

REEF BEACH

The Hon. ELAINE NILE: I wish to ask a supplementary question. If Manly council requires the services of the police, will the police be able to render those services if this area is to be managed by the council?

The Hon. J. P. HANNAFORD: If the law has to be enforced, the police will perform their duties to ensure that the law is observed.

PUBLIC SECTOR ENTERPRISE AGREEMENTS

The Hon. Dr B. P. V. PEZZUTTI: My question without notice is directed to the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council. What is being done to actively encourage enterprise agreements in the public sector?

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The Hon. J. P. HANNAFORD: Since the New South Wales Industrial Relations Act came into effect in March this year more than 104 enterprise agreements have been negotiated and lodged with the Enterprise Agreements Commissioner. The Opposition has been critical of the time it has taken for the enterprise agreement process in New South Wales to gain momentum. It obviously bases its criticism on the Federal Government system, which simply retains the status quo, but under another name. The New South Wales enterprise bargaining system represents real change. As such, parties have had to tread cautiously. They have had to identify problems to ensure that those entering an agreement are informed and they have had to encourage co-operation with the trade unions, where appropriate. It is interesting to note that almost 60 per cent of the agreements have been negotiated without the assistance of trade unions. Though criticism has been aimed at the number of public sector agreements that have been completed, 10 per cent of agreements that have been lodged have involved the public sector. Momentum has gained and more than 40 public sector agreements are currently being negotiated.

Under the New South Wales State Government system enterprise agreements offer private and public sector employees the opportunity to change their working conditions from rigid awards to more flexible conditions that are more responsive to their needs. Agreements provide the opportunity for employees to improve the performance of their organisations and, at the same time, enjoy better pay and conditions. Migrant employees achieved pay rises of up to 30 per cent by seeking to improve their own performance and conditions. Most chief executive officers have a close working relationship with their employees. They have a genuine interest in their welfare and know their needs. They are the best people to be able to negotiate these agreements. The New South Wales Department of Industrial Relations, Employment and Further Education has produced a discussion paper to help chief executive officers in the public sector to do this. This paper is being used to consult with trade unions in the public sector to establish common ground on the implementation of enterprise bargaining. That again serves to emphasise that this Government recognises that trade unions have a role in this area and, as a government, it consults with them.

This paper has been in circulation for about a month, which has given unions and government chief executive officers time to look at it and digest its contents. The first feedback on this document that the Government will receive will be from public sector trade unions. As I said earlier, discussions will be held with them late next week.

The Government will be listening with interest to the opinion of the unions. Although New South Wales legislation allows individuals to negotiate their own enterprise agreements, unions are among the major players in this pursuit for change. The views of all the main parties are important to the Government. As a step towards developing a mutual approach, the paper outlines a model that has been suggested by a working party of officers from several government agencies. It is a discussion document produced for comment and revision; it is not a final guide. I expect chief executive officers to have examined how enterprise bargaining might be introduced within their organisations and to provide advice to their Ministers not later than 30th June next year on the implementation of the program in each agency. Enterprise bargaining is now generally accepted as a way for industry to become more productive and competitive. It enables management and employees to focus on common interests such as the performance of their organisations. That is certainly occurring in the public sector.

Through negotiation, agreement can be reached on organising staff to achieve their organisation's objectives and on industrial conditions tailored to those working arrangements. The emphasis will be on the chief executive officers managing the

bargaining process within broad guidelines, keeping their Ministers well informed of the proposals and consulting with the Department of Industrial Relations, Employment, Training and Further Education on employee relations policies and with the Treasury on budget considerations. The Government is pressing ahead with industrial relations policies that are responsive to the needs of the community, and that is well recognised. The Government is providing flexibility to both the public and private sectors and giving them a choice that did not previously exist. The Government is doing its part through government departments and looks forward to assisting the private sector in formulating enterprise agreements. I will make further announcements in that regard in the near future. The Government will ensure that employees and employers will be able to better control their own future development. Where such control is effectively exercised, we are assured from the agreements that have been lodged that greater productivity and greater efficiency is being secured. I am pleased that the agreements are proceeding as well as they are at the present time.

MIGRANT MENTAL HEALTH SERVICES

The Hon. FRANCA ARENA: I ask the Minister for Education and Youth Affairs, and Minister for Employment and Training, representing the Minister for Health, a question without notice. Is the Minister aware that recently the "Mental Health Services and Non-English Speaking Background Consumers" report of a study funded by the mental health branch of the New South Wales Health Department was published? Is the Minister aware that, according to the report, migrants in New South Wales are more likely to stay away from mental health services, or abandon treatment early, because of inappropriate communication services? Is the Minister aware that there is a shortage of bilingual health workers and interpreters, and often unqualified staff or family members are still used as interpreters? Is the Minister also aware that this recent study has found that some bilingual workers are hired more for their language skills than for their health professional qualifications? What is the response of the Government to this report, which has caused great concern in the community?

The Hon. VIRGINIA CHADWICK: I have not seen the details of the report to which the honourable member refers, but she would be the first to agree with me that if the recommendations were as she outlined, they contain little that was not known and has not been known for many years. The rhetoric of the previous Government and that of the Hon. Franca Arena was a substitute for policy and resource allocation. The Hon.

Franca Arena shed crocodile tears and said that she was astonished at the recommendations in the report. Despite that, the report contains nothing that the Government has not known for a considerable period. It has been working valiantly to redress the situation it inherited in 1988. Countless surveys across Australia have identified that many people of non-English speaking backgrounds who have come to Australia from other lands did so to escape horrendous situations - whether they were post-World War II migrants who had been in concentration camps or displaced persons' camps or, more recently, South Americans or South-east Asians who have been victims of oppression and torture. It is a sad and sorry statement of fact that as these people age -

The PRESIDENT: Order! There is too much interruption when the Minister is answering questions. Question time is not a debate; it is a time for questions and answers.

The Hon. VIRGINIA CHADWICK: As well as many of the challenges normally associated with ageing, many people who have had traumatic experiences in their development or in their young adulthood will be likely - if the situation is

exacerbated by isolation within the community - to need mental health care. This problem was recognised long before the publication of the report; it is not a state of affairs that has arisen since 1988. I will refer the question to my colleague in another place. In recognition of the difficulties, since 1988 the Government has tried to redress the gap that was created by substituting the sort of rhetoric we hear today for much needed resources.

OVERSEAS MARKETING OF SYDNEY CO-ORDINATED ADAPTIVE TRAFFIC SYSTEM

The Hon. R. S. L. JONES: I ask a question of the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council, representing the Deputy Premier, Minister for Public Works, and Minister for Roads. What is being done to market the Roads and Traffic Authority's highly successful Sydney co-ordinated adaptive traffic system, SCATS, in the European, Asian and American markets?

The Hon. J. P. HANNAFORD: The Hon. R. S. L. Jones has asked a most important question. It relates to the ability of the Government to pursue joint venture marketing of innovative programs developed by government departments. The Sydney co-ordinated adaptive traffic system is recognised as world leading technology. Agreement has been reached for its use in Guangdong province. If my recollection is correct, negotiations are taking place in Seoul and with Chinese city governments. Discussions have been held in Hong Kong and in some European countries. The honourable member's question emphasises that Australia is able to develop world-class technology and, with appropriate partners, able to pursue the marketing of such products to other countries. It is oftentimes desirable for the Government to enter into partnerships with non-government organisations as part of the marketing strategy. That does not necessarily apply in this instance. Governments are not always best at marketing some of their outstanding technology, and it is desirable that they enter into a joint venture partnership, particularly in Asia.

Australian companies are able to sell a particular product and indicate that an Australian government is behind the product. The Federal and State governments are highly regarded in South-east Asia. It is important to place on the record the extent of agreements that have been reached and the other areas in which the Government is

negotiating. Australia is in competition with only one other major country in introducing this type of traffic control measure. I will obtain details from the Deputy Premier so that honourable members in discussion with community members can register that the Government is breaking ground in selling State Government technology. Corporations should be encouraged to identify particular areas of industry where they may be able to join the Government in marketing products in other parts of the world.

CRIMINAL NAMES INDEX

The Hon. P. F. O'GRADY: I address my question without notice to the Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council. Will the Attorney explain why, when a person is found innocent of a criminal charge, the details of the charge, or charges, are not deleted from his file in the widely used criminal names index? Will the Minister take action to ensure that charges against innocent people are deleted from the criminal names index so that they are not adversely affected by this recorded information?

The Hon. J. P. HANNAFORD: If my recollection is correct, this material is maintained by the Police Service. I am not in a position to indicate why, if a person is found innocent, details of the charges are not deleted from the record. I shall refer the matter to my colleague the Minister for Police and obtain a detailed response.

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DISADVANTAGED SCHOOLS PROGRAM

The Hon. JAN BURNSWOODS: My question is directed to the Minister for Education and Youth Affairs, and Minister for Employment and Training. Can the Minister explain why she has not chosen to announce the list of disadvantaged schools for 1993? In particular will she explain why she sent information about the list to all assistant directors-general for the regions on 16th October, informing them that she would make the announcement on Tuesday, 20th October, and then failed to do so?

The Hon. VIRGINIA CHADWICK: I thank the honourable member for her question and her interest in education. However, sometimes she really is a bit of a worry. I am becoming extremely worried about her. Whoever is giving her information is not a friend of hers, and is not on her side. Every time people give her information, they either tell her half of the story or give her information that is out of date. She then reveals a lack of knowledge of the subject which she professes has been an area of lifelong study in her previous profession. I refer specifically, as does the question asked by the honourable member, to the disadvantaged schools program - or DSP - list. Though I do not have dates in front of me, I should say that when the review of DSP schools was carried out - and a review is carried out about every three years or so, usually in line with a new census - it was completed in a timely fashion by New South Wales and every other State. The day that I received that list, with a draft covering letter from Mr Beazley - we are talking about Commonwealth money and therefore the list needs the formal approval of the Federal Government - knowing its importance to planning that must take place in schools, I signed the letter immediately, faxed a copy of it to Mr Beazley, and posted a copy of it to him. In addition to asking for approval of the list, my letter mentioned the urgency of notifying schools that might come off the program, and others that would come on to the program in 1993 and clearly needed to do their planning. What happened next was nothing - despite the fact that officers of my department and ministry at my request rang Mr Beazley's office and offices of the Department of Employment, Education and Training repeatedly.

I attended an Australian Education Commission Ministers of Vocation, Employment, Education and Training - MOVEET - meeting in Auckland about a month ago. Formally and informally I raised the issue of the DSP list. At that time I had received a letter from Mr Beazley saying, "I received your letter. I received your list. I know you think this is urgent, but no, I am not going to reply to you at this time because I am considering the future of broad-banded equity programs", which to my way of thinking are only peripherally related to DSP lists. I have a letter from Mr Beazley acknowledging that I said the matter was urgent but in which he said he would not treat it as urgent. It was that lack of urgency that I took up within the framework of the AEC MOVEET meeting. I hasten to add that New South Wales is not alone: other States are equally as unhappy as New South Wales - and obviously not all of those States are represented by Liberal Party or coalition governments. Given that Mr Beazley is treating all States the same, he is treating them all unfairly, I guess one could argue that there is some equity in his approach. I pointed out to him not only that this was of severe disadvantage to schools already by definition disadvantaged, but that in future I had every intention of responding to any inquiry about the DSP list by enclosing a copy of his letter with my reply. I suspect that this helped Mr Beazley focus his mind, because in the past fortnight I have had a response from him - though not altogether a satisfactory one. He has given in-principle approval to the New South Wales DSP list but no guarantee of money.

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That caused me a dilemma: should I herald from the rooftops which schools were on or off the DSP list and then not be able to guarantee the money, because Mr Beazley had not done so - and it is his money - or should I do nothing and have schools not knowing whether they are on or off the program next year? It seemed to me on balance that the best thing to do was to tell the directors in the regions and the schools that would be affected by either staying on or coming off the program what was likely to be the position in 1993, but that it was an in-principle position only; and, given how desperately late in the year it was, advise them that perhaps they should plan in that way. I am aware also that meetings have taken place or are about to take place - I shall check whether they have taken place, as I suspect they have - between officers of my department and officers of the New South Wales Teachers Federation. Certainly it was my understanding from discussions held with me relating to this matter that if a request were made, the in-principle list would be provided. The reasons that I have not spread the list across the whole of New South Wales are very much as I have outlined. If the Hon. Jan Burnswoods still has an interest in the DSP list, I should be happy to enlist her support. She might care to ring Kim Beazley.

The PRESIDENT: I call the Leader of the Government.

The Hon. JAN BURNSWOODS: I have a supplementary question, Mr President.

The PRESIDENT: Order! The honourable member may well have a supplementary question, but I have given the call to the Leader of the House.

The Hon. J. P. HANNAFORD: Obviously the honourable member could pursue that matter further tomorrow - and get another serve. If honourable members have any further questions, I ask that they be placed on notice.

GOVERNMENT LEGAL SERVICES REPORT

The Hon. J. P. HANNAFORD: On 1st July the Hon. Elisabeth Kirkby asked a question about the review of legal services to government. I am able to give the following answer:

A report was commissioned by the Government on the future of legal services to Government, and was prepared by Sir Maurice Byers, Q.C. and Mr Michael Gill.

A Government response to the report has recently been settled and a preliminary implementation plan is being prepared. Arrangements are being made for the publication of the Report and it is anticipated that it will be released shortly.

The process of implementing the recommendations will be ongoing and public comment will be welcome and taken into consideration in the implementation process.

NON-CUSTODIAL SENTENCE OPTIONS

The Hon. J. P. HANNAFORD: On 17th September the Hon. Ann Symonds asked a question about the gaoling of a 69-year-old woman for failure to pay court costs. I now furnish the following answer:

Concerning the general question of why there are no alternatives to custodial sentences in the case of fine defaulters, I would point out that section 89B of the Justices Act provides that a warrant will not be executed if, within 7 days of the notice being given, the fine defaulter:

(a) pays the amount payable in satisfaction of the warrant; or

(b) applies to an authorised justice to allow further time for the payment of the whole or any part of the amount; or

(c) applies to an authorised justice for a community service order under the Community Service Orders Act 1979 or the Children (Community Service Orders) Act 1987, as the case requires.

In the particular case to which the Honourable Member refers, I understand an application was made to convert the warrant of commitment to a community service order. However, the Clerk of the Court at Waverley advised by letter of 15 March, 1991, the application was refused as the medical condition suffered by the woman made it impossible for her to perform the work which was available, as it was of a heavy, physical nature.

I would point out that a community service order is not a substitution for payment, but a substitution for gaol. As the woman in question indicated in a letter to the Clerk of the Local Court she was, "prepared to serve the period of imprisonment rather than pay any money what so ever", there was no non-custodial alternative remaining.

The Honourable Member may be aware the former Premier announced the Government's commitment to ensuring that fine default imprisonment would be abolished by 1 July 1993. Options for civil enforcement of penalties are currently being considered by the Justice Committee of Cabinet.

I fail to understand the Honourable Member's assertion that, "the magistrate could not decide the merits of the matter". In relation to the prosecutions the magistrate ordered the charges dismissed.

If it is suggested the magistrate has erred in his judgment it was open for the informant to appeal against the decision.

NEWCASTLE COMMUNITY LEGAL CENTRE

The Hon. J. P. HANNAFORD: On 23rd September the Hon. Elisabeth Kirkby asked a question about the community legal centre at Newcastle. I furnish the following response:

As I indicated to the Honourable Member on 23 September, 1992, the location of the Hunter Community Legal Centre was chosen by an independent Management Committee, operating the Centre in accordance with the guidelines of the State/Commonwealth CLC Funding Program administered by the Legal Aid Commission of New South Wales.

The building is well situated next to the main Post Office, is close to the Local Court, the Family Court and the Legal Aid Office, and has good parking facilities.

The Centre is very accessible by buses and trains and as all transport routes in the Newcastle area converge on the Central Business District, the centre of town was seen as the most accessible location. Operating costs were also a consideration.

As the Centre is located on the second floor of the building and has no lift, disabled clients are seen on the ground floor.

At the moment, the centre is staffed by two part-time workers, a solicitor and a co-ordinator/administrator and the centre provides advice, legal representation and community legal education seminars.

The services and the hours of the centre are advertised locally.

With regard to the funding of the Centre, allocations to community legal centres in the current financial year have not yet been finalised, however, the Commonwealth has advised the Commission that the Hunter Legal Centre will receive additional funding for 1992-93.

It is understood that the Commonwealth allocation will be $147,623 which will enable the centre to employ another solicitor and to extend its hours and expand its services.

JOINT SELECT COMMITTEE UPON POLICE ADMINISTRATION

The President reported the receipt of the following message from the Legislative Assembly:

Mr President

The Legislative Assembly desires to acquaint the Legislative Council that is has this day agreed to the following resolution:

That Wayne Ashley Merton be discharged from attendance upon the Joint Select Committee upon Police Administration and that Malcolm John Kerr be appointed to serve on such Committee.

Legislative Assembly
K. R. Rozzoli
27 October, 1992 Speaker

COMMITTEE ON THE OFFICE OF THE OMBUDSMAN

The President reported the receipt of the following message from the Legislative Assembly:

Mr President

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

That John Edward Hatton and Albert John Schultz be discharged from attendance upon the Committee on the Office of the Ombudsman and that Barry John Morris and Antony Harold Curties Windsor be appointed to serve on such Committee.

Legislative Assembly
K. R. Rozzoli
27 October, 1992 Speaker

MUTUAL RECOGNITION (NEW SOUTH WALES) BILL

Bill read a third time.

SUPREME COURT (VIDEO LINK) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. ELISABETH KIRKBY [5.10]: When the debate was adjourned before question time I was bringing to the attention of the House the Australian Democrats' second concern about the practicality of this scheme. One question is whether the video link technology will be available. When the Metropolitan Remand Centre is moved to Silverwater, and at Mulawa, the facility will not be available. Another matter is how the proposal ignores the realities of bail applications. The Crown often opposes bail and this material, in the form of depositions of the committal witnesses' statements and evidence to be given by a police officer, often is not disclosed to the applicant until the day of the bail hearing. If an applicant is unrepresented, the material will have to be faxed, and he will require time to consider the implications, and to respond. We should remember that it is a regrettable fact that a large percentage of the prison population is functionally illiterate, and that delays in processing bail applications will be considerable. If the applicant is represented, the material is presented to his or her legal representative.

The bulk of bail applicants are represented by solicitors from the Legal Aid Commission, who may have clients in separate gaols and therefore will not be able to represent every client at every institution. The alternative scheme, where listing for bail is dependent upon the gaol in which the applicant is, could cause injustices to applicants who are not dealt with according to the time of their application but according to the gaol

in which they are held. The separation of the legal aid solicitor from the client in gaol therefore has to be seen as a distinct disadvantage. The present practice is for the solicitor to have a conference in the cells with the client to get instructions in relation to the Crown's grounds for opposing bail. Furthermore, the giving of evidence by video link depersonalises the issues at stake. This fact has been acknowledged by even those persons who support the use of video link evidence in sexual assault trials. It may reduce the applicant's chances of being granted bail if the judge cannot assess the applicant as fully as he could if he were in the dock of the courtroom.

The final concern of the Australian Democrats was that the trial - I mean the trial of the video link technology - could be allowed to continue for three years without review. Clearly a shorter trial period would suffice. This led to the amendment in another place to the effect that the review would take place after 18 months. I believe that was a proper amendment. In conclusion I point out that this legislation will deal with people who have never been convicted of an offence; people who are on bail or on remand awaiting a hearing of the charge against them. Though I have these reservations about this scheme, I believe that in order to make it clear to the public and to the Government exactly how this video technology will work under these conditions, the trial should be permitted to go ahead. I am glad that the review will take place after 18 months and that we shall not have to wait three years before a full review is conducted. With those reservations I support the legislation.

The Hon. VIRGINIA CHADWICK (Minister for Education and Youth Affairs, and Minister for Employment and Training), [5.14], in reply: I thank honourable members for their contributions to the debate and for their support of the pilot program. A number of issues have been raised which I will seek to clarify. The Hon. R. D. Dyer raised the question of the detail of the procedure to be followed when an applicant seeks to appear before the court in person. I indicate that the details of the procedure have yet to be finalised with the Supreme Court. However, there is a need to ensure that such interim applications do not delay the determination of the bail review. For this reason it is likely that the application will be dealt with in chambers on an ex parte basis. Of course, once the details of the procedure have been determined by the court, they will be made widely known to the legal profession and all other interested parties. It may be that the procedure initially adopted will be refined along the way, but that is the purpose of having a pilot program.

Another matter of concern to the honourable member was the status of the regulations that are to accompany this legislation. I am advised that once this bill passes through both Houses, departmental officers will engage in further consultation with communication specialists to determine the exact technical specifications of the equipment we will need to comply with in order to meet the standards set in the bill. Honourable members will have the opportunity to scrutinise the regulations through the usual channels of the Regulation Review Committee and the operation of the Subordinate Legislation Act. As to the type of equipment that will be available, I confirm that there will be a direct telephone link between the court and the remand centre, available for use by legal practitioners both inside and outside the court. The facility will be available beyond those times at which bail link proceedings are being conducted. Facsimile facilities will also be available within the courtroom to allow access to documentation at both ends of the electronic link.

In respect of the privacy of communication between lawyer and client, it is recognised that this is an essential element of the legal adviser's capacity to properly

represent his or her client. It is not, however, a matter that is readily amenable to control by legislation. For this reason the bill contains the catch-all clause that the court may order the applicant to appear in the courtroom where it is in the interests of justice to do so. A specific example of how this clause will operate is where a legal adviser has been unable to secure access to his or her client. It is expected that the situation will be brought to the attention of the court and that the court would make the necessary orders to rectify the problem or have the applicant brought before the court. The Hon. Elisabeth Kirkby referred to some reservations that the Law Society raised. I indicate to the honourable member that Mr Griffiths, when he was Minister for Justice, discussed these matters with the Law Society, and it was agreed that although the approach of the Government and the Law Society may be different, they are in agreement on the fundamental issues. Finally, I should like to extend to all honourable members an invitation that Mr Griffiths made in another place that once bail link facilities are in place and the pilot scheme is ready to begin, all honourable members with an interest in this project or in the use of technology in the courtroom generally are encouraged to examine for themselves the bail link program in operation. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

JURISDICTION OF COURTS (CROSS-VESTING) AMENDMENT BILL

Second Reading

The Hon. VIRGINIA CHADWICK (Minister for Education and Youth Affairs, and Minister for Employment and Training), on behalf of the Hon. J. P. Hannaford [5.20]: I move:

That this bill be now read a second time.

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

Leave granted.

When the Cross Vesting Act was first introduced in 1987, the then Attorney General heralded the bill as "what may well be the most significant court legislation since the Supreme Court Act 1970".

As honourable members may be aware, the Act has had far-reaching effects for cases where it is not clear whether the matters fall within the jurisdiction of a Federal court or may be dealt with by a State court.

The original legislation was developed by the Special Committee of Solicitors General and approved by the Standing Committee of Attorneys-General as the most realisable and effective means of removing jurisdictional disputes across Australia.

The legislation was important because it removed uncertainties as to the jurisdictional limits of State and Federal courts, particularly in the areas of trade practices and family law. The lack of power in the courts to ensure that proceedings which are instituted in different courts, but which ought to be tried together, was remedied, so that all related proceedings are now heard and determined in one court.

Under the scheme, if proceedings are commenced in an inappropriate court, or if related proceedings are begun in separate courts, the courts have the power to transfer proceedings to the most appropriate court, having regard to the nature of the dispute, the laws to be applied and the interests of justice.

Section 6 of the Act presently provides for the compulsory transfer by the State Supreme Court to the Federal Court of any special Federal matter unless it appears to the Supreme Court that, by reason of the particular circumstances of the case, it is both inappropriate for the matter to be transferred and appropriate for the Supreme Court to determine the proceedings.

The expression "special Federal matters" refers to matters of special Commonwealth concern, generally within the exclusive jurisdiction of the Federal Court. The intention behind the section was that these matters should continue to be heard in the Federal Court but in an exceptional case where that is not warranted, the State court would have jurisdiction to determine the matter if the Commonwealth Attorney-General did not request that the matter be transferred.

Under the proposed amendments the Supreme Court will be required to transfer such proceedings unless satisfied that there are particular reasons, other than the convenience of the parties in the particular circumstances of the case, that justify the Supreme Court determining the proceeding.

In deciding whether there are such particular reasons, the court will be required to have regard to the general rule that "special Federal matters" should be transferred to the appropriate Federal Court. The power of the Commonwealth Attorney-General to request the transfer of proceedings is removed.

The bill also includes ancillary provisions that require notice to be given to the State and Commonwealth Attorney-General before the court orders that the proceedings not be transferred, so as to allow either attorney to make submissions on the matter.

Unfortunately the present provisions have not worked satisfactorily in the three or four cases where State or Territory judges have ordered that matters not be transferred. In the absence of dissenting parties, courts have tended to make orders that matters not be transferred without regard to the strong policy considerations that proceedings should be transferred to the Federal Court where "special Federal matters" arise for determination.

Exceptional circumstances are not constituted by the consent, or mere convenience, of the parties. Furthermore, the Commonwealth Attorney-General is understood to be uncomfortable in his position under section 6(6) to review and, in effect, to overrule the decision of the State or Territory judge not to transfer a "special Federal matter".

Amendment of section 6 will avoid the present unsatisfactory situation whereby State or Territory judges' orders are in effect subject to appeal to the Commonwealth Attorney-General. A consequential amendment is also made which will add "step parent adoptions" to the list of "special Federal matters" in section 6.

This amendment does trespass upon the jurisdiction of State courts under the States' respective adoption laws. It is merely an amendment to ensure that the Family Court will determine whether a custody or guardianship order made under the Family Law Act should cease to have effect by operation of an order for adoption under State or Territory law.

This participation by the Family Court will enable particular consideration of the position of the parent whose rights in respect of the child would be terminated by the making of an

order for adoption by the other parent and the step parent. The amendment is precipitated by the issue raised by the decision of the High Court in Re Lsh; Ex Parte Rtf (1987) 164 CLR 91.

The point of the new provision is to preserve the jurisdiction of the Family Court in respect of a child adopted by a step parent unless the Family Court has itself agreed that the adoption should have the effect of denying the Family Court jurisdiction. The Solicitors General accept it is appropriate that an order for leave for adoption should be made a "special Federal matter" under the Cross Vesting Acts.

It might be noted that in clause 3 of the bill reference is made, in the new section 6(2)(b), to paragraph (ab) of the definition of "special Federal matter" in section 3(1) of the Commonwealth

Jurisdiction of Courts (Cross-Vesting) Act 1987.

That paragraph of the Commonwealth Act is to be inserted upon commencement of the Commonwealth Law and Justice Amendment Act (No 3) 1992. A bill for that Act was introduced in the Senate on 25 June 1992 and passed in that House on 13 October 1992.

It is the intention of the Government not to proclaim the legislation now before the House unless and until that related Commonwealth legislation is in place and the relevant provision conforms, in content, with the current Commonwealth bill.

In the unlikely event that the definition of "special Federal matter" is not amended as proposed in the Commonwealth bill it would be my intention not to proclaim that part of the bill now before this House that refers to that paragraph of the definition.

I commend the bill to the House.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [5.21]: The Opposition supports the Jurisdiction of Courts (Cross-vesting) Amendment Bill. The bill seeks to amend the Jurisdiction of Courts (Cross-vesting) Act 1987. The principal Act was regarded as being one of the most significant Acts of Parliament affecting the New South Wales legal system since the time of the enactment of the Supreme Court Act 1970. The purpose of that principal Act was to allow proceedings commenced in the New South Wales court system to be transferred to the Federal Court system. The mechanism flowing from the Act was designed to provide the least inconvenience to the litigants concerned. The present bill seeks to amend the principal Act so as to reduce even further the inconvenience and, where possible, the expense caused to litigants. The proposed amendment will require the Supreme Court to transfer particular matters unless satisfied there are special reasons to justify the Supreme Court determining the proceedings. If that decision is reached the court must then inform the Commonwealth and State Attorneys General, who can make submissions. The amending bill will reduce the number of cases presently waiting to be dealt with by the Supreme Court. Furthermore, it will allow the Federal Court to specialise in matters the Supreme Court once dealt with. Such an amendment is, therefore, in the interests of the fuller development of the law and its processes.

The Hon. ELISABETH KIRKBY [5.22]: The Australian Democrats support the Jurisdiction of Courts (Cross-vesting) Amendment Bill. The bill will change the provisions that govern the transfer of special Federal matters from the Supreme Court to the Federal Court. Special Federal matters generally come within the exclusive jurisdiction of the Federal Court. As matters stand at the moment, the Supreme Court must transfer special Federal matters to the Federal Court unless it is satisfied the transfer

would be inappropriate, or that it would be appropriate for the matter to be determined by the Supreme Court. The Commonwealth Attorney-General has the power to effectively review the decision of the Supreme Court and obtain the transfer of a proceeding. This amendment will require the Supreme Court to transfer the proceeding unless it is satisfied that there are special reasons for not doing so. The general rule will be that special Federal matters should be transferred to the appropriate Federal Court. Rather than being able to request the transfer of proceedings, the Commonwealth and State Attorneys General will be given notice before the court orders that the proceeding will not be transferred. They will then have the opportunity to make submissions on the matter. This amendment will be valuable to simplify proceedings and, therefore, is supported by the Australian Democrats.

The Hon. VIRGINIA CHADWICK (Minister for Education and Youth Affairs,
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and Minister for Employment and Training) [5.24], in reply: I thank the Deputy Leader of the Opposition, who spoke for the Opposition, and the Hon. Elisabeth Kirkby for their support of the bill, and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 1992-93

Debate resumed from 15th October.

The Hon. Dr B. P. V. PEZZUTTI [5.25]: In continuing my contribution to this Budget Speech, I draw the attention of honourable members to a wonderful magazine on education dated 19th October and published by the Teachers Federation. In this magazine there is a very good layout of this Budget. It states that there have been major improvements across the State. There have been new capital works programs in TAFE, amounting to $138 million; a new schools program in New South Wales under the leadership of the Minister for School Education, totalling $196.998 million; a general increase of 2.4 per cent in funding for primary and secondary education; an increase of 9.8 per cent for tertiary and vocational education; 2.4 per cent for preschool education; an increase of 5.3 per cent for the transportation of students; and a decrease of 3.1 per cent in the general costs of administration. This Government has been about - general increases in delivery of services and quality education to students, with a minimum of administrative costs.

I am pleased to bring to the notice of the House a major improvement in the cost of running the New South Wales rail system. That cost has been reduced by approximately $1 million a day, and there has been a vast improvement in the quality and the number of services being offered. Last year the State Rail Authority came in $27 million under its budget, with the help of the people in its work force. I pay tribute to the staff working on the North Coast XPT. I travelled on that train recently and I found that the quality of service and the alacrity with which it was given were first-class. The staff were dressed in very smart uniforms; the quality of the food on the train was very good; the quality of the accommodation and cleanliness of the train was first-class; the air-conditioning worked perfectly; and the train ran spot on time. The cheerfulness of the staff struck me, and the general demeanour of staff and the pride with which they

delivered their service was an absolute delight. Before this Government came to office the New South Wales Railways sustained a $2 billion loss each and every year, made up by the taxpayers and not the travelling public. At that time morale was at its lowest, and there were strikes all over the place.

The Hon. J. R. Johnson: That is rubbish!

The Hon. Dr B. P. V. PEZZUTTI: I remind the Hon. J. R. Johnson that in 1987 the number of strikes on the railway system was enormous; there were strikes everywhere. More importantly, I will contrast the service provided to the North Coast. The train to the North Coast used to take 3½ hours longer than it does now, at the very least. The air-conditioning broke down more often than not. At one time coal strikes were infamous. In the four years from 1988 to 1992 there has been a saving of $432 million in real terms on the railways. As a result of that saving, many more dollars have

been able to be used to improve the service, the quality of rolling-stock, and the quality of staff training. A major undertaking of this Government and of the Minister, the Hon. Bruce Baird, has been to improve the safety of the North Coast line by replacing the signalling system. Productivity increases in State Rail have been massive and are due to the good relationship between the Minister and the rail unions and to massive co-operation from those railway employees who see a future in working for the railways. They are to be commended for their enthusiasm.

For the first time CityRail suburban services have achieved 90 per cent on-time running performance. Nine out of every 10 trains arrive within three minutes of schedule. That sort of performance has done much to improve the morale of those who work for the railways. It is one thing to work for an organisation that is second-rate; you always feel second-rate. It is another matter to work for an organisation that is striving for perfection, where results are achieved. You can see it on the faces of the people who work for the State Rail Authority. If you ring the station master at Hornsby to find out when the XPT is due because you want to meet someone on that train, the phone is answered quickly. More importantly, the station master will say that he might call you back when the train comes on the radar at Newcastle. This is unprecedented, but he will ring back to inform you when the train is coming through. That station master is absolutely delighted with the performance of his new, tarted-up station and with the quality of trains going through there, including the Tangaras. Of course the old red rattlers have disappeared from the northern line. The station master at Hornsby approaches his work with a real sense of pride. The major benefit for the people of New South Wales is that these people enjoy their work and take a great deal of pride in it. In turn that is a source of great pride to the Government and a source of congratulations to the Minister.

The number of CityRail passenger journeys per employee has risen by about 40 per cent. That is a remarkable figure - a remarkable result. For every staff member of CityRail, 23,000 passengers travel each year, compared with a figure of 16,600 in 1988. Once again that is a remarkable figure. Four years ago about 3,300 employees or almost 10 per cent of the State Rail work force took sick leave at any one time. That figure has now dropped to 132. That is more a reflection on the morale of the service than a reflection on whether the employees were sick at the time. It is a great turnaround. It means that people are proud to go to work and that they feel they are doing something worth while. Mr John Brew, the new Chief Executive of the State Rail Authority, and the former Chief Executive, Mr Sayers, have much to be congratulated on for their performances. Commuters can feel quite confident that the program of injecting $2.6 billion in order to revive the railway system is paying dividends for them and for the rest

of the travelling public.

I turn briefly to the performance of Pacific Power. At present sales are more than $3.1 billion. Operating profits are expected to exceed $500 million to give a return on assets of about 13 per cent. Pacific Power has reduced its debt from $6 billion in 1988 to below $4.7 billion on an asset base of just under $10 billion. That is a remarkable turnaround. All capital works are internally funded and foreign debt exposure has been removed - not just reduced, but removed. The financial performance has been achieved while reducing the real price of electricity by 6 per cent. That is a lean and very clean organisation, operating at record profit that is returned to the taxpayers by way of dividend in order to fund important services such as education and health. As I have said, Pacific Power has reduced its debt and its capital works are funded internally - while at the same time it has reduced the real cost of electricity to consumers by 6 per cent. The General Manager of Pacific Power, Mr Ross Bunyon, should be congratulated, and

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so should the Hon. R. J. Webster and the Hon. G. B. West in the other place on that remarkable performance. I expect it will improve even further.

We all take a great deal of interest in the youth of our country and today many of us were privileged to see young people in Parliament House under the auspices of a new program funded by private industry and entitled Voice of the Children Speak. One was moved, frankly, by the contributions made and the ideas that these young people had to improve our world and, of course, their world. It made me check the youth budget in the Budget Papers, that is, the commitment to young people by the Hon. Virginia Chadwick. Obviously the Minister is extremely proud of the result that the Government has been able to achieve since 1988, particularly the retention rates of young people in schools, especially those who stay on to higher school certificate level. The retention rate for young women from years 7 to 12 has risen dramatically from 50 per cent in 1988 to almost 65 per cent. For young men it has risen from 42 per cent to 51 per cent over the same period. That is a remarkable turnaround. It will result in better employment opportunities and a better quality of life for these young people, not to mention the contributions they will be able to make to our community. The start to life program has been allocated $39.7 million for a youth education training and employment initiative for this year - an important initiative taken by the Minister. That program and the get skilled program, the Australian trainee system, and the work force program make up an important series of major programs to provide better training and better opportunities for a better life, not just for tomorrow but for the future.

Many other initiatives have been announced to assist young people, for instance, the initiative to assist young people to use public transport and other simple matters such as that. In the area of law and justice - though it is not within the portfolio of the Hon. Virginia Chadwick but comes within the youth budget - there is a range of educational, preventative and custodial programs, expenditure on which totals $105 million. That is targeted at trying to reduce the downside for people who may have offended and to return them to the community with a lessened chance of their reoffending and becoming part of the former revolving door process. There have been many other programs in the youth budget, and I have mentioned just a few. In total $2.62 billion has been allocated to services for young people aged from 12 to 24 in New South Wales. We need to continue to target that group in these dark days of recession so that we can give these people some hope that when the economy begins to improve we will have a work force and we will have young people with skills and resources who are encouraged to join it.

There are a few matters I need to speak about as a result of events this week, and

they relate to my favourite topic, the health portfolio. The Minister for Health went to Adelaide to meet with and try to knock some sense into Brian Howe, the Federal Minister for Health, who is trying to renegotiate the Medicare agreement. Under the Federal Budget this year it is proposed to remove from the taxpayers of New South Wales $96 million while at the same time reducing funding to New South Wales by $25 million. As the recession continues to deepen - and deepen it does - it is mind boggling: people are dropping out of health funds like flies because they cannot afford to be members, the public hospital system is bearing the brunt of it, and more and more people are becoming sick simply because we are in a recession.

The Hon. Virginia Chadwick: And there has been a cumulative loss of funding over recent times.

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The Hon. Dr B. P. V. PEZZUTTI: As the Minister for Education and Youth Affairs, and Minister for Employment and Training reminds me, New South Wales suffers cumulative losses of $500 million almost every year from the Commonwealth under the previous funding arrangements. The New South Wales Government has to inject almost $1.8 billion to maintain the current services, but we are doing much better than any other State. New South Wales provides a wider range of higher quality services for more people than any other State, yet it receives much less per head of population and per patient treated than any other State. It cannot go on. Mr Howe promised this State some money to help reduce its hospital waiting list but he is increasing the waiting list twice as fast as we are trying to reduce it. It is unconscionable for Mr Howe to trot around talking about equity and access when the taxpayers of New South Wales have to bear the burden of all those costs while many other States are getting more money. All of those States are suffering as well. Medicare is coming apart at the seams because Mr Howe does not have the money to fund it the way he has in the past. He has frightened and driven out of the private system people who could really afford to maintain their private health insurance, if it was an affordable option.

There is much more in this Budget than massive spending on capital works - $6 billion - to drive job creation. The Government has paid close attention to the future funding of training, education and health so that this community continues to be a coherent one. New South Wales is weathering the stresses of the recession much better than other States. When the economy starts to pick up, with the election federally of the Hewson government, this State will be in a position to offer better employment opportunities, better investment opportunities, a better business climate, and a better environment in which young people will be able to grow up with some hope for the future. I congratulate John Fahey on his Budget. It gives people hope and at the same time looks after those who may have fallen through the cracks of this recession; the recession which Paul Keating says is over; the recession which he said had to happen. It has happened all right and it is not over yet. New South Wales is doing what it can to help those people who have been affected by the recession and to give them some hope. I support this Budget for its humanity.

The Hon. JENNIFER GARDINER [5.44]: I have pleasure in supporting the New South Wales Budget for 1992-93, a budget which has been very well received by the people of New South Wales. Though it gives me no pleasure to do so, it is interesting to compare the economic management of New South Wales with that of Victoria. Each day the new Government in Victoria learns more about the cause of the tragedy that afflicted the people of Victoria under the former Labor Government. I wish to speak on the two main budget sector items - education and health. I should like to take this

opportunity to refute some remarks made by some honourable members opposite - particularly the Hon. Franca Arena - in their contributions to the budget debate. On 23rd September when speaking during the budget debate the Hon. Franca Arena severely criticised what she called the poor record of this Government in teaching languages other than English - the LOTE program. The very next day the criticisms were revealed to have no foundation when the Minister for Education and Youth Affairs, and Minister for Employment and Training released the strategic plan for languages other than English of the Department of School Education. This plan embodies the Government's goals for the promotion of language study in New South Wales schools over the next decade and beyond. The Government's intentions for the promotion of the study of languages were outlined in the 1989 white paper entitled "Excellence and Equity". The white paper committed the Government to:

> Designate the study of languages other than English as an integral and essential part of the curriculum.

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It went further in that it spelled out the strategies needed to convert this commitment into a reality and it did so in a way which faced up to the realities of the time, including the lack of resources, that is, the supply of qualified, trained teachers for LOTE. The white paper addressed these resource constraints by outlining a strategy for phasing in of the Government's policy over three steps. The significance of these steps is not fully appreciated by some people who are otherwise well informed on matters relating to LOTE - and one of those people is the Hon. Franca Arena. The steps were deliberately and carefully planned to enable the achievement of the Government's ultimate goal for the teaching of languages. That goal is, in essence, that every student will have access to two years of language study in a junior secondary school and that a substantially greater number of students than at present will pursue in depth a special study of priority languages throughout their whole secondary schooling.

The steps were as follows: first, the study of a single language for one year would become mandatory for the school certificate, beginning with the 1996 year 7 cohort, that is, for the 1999 school certificate. This is the well-known 100 hours provision which has been ridiculed as a waste of time by the Hon. Franca Arena and others. It should be pointed out that we are talking student mastery of a language if the 100 hours constituted his or her total experience. But the point is that the 100 hours, about which the honourable member is complaining, is a beginning which is designed to introduce the study of languages in all high schools throughout the State which do not at present offer them. Its timing is also deliberate. It gives schools adequate notice and preparation time to plan for the introduction of this historic government initiative. The second step clearly outlined in the Government's white paper will be to double the amount of core time allocated in the study of a language other than English in the junior secondary school. The strategic plan of the Department of School Education, to which I have referred, takes this step forward by prescribing 200 hours of mandatory core study for students in government high schools by the year 2000. The third step, to be implemented at the same time as the first two, will encourage substantially more students to choose additional, in-depth study of languages.

The white paper encouraged the government school system to implement the Government's policies and strategies from 1991 onwards. The timing of the introduction of the mandatory 100 hours in the first instance was designed to allow all schools - including non-government school systems, independent schools, and government high schools which were not offering languages - the leeway to plan for the introduction of the

mandatory requirement. I repeat that this is a minimum requirement on which the expansion of the teaching of languages will be built. The department's strategic plan advances the Government's policies for expanded LOTE teaching even further in its own system. It will also serve as an example for non-government systems and other schools to strive to achieve, if they are not already doing so. Key outcomes of the strategic plan will include: the offering of a range of languages which will accommodate community demand and the national interest; continuity of language study from kindergarten to year 12; an adequate supply of suitably qualified and trained teaching staff; and increased co-operation between the Department of School Education and ethnic school providers. There are other more important outcomes than the ones I have mentioned so far. If the Hon. Franca Arena were in the Chamber I would ask her the following questions: is this policy, this strategic plan and these government initiatives in LOTE teaching the "poor record of the present Government in language teaching" - a matter to which the Leader of the Opposition referred in his speech on 23rd August to a general meeting of the Ethnic Communities Council? Do these initiatives not constitute a vital, clear and achievable plan to advance the study of languages in New South Wales schools? As such, do they not stand in stark contrast with the decade of neglect in this area of language study inherited by this Government?

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The Hon. D. F. Moppett: This Government is focusing on issues, which is contrary to the condescending claptrap from the Hon. Franca Arena.

The Hon. L. D. W. Coleman: She is hiding her head in shame.

The Hon. JENNIFER GARDINER: Perhaps she has gone to study another language. These and other government initiatives make a nonsense of the claim by the Hon. Franca Arena that the school curriculum is failing because it ignores our Aboriginal population and our multicultural society. The Government's policy, far from ignoring our multicultural society, will further enrich it. At the same time it will advance the national interest as a whole and change the role of Australia in the international economy, trade and politics - a matter to which the Hon. Franca Arena referred. All 12 government priority languages are seen as strategically important to the nation for reasons too numerous to canvass in this Chamber. Suffice for the moment to say that, of the 12 languages, at least eight are spoken by major ethnic communities in Australia. Those eight languages do not include Japanese or German. Six of the priority languages are spoken in countries in the Asia-Pacific rim - a matter about which the Hon. Franca Arena, her leader and other people have made so much.

The Government is not ignoring the needs of the Aboriginal population - another claim made by the Hon. Franca Arena. Quite the opposite is the case. The Government is actively fostering them. For some time the Board of Studies has been conducting a study of the feasibility of introducing a generic framework for the development of syllabuses in Aboriginal languages in years 7 to 10 where schools and their communities see the desirability of introducing courses in languages. The board is also co-operating with its counterparts in South Australia and the Northern Territory in the development of a similar framework for years 11 and 12. The board's initiatives in these areas are of immense and historic significance to this State. A two-unit syllabus in Aboriginal studies will be examined for the first time at this year's higher school certificate examinations. I expect that a course in Aboriginal studies for years 7 to 10 will be implemented in 1993. Do these historic initiatives in Aboriginal education constitute an ignoring of our Aboriginal population - another matter to which the Hon. Franca Arena referred? Of course not! Contrary to the opinions expressed by the Hon. Franca Arena,

the facts regarding the teaching of LOTE in New South Wales and the Government's policies in extending it were referred to by the Minister for Education and Youth Affairs, and Minister for Employment and Training, the Hon. Virginia Chadwick, on 25th September, 1992, when she launched the strategic plan. She said:

> Schools in New South Wales have embarked upon a massive program given that learning a second language, particularly an Asian language, has historically never been considered a high priority.
>
> By the year 2010, every New South Wales Government school student from Kindergarten to Year 12 will be studying a language other than English.
>
> By 1996, all students in Years 7 to 10 will study a language other than English for at least 100 hours.
>
> This will be increased to 200 hours of study by the year 2000.
>
> There is a range of strategies in place to increase the number of language teachers in schools and to upgrade the skills of existing language teachers.

Evidence of the Government's commitment to teaching languages other than English is seen in the massive retraining and professional development program for teachers which

the Government is currently putting into effect. So much for the contention of the Hon. Franca Arena that "we will not have teachers by 1996 and we will have difficulty finding students who have not been discouraged from learning another language". To monitor the development and implementation of strategies which will boost the study of languages in schools each region has been assigned a regional languages planning consultant. In addition, the Minister for Education and Youth Affairs, and Minister for Employment and Training, the Hon. Virginia Chadwick, has established a ministerial advisory committee to keep her informed and to provide ongoing advice on developments in this most important area. Let me return to the disparaging comments of the Leader of the Opposition, as quoted by the Hon. Franca Arena, on the 100-hour mandatory requirement. The Leader of the Opposition referred to this requirement as an educational hoax and said:

> Our survey revealed schools where up to five languages were being taught in year 7. This means a student might receive 15 to 20 hours of each language . . .
>
> Some schools allow students to accumulate these to count towards the compulsory 100 hours . . .
>
> Giving students a choice is fine - but allowing the requirement for 100 hours of language to be fulfilled in this manner is educational fraud. It is wasted educational time.

These are strong words. Perhaps they would have even greater force if the Leader of the Opposition had got his facts right. Unfortunately, he did not.

The Hon. J. R. Johnson: His information right; not his facts.

The Hon. JENNIFER GARDINER: He should have got his information right, as he certainly did not have any facts. It is abundantly clear from the Government's white paper, to which I referred earlier, and it is clear from what I have said today, that the mandatory core study of language by all students at some time during

years 7 to 10 must be devoted to a single language from 1996 onwards. The arrangement to which the Leader of the Opposition was referring is called a smorgasbord or a series of taster courses designed to familiarise students with a range of languages and to confirm their subsequent choices of subjects for additional study. With the implementation of the mandatory 100 hours and, more particularly, the 200 hours, these taster courses will be a thing of the past. Great advances will be made in our school system with respect to the teaching of languages other than English.

I turn now to the health budget. I will focus particularly on rural health and women's health issues. People in rural New South Wales deserve the same access to health and excellence in health care that city people enjoy. The New South Wales coalition Government is the only government to have focused uniquely on rural health. The results of this new priority are expanded health services, more doctors and a better standard of health care for country people. This year $835 million will be spent on rural health - an increase of $185 million since 1988 when this Government was first elected. That represents a 16 per cent real funding increase since this Government came to office. That is indicative of the role of the National Party when in government. In addition, specific rural programs will receive funding boosts. The isolated patient travel and assistance scheme will receive $5.5 million, which is up $300,000 on last year's allocation. Aboriginal health will receive $8 million - a massive increase of 44 per cent on the allocation for 1991-92. The Government is committed to upgrading and rebuilding the network of hospitals and health services in rural New South Wales. Examples of where additional funds are being spent include: $8.8 million for the first stage of the

redevelopment of Wagga Wagga Base Hospital, which will cost a total of $15 million; $6.4 million for the final stage of the Lismore Base Hospital redevelopment, which will cost a total of $40 million; and $3.5 million for the interim redevelopment at Tweed Heads District Hospital, which will cost a total of $4.8 million. These areas were neglected by the previous Government, which resulted in a huge backlog in demand. Other examples of where additional funds are being spent include: $2.1 million for the interim redevelopment at Coffs Harbour and District Hospital, another part of New South Wales neglected by the Labor Party; $6 million towards the new base hospital at Albury; and $41.5 million for the redevelopment of Batemans Bay and Moruya hospitals.

The Hon. J. R. Johnson: How much has been allocated for Port Macquarie?

The Hon. JENNIFER GARDINER: Port Macquarie is doing fine. We expect contracts to be signed within the next few weeks. Work has already been completed on a number of redevelopments. An amount of $7 million has been allocated for Narrandera District Hospital; $5.2 million for St John of God Hospital at Goulburn; $2.1 million for Junee District Hospital; $790,000 for Narrabri District Hospital; and work has commenced on Parkes Community Health Centre. Planning has also commenced on the proposed redevelopment of the Maitland Hospital. An important feature of this year's Budget is an allocation of $475,000 to start four pilot projects under the joint State-Commonwealth multipurpose services program, which are more clumsily called MPS. The pilot projects are to be introduced at Baradine, Braidwood, Urana and Urbenville and will commence as soon as final agreement on the proposals is reached with the Commonwealth Government, which is responsible for funding aged care services. I shall refer in more detail to the MPS concept a little later. The 1990 Aboriginal health task force recommended that primary health posts managed by Aboriginal communities be established in isolated communities. The Government has acted on that recommendation and is establishing three primary care posts in areas where there are Aboriginal communities, namely Caroona and Tingha in the northwest of the

State and Cabbage Tree Island on the North Coast. In 1988 the coalition Government set out a rural health policy called "Rural Health Meeting the Challenges". That policy has been instrumental in upgrading the standard of rural health care. Country hospitals are being upgraded and redeveloped and new hospitals are being built.

On 22nd September the Hon. Delcia Kite wrongly asserted that some country hospitals had been closed, when in fact they are open. It must have been a bad week for the Labor Party. She claimed in her speech that Quandialla, Binnaway and Ungarie hospitals are closed, but they are not; those hospitals are open and provide services and community health centres, which take account of changes in the local communities, their needs and local demographics. She also claimed that Yeoval Hospital was to be closed, leading to a community takeover of it as a co-operative. The Yeoval Hospital is running successfully as a co-operative, which is exactly what the local community required. Finding doctors to practise in country areas has become a problem in New South Wales in recent years. Since 1988 there has been an increase of 212 general practitioners in New South Wales. That is the dividend of the Government's initiatives. The rural doctors resource network was established to promote and encourage rural practice by providing support and access to continuing medical education for doctors in country areas. The rural doctors training unit was established at Tamworth Base Hospital to give specific continuing medical education to doctors in rural practice, thereby making the alternative more accessible.

I have had the privilege of meeting some of the young doctors at the rural doctors training unit at Tamworth. They are filled with enthusiasm for their future careers in country areas. Cadetships are being offered to medical students to attract them

to the country. Another indication of the Government's commitment to rural health was the hosting last month at Coffs Harbour by the Minister for Health, the Hon. Ron Phillips, of the second rural health forum. The Hon. Dr B. P. V. Pezzutti was also present at that conference, which was established to bring together people from every area of rural health to discuss issues and to plan for the future. The range of organisations represented at that conference was quite extraordinary. It included the Royal Flying Doctor Service; the Department of Health - and the Minister attended for the entire weekend; the Isolated Pharmacists Association; the New South Wales Council of Social Services; psychiatrists; country hospital board members; local area health services; private hospitals; the Country Women's Association; the Spastic Centre; the Marriage Guidance Council; the rural health unit, to which I have referred; the rural doctors resource network; physiotherapists from country areas; nurses; surgeons; Aboriginal medical services; pensioners and superannuants; the New South Wales Farmers Association; hospital auxiliaries; shire and city councils throughout country New South Wales; multicultural access and resource centres; the family medicine program; all the medical faculties of all New South Wales universities were represented; the Public Service Association; the Australian Medical Association; and the Family Planning Association. It was an extremely worthwhile conference for all people interested in health in country areas.

Under the joint State-Commonwealth hospital enhancement program $3.15 million worth of new technology will be provided to rural New South Wales to give country people access to sophisticated health and medical services across the State: at Orange, Murwillumbah, Hastings, Armidale, Tamworth, Dubbo, Goulburn, Bowral, Griffith, Albury, Leeton, Finley, Narrandera, Lithgow and Coffs Harbour. A budget allocation of $80 million is specifically targeted to women's health services. The construction of a 115-bed women's hospital will commence as part of the Liverpool Hospital redevelopment and planning for the relocation of all services currently provided

by the Royal Hospital for Women will continue. The Minister has set up a Women's Hospital Advisory Council to advise the Minister on the relocation. In the meantime, $30 million will be provided this financial year for the continuing operation of the Royal Hospital for Women. This year more than $2 million has been allocated under the joint State-Commonwealth cervical cancer management and prevention program. The Government recognises the need to improve the general health status of Aboriginal women and their children and the necessity to provide access to health care services that are sensitive to Aboriginal culture and lifestyle. Aboriginal health promotion workers are employed in the community-based primary health care posts being constructed and Aboriginal women's health nurses are being recruited. This year $8 million has been allocated for supplementary Aboriginal health services - not only for women - and funding will continue to be increased over the next few years in line with the Government's commitment to increased expenditure on Aboriginal health to 1 per cent of the total health budget.

Non-government organisations will also receive assistance in the health budget. These include the allocation of $14 million for mammographic screening programs to screen 76,000 women under the State-Commonwealth program and more than $400,000 additional funding to bring specific maternity services funding to $3.6 million this year. That will fund postnatal, crisis and family support services, extension of early discharge programs, antenatal care clinics and birthing centres. The Government recognises the urgency of providing readily accessible 24-hour counselling and medical and education services to all victims of sexual assault. Funding for sexual assault services has been increased by $500,000 to $4 million. Throughout New South Wales 40 sexual assault centres operate at hospitals, community health centres and specialist child protection

units. Additional staff will be provided at Royal Prince Alfred Hospital, Orange Base Hospital, Bowral and District Hospital and Royal North Shore Hospital. A new service is being established at Kempsey. The Government has allocated $4.8 million for the Commonwealth-State national women's health program, which recognises the difficulties faced by Aboriginal, ethnic, rural and isolated women in accessing health services. Funding provided through the program enables existing women's health programs to be expanded, and gives particular emphasis to providing access to services for women with special needs. Women from non-English speaking backgrounds have been targeted by the Budget. They have difficulty in accessing mainstream health services, and $12 million has been provided for ethnic health services. It is estimated that about 60 per cent of those targeted are women and girls. The funding will provide for interpreter services, ethnic health workers, bilingual counsellors and community education programs.

In addition, $2.5 million has been voted for the employment of 60 women's health nurse practitioners across the State to provide easily accessible gynaecological health care to well women but in particular to isolated and socially disadvantaged women. Women's special health needs have been granted $800,000 for 16 health co-ordinators to advise area and regional health services on women's health issues and to oversee women's health programs. That is in addition to the $700,000 allocated for 15 women's health educators in the various regions. I am pleased to note that the Government has targeted women's health issues in particular in the Budget. I mentioned earlier the concept of multipurpose service centres for small communities in rural regions. One of the plans for smaller communities in respect of medical health services, which take into account the ageing population in rural villages and towns and the changed health and community service needs, is the joint State-Commonwealth support for the concept of multipurpose services. In this State four pilot projects have been planned, namely, at Braidwood, Urbenville, Urana and Baradine. The New South Wales Government is ready to roll,

and has been ready for some time, with these pilot projects. In a press release issued at Grafton on 21st September the Deputy Prime Minister, Minister for Health, Housing and Community Services, the Hon. Brian Howe, addressed the topic "Rural Health and Aged Care Services". He referred to a recent report which urged improved multipurpose services for small rural communities.

Mr Howe said that the background paper to which I referred from the national health strategy provided a further challenge to the nation's health administrators to clarify the appropriate level and mix of services and to assist suitable rural communities to access and sustain a wider range of services. He said that a more flexible approach may overcome the traditional difficulties small rural communities face in attracting funding for acute care, nursing homes, and hostel and community-based services. He stated that the Commonwealth had accelerated the development of multipurpose services with the allocation of $9.8 million over five years in the recent Federal Budget, to fund co-ordinators in new multipurpose services and existing ones for small population areas. The national health strategy study of more than 600 rural communities in New South Wales and Queensland with a population of fewer than 10,000 has suggested that funding for health and aged care services in smaller rural communities should come from one funding program. The national health study background paper No. 11, entitled "Improving Australia's Rural Health and Aged Care Services", based on a survey of services in 684 rural communities in New South Wales and Queensland, found that existing Commonwealth and State funding arrangements are unsuitable for smaller rural communities. Of the 684 communities examined in the study the report recommended that 152 of them - 22 per cent - would be better served by the creation of one multipurpose service program. A further study of services is continuing for the rest of Australia.

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The report says that these communities have populations of between 1,000 and 3,500, are not in densely settled areas and in many cases are located more than 100 kilometres from another centre with a hospital. One of the five options discussed in the report argues that these small communities are most disadvantaged by separate Commonwealth and State funding arrangements. It recommended that resources should be pooled for those programs currently allocated separately. The report highlighted that rural communities more than any other sector of Australian society are disadvantaged by the separate Commonwealth-State financing arrangements, the plethora of funding programs and the criteria for funding applied by each program. It proposed that the new program would replace those with one funding source and one set of funding guidelines. The New South Wales Government is keen to have these pilot programs established and analysed in consultation with the smaller local communities. Unfortunately, to date the Federal Government and the Deputy Prime Minister have not committed any funds for the aged care component of the four pilot programs. One must ask why there has been a delay. Certainly the New South Wales Government and the local communities are keen to proceed. One questions the commitment of the Federal Government, though I am aware that in the past few days Commonwealth Department of Health officers have had consultations with people at Braidwood; but the three other communities are yet to be consulted. I hope that proposal proceeds as expeditiously as possible, for it will make a big difference to those communities.

The Hon. D. F. Moppett: It is eagerly awaited at Baradine.

The Hon. JENNIFER GARDINER: That is so. It will make a big difference to the concept of improving and making more relevant the health services on offer to

people who live in small villages and towns in New South Wales. As I said at the outset, there has been widespread and ready acceptance of the first Budget brought down by the Premier, and Treasurer, the Hon. John Fahey, assisted by the Minister for Finance, Assistant Treasurer, and Minister for Ethnic Affairs, the Hon. George Souris. This is a sensitive and caring Budget, as the Hon. Dr B. P. V. Pezzutti said in concluding his remarks. I agree that it is an extraordinarily generous Budget, particularly in areas that affect people personally, such as health and education. Given that we are in the recession that the former Federal Treasurer said we had to have, it is an extraordinary achievement. I commend the Budget.

[*The President left the chair at 6.18 p.m. The House resumed at 8.30 p.m.*]

The Hon. A. B. MANSON [8.30]: A number of my colleagues have said that this year's Budget shows that Greinerism is alive and is still working against the people of New South Wales. Generally, I agree. However, this Budget is a little different from other budgets. It is a fairly weak budget given the extent of the recession. The Government should have done a lot more to reduce the impact of the recession on ordinary families, the old, the sick, students and the unemployed. They are always hit hardest by difficult economic conditions. The same old waste of public moneys for political objectives is still happening. Even more upsetting is the amount of money unspent in major service departments: $79 million on health, $18 million on education and training and $33 on community services. In a time of recession how can $130 million not be spent by a Government in these vital areas?

On occasions in this House I have spoken about industrial relations, an area in which I have some experience. This Government's poor approach to industrial relations appears to be continuing under the new industrial relations Minister. I also understand the building industry in this State and its problems. Unlike most members of the

Government I have had firsthand experience, from all sides: as a worker, a unionist, and an employer who has overseen the construction of a number of projects. My colleague the Hon. J. W. Shaw had a number of things to say about the building industry royal commission: the waste of money; and the number of injustices it revealed. The amount of money this Government has wasted on public inquiries is huge. Figures taken from the last four reports of the New South Wales Auditor-General show just how much this Government has abused the special inquiry as a way of playing politics and avoiding real reform. For instance, volume 2 of the report of the New South Wales Auditor-General, 1988 to 1991, reveals that in 1988 more than $500,000 was spent on special inquiries; in 1989 more than $5.5 million was spent, an increase of 864 per cent; in 1990 more than $10 million was spent, an increase of more than 85.6 per cent; and in 1990-91 a massive amount of more than $17.5 million was spent on special inquiries, another increase of 70.3 per cent. With the end of the building industry royal commission the amount spent by the Government on inquiries has come down this year. But who knows when the next witch hunt will be.

I want to expand on what the shadow minister for industrial relations had to say, because construction is a vital part of any State's budget. The approach a government takes to construction has an impact on employment, wealth and the facilities of the people of the State. On 26th May the Royal Commission into Productivity in the Building Industry in New South Wales handed down the 5,000 pages of its final report. The Liberal Government claimed that implementing the report's recommendations would resolve the building industry's past problems. In some cases, that is true. The greatest opportunity to reform the industry would have been provided by stopping the rorts at the development, contracting and tendering levels but, as it turned out, the main thrust of the

final report was to attack the unions. The Fahey Government continued to claim that this inquiry was a success and has threatened to deregister the Building Workers Industrial Union. In the building industry as a whole, the Australian Council of Trade Unions and the New South Wales Labor Council, the major employer associations and the Federal Government have rejected the move to deregister the Building Workers Industrial Union. No submission to the inquiry called for such action nor was it raised at any of the hearings as a possibility.

The industry and all other concerned groups - other than the Government in this State - have said also that the royal commission exercise was wasteful in that most of its recommendations are ill-informed. Honourable members know that the first aim of the Government in establishing the inquiry was to generate anti-union hype in an endeavour to give last year's Industrial Relations Act some credibility. Looking back, we see that it is also possible that its aim was always to try to deregister the Building Workers Industrial Union. This strategy was used successfully by the Thatcher Government in England to try to prevent workers from effectively organising. The Thatcher Government singled out a high profile, militant trade union - the Coal Miners Union - and eventually crushed it. The New South Wales Government has adopted already many of Thatcher's methods, such as ruthless privatisation and the sacking of vast numbers of public servants. This attack on the Building Workers Industrial Union is simply another to be included on the list. What was the verdict of the royal commission? Mr Roger Gyles, Q.C. in his final report on page 130 said:

> There is no acceptable evidence of widespread or serious corruption of full-time union officials . . . There has been no evidence of systematic violence or physical intimidation by unions or unionists.

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The former Premier on the same day that Mr Gyles' final report was handed down - 26th May - contradicted the commissioner in a most shocking way. A press release read:

> Mr Greiner said the Royal Commissioner had uncovered evidence that violence, intimidation and unlawful industrial action were standard tools of the BWIU.

Both Mr Gyles and Mr Greiner wanted badly to make the Building Workers Industrial Union look corrupt in the media, despite the true findings of the inquiry. But honourable members should not be concerned with findings of a single verdict in the conduct of the Building Workers Industrial Union or any other union. Instead, the Government and the Parliament should be trying to find out whether the inquiry itself, and its recommendations were worth while, for the inquiry has cost the taxpayers of New South Wales a lot of money. Another thing that might have prompted Mr Greiner to opt for a royal commission may have been the fact that a royal commission was used successfully to remove the Builders Labourers Federation. However, the removal of that union from the industrial relations scene had broad political, employer, union and community support. In the case of the Building Workers Industrial Union the exact opposite is the case. Everyone but the Fahey Government regards the move as stupid. But it is more than stupid - it is a dangerous move to the industry, the economy of New South Wales, the welfare of construction companies, their employees and the State as a whole.

The effects of the royal commission on the industry become clear when we look at figures from the Australian Bureau of Statistics for August this year. Australian Bureau of Statistics catalogue 1305.1 shows the value of building improvements in New South Wales each month. That is a useful guide to the level of planned building activity

in this State. A glance at these figures show that in June this year - immediately after the release of the final report of the royal commission - total non-residential building approvals in this State dropped by over 28 per cent. The figure for non-residential building approvals in the previous six months has steadily increased. The construction industry started to make a modest recovery, especially in May, when these approvals increased by over 50 per cent. But that was before Mr Gyles delivered his report. July approvals for non-residential constructions fell by another 10.2 per cent, or $22.7 million. Victoria, the so-called recession State, experienced an increase of almost 50 per cent in non-residential constructions for the same month. Queensland and South Australia also show good increases. The Greiner-Fahey Government has scared investors and developers away from this State. It is reducing the chances of building workers to find jobs. It is discouraging capital growth in this State by playing a foolish game of union bashing for political advantages. It has even disrupted Sydney's Olympic bid. Budget Paper No. 2 establishes that the Olympic bid will require about $300 million worth of new construction, to be spent mostly on sporting facilities at Homebush Bay. This will provide many jobs and much needed infrastructure development. It will also provide sporting facilities for our youth and for our athletes. Mr Gyles, in his final report, devoted a whole section to the question of the Olympic Games. On page 88 of his final report, in a section which amounted to only eight lines, he said:

> I have no need to remind anybody about the history of fiascos in major public construction in Sydney and Melbourne where, time after time, the political imperative has been ruthlessly exploited by the unions . . . Unless the measures that I recommend are taken now and rigidly enforced so as to, once and for all, break the culture of 19th century class warfare, then it is quite predictable that the same ruthless rorting of the system will again take place to the embarrassment of the nation and at the cost of the taxpayer.

Mr Gyles has again been proved wrong. The Building Workers Industrial Union and the union movement as a whole will not do anything that will upset the Olympic bid. In February this year unemployment in the building industry across the whole country peaked at 22.4 per cent. There is no way that the BWIU or any other building union

would do anything to harm the employment prospects of their members. A site agreement is working effectively at Homebush Bay. The unions are being attacked by the Liberal Government when they are trying to create real productivity reform in the industry. Mr Rod McGeogh, the chief executive of Sydney's Olympic bid, has publicly congratulated the union movement on its efforts in avoiding disputes and in making construction work more efficient at the Homebush site. In an article in the *Australian Financial Review* on 3rd June, 1992, he said:

> We've had the unreserved support of the union movement.
>
> We've had more support than anyone is fairly entitled to. They've gone out of their way to support us and that's the truth.

Mr John Coates, President of the Australian Olympic Committee, said that Mr Gyles' comments might be used by other countries competing for the games. In many ways New South Wales is already worse off than the rest of the country. Under the present Government this State has had increases in taxes and charges that are higher than the increases in any other State. As a result of Greinerism 50,000 jobs have been axed. This Government is now weakening one of the most important industries in the State for a short-term political gain. New South Wales is the only State that has not joined the Federal Government's reform process for the building industry. Premier Fahey and the new Attorney General, and Minister for Industrial Relations, the Hon. John Hannaford,

are denying workers access to career paths and improved training. They are failing to make industry more productive. Instead, they are attacking the legal entitlements of workers. This does not reduce the costs to builders or clients. The Industry Commission draft report on construction costs of major projects found:

> . . . a ten per cent change in labour costs in construction would change production costs by only one per cent.

Honourable members would be aware that the total cost of the royal commission inquiry was $22.1 million. That represents a budget blowout of over $7 million. The inquiry, which was almost 50 per cent over budget, did not even report on time. After three extensions of time the report was delivered almost eight months late. It seems that the job was too big for Mr Gyles to handle by himself. At different times during the inquiry two additional Queen's Counsel had to be appointed as royal commissioners. Though it appears that the inquiry is over, costs are continuing to increase. Six months after the delivery of the final report the building industry task force, which was established by Mr Gyles and Mr Greiner, is still operating. Figures in the Fahey Government's 1992-93 Budget show the total cost to the taxpayer of this inquiry. Over the past two years $22.1 million was spent at a time of severe unemployment in the building industry and in the middle of a recession. The building industry task force received $2.8 million last financial year. It has been allocated another $5.6 million this year. That makes a total of $8.4 million, just for the task force. The total cost of the royal commission and the task force is over $30.5 million. This makes it the most expensive inquiry in the history of any Australian State. This House should examine the findings of the royal commission. Comments by Goran Runeson, senior lecturer at the school of building at the University of New South Wales, bring the value of the royal commission into more doubt. Mr Runeson, who was a task leader in the policy and research division of the royal commission, resigned after eight months as he was disappointed with the methods and integrity of the inquiry, to put it mildly. Since the handing down of the final report he has published a paper entitled "A Review of the Research of the Royal Commission into Productivity in the Building Industry". In that review he said:

> The research program which was announced by the Commissioner in December 1990, was extremely extensive even considering that the research department has a staff of some 30 research and support officers . . .
>
> Even by international standards, this would be one of the best funded industries ever.

So far it sounds good. One would have thought that this inquiry would have had something constructive to offer to the construction industry. That is not the case. Mr Runeson then said:

> The result of the review is that the Commission's research demonstrates a consistent failure to understand or to apply appropriate research procedures. Instead, there is evidence of an intentional or unintentional bias that distorts the findings and exaggerates the problems and the poor performance of the industry.
>
> In each of the areas examined, the findings can and should be challenged and in several cases, conclusions should be reversed.

He also noted:

> Further evaluation of the research findings of the Royal Commission is required, if not for the reason of ascertaining the taxpayer's value for money, at least in order to test the credibility of the inquiry's recommendations.

That has not been done by the Government. To do so, the Government would be admitting that it has spent so many millions of dollars and attacked building workers without cause. The money is still being spent. The building industry task force is still costing millions and is based on a flawed inquiry with flawed recommendations. The task force has 55 staff, six of whom have been operating for almost a year. Nine of its employees are employed under the Public Sector Management Act, that is, they are members of the very highly paid New South Wales senior executive service. Despite having such a well-staffed and well-funded body, the Government still claimed it needed the Crown Solicitor's advice about the possibility of taking deregistration action against the Building Workers Industrial Union and the Master Builders Association. I do not know where the task force intends to take the industry or whether it will improve the industry's productivity. I have serious doubts about that. The task force should look at its own productivity before it attacks the building industry. The most positive action the Government could take would be to offer the results of the royal commission to the Construction Industry Development Agency and join in the Federal program for reform of the industry. In this way the industry in New South Wales would not be sold out to political interests and it would have the opportunity of sharing in the benefits of a national approach. If the Government does not take this action the State and Federal governments will spend scarce resources on the same industry. Let us face it: it is a national industry. It will also allow the results of the royal commission and its recommendations to be tested, which is clearly required in the interests of New South Wales taxpayers. This Government should stop union bashing and get on with the job of running the State in the interests of all the people of New South Wales.

The Hon. ELAINE NILE [8.51]: I wish to speak to the 1992-93 Budget with reference to the families of New South Wales who are experiencing severe economic pressures as a result of Mr Keating's recession, in addition to the ongoing tremendous social and moral pressures on our New South Wales families which are being caused by the anti-family policies of government-funded organisations such as the Family Planning Association and other similar organisations. I take this opportunity to congratulate Mr Fahey on assuming the office of Premier of New South Wales and on his first Budget. I am sure Mr Carr and Mr Egan will agree that their simple-minded strategy to

destroy Mr Greiner as Premier, in co-operation with Mr Hatton, Ms Clover Moore and Dr Macdonald in the other place, has seriously backfired in view of Mr Fahey's growing popularity as Premier, in view of his high polling figures, and Mr Carr's declining poll figures. An article in the *Daily Telegraph Mirror* dated 14th October stated:

> Premier John Fahey has extended his lead over Opposition leader Bob Carr in both personal approval and as preferred Premier in a new poll.
>
> The AGB Australia poll, published in the latest Bulletin magazine, put support for the Coalition government at 41 per cent, just one point ahead of the ALP.
>
> However, Mr Fahey's personal approval rating was up three points to 45 per cent, with just 14 per cent (up one point) disapproving of the Premier. Mr Carr's approval rating fell by one point to 33 per cent, while his disapproval rating was up one point to 37 per cent.
>
> In the contest for the preferred premier, Mr Fahey's rating improved by three points to 50 per cent, while Mr Carr's was down three points to 29 per cent.

To quote previous speakers, the blow torch has not yet been fully applied to Mr Fahey. He is under close scrutiny in many areas. He is being watched to see whether he reverses some of the anti-family policies which seriously undermined Mr Greiner's moral credibility. In the area of brothels, the Call to Australia believes that Mr Fahey must reverse Mr Greiner's policy promoted by Mr Collins to legalise the 812 brothels in New South Wales. Mr Fahey must reverse Mr Greiner's policy to accept the indecent homosexual and lesbian mardi gras parade as a major New South Wales tourist attraction, his policy to give only a pittance to the innocent AIDS victims and their dependents in New South Wales, and his policy for a compulsory AIDS education kit and a compulsory homosexual promotion kit, disguised as a so-called homophobic kit, in our New South Wales schools. The New South Wales Council of Churches has issued a statement on this homophobic kit. Every member of the Chamber has been provided with a copy of this statement by the New South Wales Council of Churches. Even at this late stage Mr Fahey should reverse Mr Greiner's unpopular, anti-family policy for legal casinos in New South Wales. As happened with Eastern Creek, the Government is already spending taxpayers' money - $1.6 million in the 1992-93 Budget for the Casino Control Authority. What happened to the promised casino inquiry into the impact of a casino on other forms of gambling and especially the registered clubs in New South Wales with one million members? In Mr Fahey's Budget Speech delivered in the other place on Tuesday, 15th September, he said:

> Over the last couple of years economic hardship has become a sad fact of life for too many people in New South Wales.
>
> The national recession has taken a disastrous toll. Families have suffered falling living standards. breadwinners have faced unemployment, school leavers have had to learn about being out of a job before enjoying the benefits of having one.
>
> The State Government is also under economic pressure. At this time when members of the public need most support the State Government is itself under enormous financial strain. The increased community need and the shrinking revenue base are the crushing pressures my Government faced in formulating a Budget for these difficult times.

Mr Fahey rightly identifies those being hard hit by the Keating recession. He said:

> The national recession has taken a disastrous toll.

The Call to Australia party supports that observation. Mr Fahey went on to say:

> Families have suffered falling living standards.

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That is certainly the understatement of the year. Families are being devastated by the recession. Mr Fahey also rightly said:

> Breadwinners have faced unemployment.

I am pleased Mr Fahey has used the term "breadwinner", which usually refers to the male member of the family; he is the traditional breadwinner. I am sure some of the radical feminist socialists in this House would like to see the description "breadwinner" banned. Unfortunately, many mothers and wives have been forced into the paid employed work force because of the severe economic pressures - Federal Labor Party tax policies and

social engineering by feminist academics and other anti-family advisers and organisations such as the Women's Electoral Lobby. There are one million unemployed in Australia including many thousands of traditional breadwinners. We have a contradiction in our Australian society in that many male breadwinners are on the dole because of the huge percentage of women who have been forced into the work force because of economic pressures, and who are working only because their families require a second income. One of the main pressures causing families to need a second income was the disgraceful, exploitive high interest rates which were presided over by Mr Keating as Federal Treasurer - exorbitant interest rates from 20 per cent to 28 per cent.

What are the employment figures for Australia? What impact are married women having on our employment figures? At August 1992 the total number of Australians, both male and female, in full-time employment was 5,861,600 - nearly six million. At August 1992 the total number of males in full-time employment was 3,994,400 - nearly four million. At August 1992 the total number of married females in full-time employment was 1,059,600 - over one million married females in the full-time work force, about the same number as our Australian unemployed. There were an additional one million married women in part-time employment which caused families to go bankrupt and have their homes auctioned by the banks over their heads, or forced families off their farms on to the dole, or caused farmers' wives to take on full-time jobs because of poor income from the farm, and or caused the farmer himself to seek employment in nearby towns to supplement the family income. Recent evidence suggests that 70 per cent to 80 per cent of married women are working simply to supplement family incomes. A survey by the Federated Clerks Union of Australia showed that if the Government introduced appropriate financial assistance for families, 32.6 per cent of married women would leave the employed work force. Obviously those women are an unwilling factor in the high unemployment levels among young people, especially young males and older male job seekers.

Taxation reforms which allowed families to split income across the whole family unit for the purposes of taxation would dramatically ease the present financial pressure on married women, especially young mothers, to seek full-time employment to supplement family incomes. However, through its anti-family advisers from the Women's Electoral Lobby, the Federal Government has opposed the introduction of income splitting for the purposes of estimating taxable income and thereby reducing taxation for single income families. WEL claimed, "Income splitting provides a disincentive for the second adult to join the paid work force". It is ridiculous for the Federal Government to maintain a taxation policy that deliberately encourages second income earners when many Australian families have no income earners. Worse still, with the declining birth rate and the greying of the nation's population, State and Federal governments have encouraged young married women to enter the work force by

promoting equal opportunities and increased child care services; DINKs - double income, no kids - have become a worrying phenomenon of the 1980s. DINKs are a new style selfish family unit. The Premier, and Treasurer said:

> School leavers have had to learn about being out of a job before enjoying the benefits of having one.

Going straight from school on to the dole is soul destroying for a young person facing the world. High youth wages, which were a short-sighted policy of the union movement, meant that few employers were prepared to take on young people for training and development, particularly in the unskilled fields, and especially if the wages for an experienced adult were at the same level. We have the tragedy of a 30 per cent to 40 per

cent level of youth unemployment, especially in regions such as Newcastle and Wollongong. In his Budget Speech Mr Fahey made further reference to the special needs of families. He said:

> If the Government starts padding the public service, and clinging on to jobs that are better done by the private sector, then we will throw away our chance to develop an economically secure future for our children.

Call to Australia believes that children are the nation's most important asset. Mr Fahey, referring to the new budget procedures which are more accurate, said:

> This demonstrates the Government's commitment to "truth in budgeting".

We want truth in budgeting, but more importantly we want truth in policies, especially truth in family policies, and truth about the family itself. What are the Government's family policies? What does the Government define as a family? What is a family in the view of the Government? In his Budget Speech Mr Fahey spelled out his so-called family support package. He said:

> A major initiative of the Budget is a $10 million Family Support Package to assist people and families particularly hard hit by the recession. The package includes: family support initiatives; rental and mortgage relief; financial counselling and training of financial counsellors; rural counselling services; and enhancements of the community services grants program to continue last year's initiative.
>
> The package is aimed at helping people through what we hope is the last year of this disastrous national recession. It will be co-ordinated by the Department of Community Services, but will involve several other departments and major non-government and charity organisations which have provided valuable guidance in developing this package.

Mr Fahey has a $10 million family support package - only $10 million - but it is meaningless if the Government has no clear idea as to what is a family or who will receive this support. During the debate on the Government Pricing Tribunal Bill on 5th May Call to Australia moved and strongly pressed an amendment to include a clear and workable definition of family. The amendment was as follows:

> In subsection (1)(i) "family" means an organic unit composed essentially of a man and a woman related by marriage and the children of either or both of them by blood or adoption, whether or not in a wider relationship of grandparents, aunts, uncles and cousins.

The amendment was opposed by members of the Liberal Party, the Australian Democrats and the Australian Labor Party, who said that no one was any longer certain as to what is a family. The Hon. R. S. L. Jones of the Australian Democrats said:

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> Though I appreciate the honourable member's concern about the family, his definition of family is very restrictive. It is discriminatory against anyone who is not married with children. It eliminates single women, single mothers, single fathers and many other people. It would create chaos if this amendment were to be accepted by the Government.

Call to Australia believes that if the Government does not accept the traditional definition of the family further chaos will be caused. The Leader of the Opposition, the Hon. Michael Egan, said this:

> On behalf of the Opposition I point out that the definition of family which Reverend the Hon. F. J. Nile seeks to have inserted in the bill is so narrow as to not include a widow and her children. They would not be considered a family. The amendment states, in part, "family means an organic unit composed essentially of a man and a woman related by marriage and the children". In other words, if the family does not consist of a man and a woman related by marriage in the organic unit, in accordance with the terms of this definition, it is not a family. That is an absurdity.

Reverend the Hon. F. J. Nile proceeded to say:

> That is a misreading of the definition. That is what a family is in its first state.

He proceeded to say that the definition in the amendment was similar to the definition in the Family Law Act and that no one had found fault with that. Members cannot have it both ways. The Hon. E. P. Pickering said in relation to the family - which we believe is God's family:

> I am conscious that debate on the parliamentary or legislative definition of the word family would be rather unusual. Some 30 years ago it would have been a simple debate; today it is not. I do not wish to canvass a subject about which I have limited or no expertise, but I am satisfied that under the provisions of the legislation a family, however defined, is protected as a consumer within society.

What has changed over the past 30 years so that the Government no longer knows what is a family and is not prepared to define that term? It is vital that honourable members clearly understand what is a family, in spite of modern trends and confusion among members of the Government and Opposition. The percentage of traditional families in Australian society is not really relevant in discussing what is a family. If governments were clear as to what was a family and developed policies to support the family, there would be a rapid growth in traditional families in this country. But when governments are unclear as to what is the God-given, basic and natural unit of society - the family - it is no wonder that the Government's policies are confused and often undermine, damage and even destroy traditional families, for instance with the Family Law Act, de facto legislation and homosexual legislation. When governments are not clear about the family, it is not surprising that they provide million dollar grants to organisations such as the Australian Family Planning Association, which is advocating and teaching anti-family policies through its literature and teachers, as is clearly demonstrated by the FPA's so-called sex diary and teenage hot line.

In spite of the great criticisms of the FPA's policies by leaders as diverse as Mr Keating and Mr Greiner, there has been no reduction in Federal or State grants. In fact, the grants have been increased. In the 1992-93 Budget the FPA received $5 million from the Federal Government and more than $1.5 million from the New South Wales Government. The Government announced the FPA grant and we have tried to ascertain the details of it but have been told that nothing has been put down in black and white. In 1990-91 the FPA received $4,513,256 from the Federal Australian Labor Party Government and $983,558 from the New South Wales Liberal Party-National Party Government. In 1991-92 the Family Planning Association received Commonwealth

Government grants of $4,731,933, State Government grants of $1,556,630 and FPA-generated income of $1,260,724. In the area of Federal Australian Labor Party Government grants in 1992-93 financial assistance of $13.9 million was provided to non-government family planning associations for clinical services, part of which is paid

in lieu of benefit for medical services provided in clinics and for education and training. That is a large sum of money. On 5th March I questioned the FPA sex diary in this Chamber. I asked the Minister for Health and Community Services:

> Has the Department of Health approved the distribution of the offensive fact and fantasy sex diaries and or the operation of the family planning teenage hot line? Is it a fact that the controversial teenage sex diary produced by the Family Planning Association was distributed to Vietnamese teenagers attending the Sydney Indo-Chinese Refugee Support Group residential program on 20th to 24th January, which was organised by the Royal Prince Alfred Hospital? Will the department conduct a public inquiry into the health policies and health material being distributed by the Family Planning Association to hospitals, schools and community health centres in view of the New South Wales Government funding of $983,558 - almost $1 million - which the Family Planning Association received in 1991?

On 4th March I questioned the FPA teenage sex hot line and asked the Minister for School Education and Youth Affairs:

> What was the involvement of the Minister's department in the recruitment of schoolchildren from New South Wales public schools as counsellors for the controversial teenage sex hot line? Does the Minister's department approve of this teenage sex hot line, as the Family Planning Association has now stated it will fund its continued operation? Was the associated so-called Fact and Fantasy Sex Diary which was produced by the Family Planning Association distributed in New South Wales schools? Will the Government conduct a public inquiry into the various materials introduced by the Family Planning Association into New South Wales public schools?

The Hon. R. B. Rowland Smith: The honourable member should ease up. She will beat Let's Elope's record.

The Hon. ELAINE NILE: The Hon. R. B. Rowland Smith must be the only member listening because he is the only one with a problem. A respected medical expert and director of the Waverley Family Planning Centre, Dr Kevin Hume, closely examined these two activities from a medical point of view. His report stated:

> This gem has been produced at taxpayers expense by the Commonwealth Department of Health, Housing and Community Services. It is difficult to believe that it is the product of a mature, responsible adult, much less someone who heads a government department and answerable to his constituents.
>
> According to the World Health Organisation, the world experiences 250 million new cases of sexually transmitted diseases annually. This diary of disaster is aimed at ensuring that young Australians will contribute their quota. Its boast is that it was written and designed by "47 other young people". At the launch of the project, it was claimed that these had undergone a whole three months of training to equip them with the expertise to man a telephone hotline to answer "Everything you want to know but are too afraid to ask. For young people. By young people". Now, that is a task that few mature adults would confidently undertake.

That project was sponsored by the education unit of the Family Planning Association of New South Wales. The family element in that title is an anomaly as the whole scheme is promoted as an exercise in promiscuous sexual behaviour without pregnancy or, if it occurs, bringing such an inappropriate slip to an abrupt end without parental consent or even knowledge if the careless girl is over 14 years of age. The FPA has long laid claim to surrogate parenthood, replacing, by self appointment, allegedly delinquent parents in dispensing advice on every aspect of sexuality. The FPA always stands ready to shield

rebellious adolescents who wish to indulge at an ever earlier age in sexual activity from dissenting parents, whether they are delinquent or not. At the end of the book, in *Streetwize* comic-style, reminiscent of Martin Sharpe in *OZ* fame, who reshaped undergraduate morality in the early 1960s, there is a long list of adolescent legal rights. That is the type of information the FPA has been handing out for years, having carefully culled items for the benefit of independent-minded teenagers. Perhaps a selection of three will give honourable members a general idea:

> you cannot be held guilty of any crime until you are 10;
>
> you can choose your own god(s) at any age;
>
> you can buy condoms from a chemist at any age.

It is interesting that the FPA is providing helpful hints on criminality to children who have not yet reached the streetwise age of 10. The second item is the only advice the booklet offers on religion. It is well known that the philosophy of the FPA is that of secular humanism - where anything goes that does not harm other persons. The unborn is the only exception, but one must allow for that anomaly as the unborn, at any stage, in the FPA hierarchy of values, is denied the status of personhood. Nevertheless, the diary at its beginning offers two full pages on a star guide to romance - astrology - ensuring the adolescent of a sure guide to correct behaviour. The FPA, in company with many others who should, and in fact do, know better, makes its own act of faith, declaring its staunch belief in the efficacy of the condom. The condom has a long-established reputation as an ineffective preventive of both conception and sexually transmitted diseases, even in the hands of mature adults. How well will it perform when used by inexperienced adolescents? There has been much publicity about adolescent overindulgence in alcohol, which, as is well known, lowers both efficiency and compliance. Though the diary offers plenty of hints from pop idols on how to persuade a partner to come to bed - but not to rest - it is short on advice on self-control. Alcohol, as well as sex, has its attractions for the immature. The advice offered appears to be limited only to mixing drugs and alcohol - perhaps an editorial oversight. Careful surveys of condom use have shown pregnancy rates of 5 per cent to 15 per cent, the better figure achieved by more experienced, more determined adults, while condoms as a preventive of sexually transmitted diseases have failed to make a dint in the 250 million new cases annually.

The Hon. R. B. Rowland Smith: Is the Hon. Elaine Nile going to tell them to keep their hands off each other?

The Hon. ELAINE NILE: As I said, this was written by a doctor who specialises in this area. Perhaps the generation of the Hon. R. B. Rowland Smith knew about self-control or maybe the honourable member did not - I do not know. However, today adolescents are not learning to control their emotions and how to keep their hands behind their backs. In a recent article of *WHO Drug Information*, volume 5, No. 2, pages 57 to 58, 1991, at least 25 per cent of the women whose partners used condoms experienced a significant bacterial invasion of the bladder after intercourse. Honourable members might be interested in this as this matter has been discussed in the Chamber. The condom has been in widespread use for 100 years, its deficiencies being widely acknowledged. The AIDS safe sex campaign has invested it with hitherto unrecognised effectiveness as the white knight of the promiscuous sexually active of whatever sexual preference. A great opportunity has been lost in the diary to give adolescent girls worthwhile information about their fertility, which would answer so many questions as yet unasked.

I would be surprised if the would-be operators of the telephone hot line could

pass even a primer on their knowledge of the readily recognisable cervical mucous appearance as a reliable indicator of the fertile phase in the menstrual cycle. Yet this is vital information that is every woman's right to possess, at least from the commencement of menstruation. The author said that for more than 20 years he had been handing out this information, with strong parental approval, to girls as young as 11. The FPA as a surrogate parent is a slow learner. The information on the pill is slick but slight and falls far short of what the drug companies offer, even on its mode of action, which does far more than prevent ovulation. The number of drug companies producing the pill has dropped in recent years from 13 to four and the executives of the giant multinational company Schering AG Berlin are profoundly depressed about prospects for their product. Why? Why not ask the knowledgeable hot line counsellor? That brings me to the pap smear and why its regular administration is so enthusiastically promoted by sponsors of the diary. Girls who become sexually active before cervical tissues have fully matured, especially if they are generous in sharing their sexual experiences with a variety of partners, are prone to picking up infections such as venereal warts. This topic was raised on radio today. This infection attacks the immature cervical tissues, initiating abnormal cell activity, which, if not detected early, will lead to invasive cancer. The pill, if taken early and long enough, is under a cloud of suspicion as being a co-factor in the development of these precancerous changes.

The Hon. R. B. Rowland Smith: What has this to do with the Budget?

The Hon. ELAINE NILE: It has a lot to do with the Budget because this Government gives almost $1 million to the Family Planning Association. I am concerned about the young girls in particular of the State of New South Wales who are being taught how to be promiscuous. Honourable members have discussed cancer of the cervix in this Chamber.

The PRESIDENT: Order! The honourable member will address the Chair.

The Hon. ELAINE NILE: The early changes can be detected by a regularly performed pap smear: they are not curative; they simply alert the doctor to the nasty things that are happening. Early promiscuous sexual activity - condoms, pills or not - exposes the adolescent girl to all sorts of risks with potentially unpleasant consequences, not the least of which is compromising her fertility and ultimately the chance of a stable, lifelong relationship in marriage. Another question for the hot line might be: why is such a fun thing as adolescent sex fraught with so many nasty consequences? There are several answers, but one will do, from Dr Kevin Hume: "God always forgives; man only sometimes; but nature never". Given the huge government grants to the FPA, this Government and this Parliament should be more aware of its origins and policies. What are the origins of the FPA? What are the origins of this sex-obsessed organisation? How is it accountable to the taxpayer? What are its policies and philosophies?

A paper written by the FPA titled "The FPA of New South Wales - It's Origins and Policies" states that it began as a race improvement society, in the Nazi style, in 1926, "for the teaching of sex education, eradication of venereal disease and community instruction along eugenic lines". The name was changed to the Racial Hygiene Association, the RHA in 1929. This name was retained until 1960 when, over some opposition, it was changed to the Family Planning Association of New South Wales. Eugenics is defined as pertaining to race improvement by judicious mating. This practice was refined and developed by Hitler's Schutzstaffel under Himmler to produce a

so-called master race. The Racial Hygiene Association - the mother of the FPA - in its annual report for 1937-38 said it also concerned itself with "the mentally ill and intellectually

handicapped, sending many letters and deputations calling for special schools, segregation colonies and" - another Nazi policy - "the compulsory sterilisation for mentally deficient and retarded children". Overseas contacts were maintained from the earliest days of the RHA.

The Hon. Patricia Forsythe: This is really relevant to the Budget.

The Hon. ELAINE NILE: If the honourable member listens, she may learn something she did not know before. It was affiliated to the British Social Hygiene Council in 1928-29 and 1930-31 with two RHA members also being members of the American Social Hygiene Association at that time. In 1952 the RHA was granted associate membership of the International Planned Parenthood Federation, first established in Bombay in 1952. The aim of the Family Planning Association of New South Wales was to establish clinics in several Australian States to achieve eligibility for full membership of the IPPF. The authors of the paper said:

> This hope had been expressed from the earliest days of the RHA but was not achieved until 1969.

In 1960, when the Racial Hygiene Association of Australia changed its name to the Family Planning Association of Australia, the pill was granted limited approval for two years by the Food and Drug Administration of the United States of America. Although it is now recognised that trials of the pill had been inadequate, it was introduced in 1961 into Australia and to the United Kingdom on the advice of the FPA of that country. Doctors in Australia were flooded with literature, the likes of which had never been seen before or since, singing the praises of G. D. Searle's product, Enovid. By the 1960s the sexual revolution, which had begun in the previous decade, was well under way. The decade was one of challenge to authority of every kind, including parental authority. Armed with the pill and the second generation intra-uterine devices, and being realistic in accommodating itself to the new trends in sexual behaviour, the FPA found it had a new role to play. It readied itself to offer birth control advice "without regard to marital status and for social as well as medical reasons". It found it was also necessary to devise means of short-circuiting parental authority to properly fulfil its new-found mission. The pill had quickly established itself as the world's leading recreational drug. It was the ideal fuel for the sexual revolution.

With the Abortion Act of 1967, soon followed by similar South Australian legislation in 1969, and the Menhennit and Levine judgments of Victoria and New South Wales in 1969 and 1971, the way was clear for the FPA to offer formal abortion as a backstop for failed or careless contraception. The FPA, strapped both by the inadequacies of contraceptives and those of would-be users, is continually being faced with unplanned pregnancies. Post-coital contraception - either the IUD or the morning-after pill - is increasing in popularity. Many people, especially young people desensitised by constant propaganda, have come to regard early human life as of little consequence and not to be compared in value with the freedom from the inconvenience of pregnancy. Mother Teresa of Calcutta, who would be admired by most people in this country, is very critical of modern, selfish, permissive attitudes where the child is regarded as the enemy of society. The pill has been the most effective, widespread, modern contraceptive, but part of its mode of action is to render the uterine lining unreceptive to early human life. In the interests of safety for the woman, its

effectiveness is now reduced to a critical level where failure to prevent pregnancy is a constant risk. The FPA is also an enthusiastic member of the Planned World Parenthood Federation which has a shocking record in the United States of America and underdeveloped nations.

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What are our Call to Australia group's recommendations concerning the FPA and the high government grants in this 1992-93 Budget? What should the Government do concerning the FPA? What action should the Government take concerning the huge grants that will be paid to the FPA in this 1992-93 New South Wales State Budget? Honourable members should remember, as I said at the beginning of my speech, that the former Premier and the Prime Minister have condemned the work of the FPA - the Sex Diary - yet how easily we are conned into accepting this organisation. The New South Wales grant to the FPA should be suspended immediately and action should be taken to have the Federal Government cancel its annual grants of $5.5 million. The FPA should follow the user-pays principle and be completely self-supporting. The FPA should take its hand out of the taxpayers' pockets. Government authorities and departments such as Pacific Power, the State Rail Authority, et cetera, now have to be self-supporting. The FPA should rely on donations from its supporters and not put its hand out for grants from taxpayers who are totally opposed to its policies and activities.

The annual grants to the FPA exceed $1.5 million from the New South Wales Government and more than $13 million for Australia from the Federal ALP Government, with no real accountability. A public inquiry under the control of a Supreme Court judge should be held into FPA, its policies, activities, funding and expenditure. The Government should suspend the authority for the FPA instructors to have access to all government primary and secondary schools in New South Wales until the public inquiry is completed and parents know exactly what is going on in the classroom. I recently received a complaint from a mother in relation to a mixed class attending an FPA class. Her daughter came home quite distraught that she had to put a condom on a life-sized model of a penis. Before closing I would like to pay tribute to a very special group of Australian families, including two members of my own family, who have suffered emotionally and physically for many years. At last their service, sacrifice and suffering have been recognised and honoured. They are the servicemen who served Australia - some of whom served and died - in Vietnam for the cause of freedom. To those who fought and survived and returned home - not to a heroes' welcome but to a hateful, noisy, foul-mouthed, red paint-throwing, left-wing minority on parade - on behalf of Call to Australia I express heartfelt and sincere thanks. We are proud of them. The dedication of the Australian Vietnam Forces National Memorial meant more than the words of any political leader could express. Mrs Constable of Bayview in New South Wales expressed exactly the feelings of many true-blue Australians when she said:

> As a Vietnam war widow, I have just returned from Canberra, having attended the dedication of the Australian Vietnam Forces Memorial.
>
> Words are inadequate to describe the feeling abounding in Canberra over this weekend. Suffice to say that it has been an experience that will remain indelible in my memory.
>
> I would like to express my sincere appreciation to the Australian Vietnam Forces Memorial Committee for making this splendid memorial a reality. Also to thank the Returned Soldiers League and the chairman of the council of the Australian War Memorial for their consideration of the next of kin.

I know that I speak for all next of kin when I extend to Carey McQuillan (Project Manager, Next of Kin) a special thank you and our heartfelt gratitude. Over the past five years, since the Welcome Home in October 1987, this magnificent man has tirelessly traced the families of 504 servicemen and women who died in the war.

He has ensured that the next of kin have been presented with an Australian flag in memory of their loved one, even travelling overseas to accomplish his mission.

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I know Carey's mates that did not return would indeed be proud of him for a job well done: he exemplified the indomitable spirit for which the Australian Vietnam War Veterans are renowned.

The Vietnam war did something that I guess previous wars did not do; it was a different type of warfare. I know from my own family experience that it had a tremendous effect on those who did return. Call to Australia, along with Mrs Constable, salutes those who served and died, as well as those who returned. If this coalition Government wishes to retain the respect and support of the majority of New South Wales people it should start to act and govern as a conservative government. Often we hear the Hon. J. W. Shaw referring to the Government as a conservative government. I do not believe it is a conservative government in the true sense of the word. Honourable members have only to look at some of the immoral legislation that it proposes, such as that relating to brothels, to see this. Many country people and supporters of the Liberal Party are disappointed and now question the policies of this coalition Government, especially on important issues such as traditional family life and respect for human life, particularly that of the unborn child in the womb. Members of the older generation are deeply disappointed by the Government's turnaround on moral issues and issues that affect traditional family life. People are now saying around the traps that the Liberal Party-National Party Government sounds like a Labor government, especially so far as those traditional issues are concerned.

When the Government comes to assess programs and organisations that might receive grants from the taxpayers, and when it introduces legislation, perhaps it could use these words from Holy Scripture as a suitable guideline. Of course Holy Scripture is the Bible. I will read from what St Paul says. Many people may think this is rather strange but I believe that any government that follows these policies and looks at each piece of legislation in this manner cannot go wrong. I paraphrase from what St Paul said: finally, whatever government you may be, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue and if there be any praise, think, and pass legislation on those things.

The Hon. J. M. SAMIOS [9.35]: I support the Budget and, in doing so, I wish to address some remarks in this debate to the Government's allocation for the arts and cultural activities. I am delighted that the Government's strong support in this area has been maintained. The past year has also brought a number of significant new initiatives in the arts. That these have been possible in a climate of severe economic constraint is a tribute to the efforts of the Minister for Arts, the Hon. Peter Collins, and to his ministry. I believe it is fair to say that this State has rarely had a more committed, resourceful and supportive arts Minister. I was delighted that Peter Collins retained this portfolio after the ministerial changes in June. I congratulate him on his efforts. The budget for the arts for 1992-93 is $134.5 million. This comprises $113.5 million in recurrent expenditure and $20.9 million in capital funding, and compares with $113.4 million in

recurrent expenditure and $23.03 million in capital funding in 1991-92. Generally speaking, the budget for recurrent purposes has not increased on last year's allocation. There has been a small escalation in salary-related expenses of 1.5 per cent. However, cultural grants have increased from $9.347 million to $9.403 million and the library book vote by 2.9 per cent to $1.966 million. In common with other government departments, productivity savings of 1.5 per cent were applied again this financial year and totalled $1.22 million. The ministry is therefore operating with increasing efficiency within its budget allocation.

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I was especially delighted to see in this year's Budget Papers a special enhancement of $500,000 for the New South Wales Film and Television Office. This is one of the few increases in budget outlays possible in the present economic climate, and the funds will be put to good use in stimulating film production and investment in this State. The Film and Television Office is the smallest but one of the most active and productive of the State's cultural institutions. It replaced the former unprofitable and unwieldy Film Corporation. It has an excellent record in stimulating the local industry through script development and other measures. No doubt honourable members are aware of the success of the recent film, "Strictly Ballroom". I remind honourable members that this film received seeding funding of $30,000 from the Ministry of the Arts. I spoke to the film's producer who said that without the $30,000 they certainly could not have got off the ground to produce a film that cost approximately $3.5 million. The film has gone around the world and has been pre-sold in a great number of countries. I was privileged to be in Melbourne with the Minister for Arts at the Australian Film Industry awards when "Strictly Ballroom" won eight awards. We can be very proud of the first decision made by Greg Smith, the head of the Film and Television Office - it was a winner. New South Wales has lost some ground to other States, particularly Queensland, where superior studio facilities exist, but the new measures proposed by the Government will help the Film and Television Office redress that deficiency.

The Budget makes provision also for continued capital funding for the major maintenance program at the Sydney Opera House. For this purpose $13,254,000 has been provided in 1992-93. That will enable the Opera House to be maintained as our foremost cultural and tourist entity. Next year, as honourable members may know, will mark the twentieth anniversary of the opening of the Opera House in 1973. A major program of special events and commemorative celebrations is being planned. The overture to that was recently celebrated at the Opera House when some prominent members of the arts community gathered - approximately 300 people; and I, together with the chairman of the Trust, had the privilege of cutting the birthday cake celebrating the twentieth anniversary of the Opera House. As part of the capital works program of the Ministry for the Arts is an allocation of $3.48 million for the ongoing substructural repair work on the pylons of wharves 4 and 5 at Walsh Bay, the home of the Sydney Theatre Company, another one of our prominent cultural flagships. I am delighted that the Government is maintaining the wharves as a special and distinctive venue for the performing arts and that new uses for the remaining spaces are being planned by the ministry.

Capital funding of $528,000 is being made available for stage three of the Kingswood repository of the Archives Authority of New South Wales. The extensions at Kingswood will be constructed at a cost of $4.37 million, of which $3.85 million will be provided through borrowings and internal resources of the authority. Typical of the initiatives of the Government through the Ministry for the Arts is the refurbishment of the old naval gunnery building in Woolloomooloo as a centre for the visual arts. Recently I

had the pleasure of attending the official opening by Peter Collins of the gunnery. The building opposite the old Finger Wharf provides a gallery, offices for organisation, and handsome space for studios. It is a magnificent addition to our cultural life and I advise members who have not yet visited the gunnery to do so as soon as possible. This building was made possible by a creative partnership between the Ministry for the Arts and Transfield Corporation, who contributed to the refurbishment costs. I congratulate the Minister on this significant initiative and I look forward to the development of arts studios on the upper floor.

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I believe that the arts are undergoing a period of fruitful and productive change in this State. Our cultural institutions, be they the flagships of the Opera House, the museums, the State library, the Art Gallery of New South Wales, or the Historic Houses Trust, are all leaders in their fields and among the foremost institutions of their kind in the world. They bring great credit to New South Wales as guardians and interpreters of our cultural artistic heritage. I wish them well in their endeavours and I congratulate the Government and particularly the Minister for the Arts, who has become, as the longest serving arts Minister, a legendary figure - a folk hero - and I congratulate him on the initiatives of these institutions in the field of culture and the arts.

I should like to speak also about the Government's involvement in ethnic affairs, because through its program areas it is continuing its commitment to ethnic affairs and to people of non-English speaking backgrounds. In addition to continuing support for the Ethnic Affairs Commission and existing structural programs such as the ethnic affairs policy statement program - EAPS - the Government has identified specific expenditure for both individual projects and aspects of existing programs, to ensure that it retains the ability to meet the cost of this large and significant group. As I said at the commencement of my speech, a large number of specific activities and programs are carried out by all departments and agencies that cover ethnic affairs. Ethnic issues, which are designed to assist people of non-English speaking backgrounds, are set out in detail in the ethnic affairs budget paper by George Souris, the Minister for Ethnic Affairs, and I support that paper. However, I should mention that due to a late negative adjustment of $80,000 to the Ethnic Affairs Commission in the 1992-93 Budget Paper, which occurred after the printing of this paper, an adjustment was made by way of a reduction in multi-occupancy rental allocation of $134,000, an increase in the direct pay reimbursements for traineeships of $7,000, and an end of year budget transfer from Treasury of $61,000.

I should like to refer to some major activities mentioned in that paper. First, the Department of School Education has identified five subprograms with a total budget expenditure of $19.143 million, which has a direct impact on financial groups, namely multicultural education initiatives; ESL - the English second language ethnic provisions program; the ESL general support program; the Saturday school of community languages; and anti-racism education. These special programs include also internal staff training and recruitment. The New South Wales Technical and Further Education Commission has estimated that the 1992-93 budget expenditure of approximately $90 million has been allocated to some 14 subprograms designed to assist people from non-English speaking backgrounds. These subprograms include the provision of courses, staff training, and recruitment, and apply to some 100 colleges throughout New South Wales.

The Department of Industrial Relations, Employment, Training and Further Education budget for ethnic issues is $4.57 million. That department has adopted a

generic goal across all operating units to ensure that all people of New South Wales, regardless of language or ethnic background, have equal access to departmental services which are culturally appropriate and non-discriminatory. The department is focusing on in-house training programs for staff and development of external training programs. The Department of Health budget expenditure for 1992-93 had not been finalised at the time of preparing the report. However, the department has identified expenditure for 1992-93 on ethnic health issues in the areas of central administrative programs and services, regional health services, area health services, the Royal Alexandra Hospital for Children, and non-government organisations.

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The Department of Housing announced certain strategies for 1992-93. They include: policies, programs and services that are culturally sensitive; a staff commitment to equal access; client needs to be met through the provision of appropriate language services; ethnic communities to be informed about housing-related programs and services; and staff to be trained in the use of interpreters and to provide culturally sensitive services. The budget estimate for these strategies is $0.507 million. It is pleasing to note the strategies identified by the New South Wales Police Service to meet its objectives in relation to servicing ethnic groups. They include: the appointment of police ethnic liaison officers; the appointment of civilian bilingual liaison officers; the appointment of a senior lecturer for ethnic-Aboriginal studies at the police academy; and the development of an ethnic affairs policy statement strategic plan. The budget estimate for those strategies is $0.535 million.

The Water Board has identified 10 subprograms which target ethnic groups. Those programs include: market and customer research; community consultation; training of staff; pricing and social welfare policy; advertising and recruitment; and training. The budget estimate for these programs is $0.628 million. WorkCover aims to provide a service for all potential users, irrespective of race, ethnicity, gender, age, geographic location or socioeconomic status. In 1992-93 WorkCover plans to incur expenditure on programs targeting ethnic groups in the provision of interpreting and translation services, internal training, recruitment and training, and advertising. The budget estimate for those programs is $0.291 million. The Department of Sport, Racing and Recreation has identified 12 statewide mainstream subprograms in which ethnic groups participate, including: local sports development; introductory opportunities; strategic planning and policy; Swimsafe; vocation learn to swim; coaches - Aussie sport; youth leaders - Aussie sport; vacation activity centres; leadership training; family camping; vacation camping; and outdoor education. The budget estimate for those programs is $0.833 million. Honourable members will note that in these areas the Government has moved in a compassionate and pragmatic fashion. I congratulate the Premier, and Treasurer, the Hon. John Fahey, on presenting the people of New South Wales with a successful and balanced Budget. I am sure it will provide the people of New South Wales with an effective compass with which to wade through the economic hazards of the next financial year. I support the Budget.

Debate adjourned on motion by the Hon. J. Kaldis.

STOCK DISEASES (AMENDMENT) BILL

TRAFFIC (FINE DEFAULT) AMENDMENT BILL

Formal stages and first readings agreed to.

INDUSTRIAL RELATIONS (SICK LEAVE) AMENDMENT BILL

In Committee

Clause 3

The Hon. J. W. SHAW [9.56], by leave: I move the following amendments in globo:

Page 2, clause 3 (proposed section 99A(1)), line 11. Omit "or agreement".

Page 2, clause 3 (proposed section 99A(4)), line 21. Omit "or agreement".

Page 3, clause 3 (proposed definition of "award or agreement"), lines 9 and 10. Omit all words on those lines, insert instead:

"award" includes:

(a) a former industrial agreement; and

Page 3, clause 3 (proposed definition of "existing provision"), line 20. Omit "or agreement".

The question of principle raised by these amendments is whether enterprise agreements under the Industrial Relations Act ought still be allowed to provide for the paying out or the cashing in of sick leave. In other words, the amendments state that, despite the effect of the bill in prohibiting the paying out of sick leave in awards or former industrial agreements, where parties come together and agree that there ought to be an enterprise agreement that so provides - an enterprise agreement that states that sick leave can be cashed in - that ought not to be prohibited by this Act. After all, the Government's philosophy is that there ought to be no public interest test or veto on enterprise agreements. Under the Government's approach there can be a 100 per cent increase in wages or a provision that people should work for, say, 50 or 60 hours in any one week at ordinary times. That ought not to be subject to any veto or rejection by any third party or tribunal.

Consistent with that philosophy, it would seem that, where an employer and a trade union mutually agree that it is appropriate for their enterprise to have a system of paying out of sick leave, it ought to be allowable and not prohibited by the legislation. If I employ a group of clerical workers and it seems to me to be in my interests to offer to pay out their sick leave at the end of each year or at the point of their retirement, I could ask rhetorically: why should that be banned by the legislation? The whole philosophy of enterprise bargaining - which is embodied in the Industrial Relations Act - would be consistent with allowing that sort of agreement where the parties desire it. These amendments will have the effect of removing enterprise agreements from the otherwise general prohibition in the bill.

The Hon. ELISABETH KIRKBY [10.0]: On behalf of the Australian Democrats I support the amendments moved in globo by the Hon. J. W. Shaw. In my second reading speech I said that I believe other forms of employment benefits could be agreed to without resorting to cashable sick leave, with the attendant possible abuse of the purpose of sick leave and the penal sanction on the genuinely sick. I said also that it

must be decided whether it is appropriate for the Government to forbid provisions of this kind in enterprise agreements. Enterprise agreements are what they are said to be - enterprise agreements. An employer and employee, whether represented by a union or not, by the very definition of forming an enterprise agreement, have the right to decide mutually on the conditions of employment and the conditions of remuneration; that is the whole purpose of an enterprise agreement. I cannot understand why the Government, which has been fighting for three years to introduce enterprise agreements, now wishes to put legislative sanction on things that may be included in enterprise agreements. That seems a remarkable change in direction. The Government says it wants employers and employees to be free to negotiate whatever they want that suits them mutually; but at the same time it is stipulating in the legislation what they cannot do. That appears to be illogical. Therefore I support the amendment moved by the Opposition.

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The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [10.2]: The effect of the four amendments, which have been moved concurrently, is to alter the definition of award or agreement as will appear throughout proposed section 99A, to ensure that the prohibition on the cashing in of sick leave will not apply to enterprise agreements. That is, enterprise agreements may be freely made between parties at a local level whereby they can agree that there should be payment for untaken sick leave, and that these agreements may continue to be sanctioned and recognised as an approved approach. This amendment should be opposed. The Government has indicated, in the framework of the Industrial Relations Act, that the Act should recognise that where a practice is regarded as particularly offensive, enterprise agreement coverage should not be seen to be an escape route to allow that practice to be reintroduced. Section 480 of the Act specified union preference as a particular practice to be outlawed. I refer to the attitude of the Federal Conciliation and Arbitration Commission in relation to sick leave practice. I quote from the termination, change and redundancy test case, which is the job protection case. In considering the question of the payment of accumulated sick leave on termination of employment, the Federal commission said:

> Numerous decisions of this Commission and other industrial tribunals make it clear that sick leave should be regarded as a contingent right analogous to insurance. It is meant to provide for periods when the worker is ill and it would be wrong in principle to determine that this accumulated safeguard against loss of wages during an employee's working life should be turned into a cash payment on termination of employment.

That decision by the Federal Conciliation and Arbitration Commission was adopted consistently in New South Wales; and this legislation seeks to reflect the consistent approach of industrial arbitration commissions. The Government says the industrial arbitration commissions are reflecting a community attitude in this regard; that it is a practice which should not be encouraged, one that the commission has consistently refused to encourage. Within the industrial relations legislation certain practices should be prohibited. The Opposition approach to these amendments - it is trying to have two bob each way - is that certain awards contain provisions allowing sick leave; it is happy to allow the introduction of legislation to outlaw cashing in of sick leave, but now that we are moving into an area of enterprise agreements, cashing in of sick leave should be prohibited prospectively, subject to amendment No. 3 to be moved by the Opposition, but should be allowed in relation to enterprise agreements.

The principle adopted by the Government is that of the Federal Conciliation and Arbitration Commission. On that basis, the legislation should be amended to prohibit the

practice of cashing in across the board. The effect of the amendment would be to have a sham bill outlawing the cashing in practice in awards but allowing legislative scope for the escape route of continuing coverage of the practice via enterprise agreements. By this amendment the Opposition is seeking to encourage a potential undermining of the structure of the legislation that allows for comprehensive enterprise agreements. The proposed amendment would allow an enterprise agreement which would deal solely with the payment of untaken sick leave and would completely undermine the framework of this legislation. I am advised that 16 per cent of the awards of this State contain this provision. Those awards have been secured in particularly sensitive areas. The Opposition is seeking to encourage selective agreements in those areas of sensitivity covering solely the issue of cashing in sick leave. That is an undesirable practice. Let me reflect the view that the Government is espousing in relation to these amendments which outline the cashing in agreements. The legislation reflects the consistent approach which has been taken by the Federal Conciliation and Arbitration Commission. The Government believes that this is the appropriate approach.

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The Hon. J. W. SHAW [10.9]: The Minister's position in quoting what the Australian Conciliation and Arbitration Commissioner said about the payout of sick leave is breathtakingly contradictory. This Government's legislation would allow many things that the Federal commission would not countenance for one minute. This Government's legislation would allow a 100 per cent increase in wages to go through without check or veto. This Government's legislation would allow a worker to be expected to work 50 or 60 hours in a particular week on ordinary time, without overtime, provided that over 52 weeks the average is 40 hours. It would allow huge numbers of hours to be worked in a particular week on ordinary time - which the Australian Conciliation and Arbitration Commission would not countenance. The Minister quoted one decision from the Federal Conciliation and Arbitration Commission, which refused to award the payout of sick leave by way of arbitration. I accept that is the case; but that does not mean that parties, as part of a package, an enterprise agreement, should not be allowed to agree on a matter such as this. The Minister has to argue that there should be a legislative prohibition.

The Hon. D. F. Moppett: What about the aspect of sanctioning the possibility of discriminating against people who are not as healthy as are their workmates?

The Hon. J. W. SHAW: All that the amendments will do is provide that where a bona fide enterprise agreement has been reached without coercion, that agreement should not be prohibited from containing a provision such as is proposed. My argument is that there are many provisions that the arbitral tribunals would not countenance as a matter of arbitration, but nevertheless are allowed, or should be allowed, as consensual arrangements between the parties. The bill will not touch the informal or common law agreement. If I employ a secretary, I can still agree with that person that I will pay out her sick leave at the end of each year or when she resigns. Nothing in the bill will affect that sort of informal agreement. The effect of the bill is to drive deals of this kind underground, drive them into the black area of industrial regulation. What we are saying is that if arrangements of this kind are to be made - and we do not particularly encourage them - let them be public, open, legal and part of an enterprise agreement.

Reverend the Hon. F. J. NILE [10.11]: The approach of the Call to Australia group to the Industrial Relations (Sick Leave) Amendment Bill was to try to distinguish a principle that has applied in a number of arrangements between councils and their employees -

The Hon. J. R. Johnson: And clubs.

Reverend the Hon. F. J. NILE: - and other organisations, where an employer and employee freely entered into an agreement that may or may not be popular today and resulted, as the Government emphasises, in a heavy financial burden on those who made the agreements, that is, the councils or others who have to pay them out. An agreement was made. I have had discussions with many employees affected by the legislation. They have come from various levels of employment, right up to senior engineers who are reliable and trustworthy people. They understood that the sick leave provision was part of their agreement of employment; that accumulated sick leave would be available and that it was like additional superannuation; they could calculate the amount and say that the sick leave payment in addition to the superannuation payout would be enough to buy a retirement house or whatever else they might plan for their retirement. That is how they considered that benefit. My personal feeling is that any attempt to treat sick leave as an automatic accumulated benefit to which every worker was entitled should be rejected, as was said by the Federal Conciliation and Arbitration Commission. As a layman I believe that on the question of principle the commission was saying that it is

wrong to pay out accumulated sick leave for all workers; that it is contrary to community attitudes, as it is contrary to my attitude as a member of the community. Sick leave should not be used as a cash benefit.

In the cases under consideration, the sick leave benefit was used in that way. It was presented to the potential employee as an attraction when he applied for the position. The employees to whom I have spoken explained that to me and sincerely held that belief. That is what they sincerely understood. They feel that an attempt has been made to backtrack on the agreement. I know this sounds complicated but in a way it was an attempt to lead people to understand that they were entering into an agreement whereby they would benefit from accumulated sick leave if they did not use it. They accepted their employment on that basis. Questions of justice and honesty are involved. Those people must be treated fairly, notwithstanding that a heavy financial burden has accumulated over a period. I accept also what was said by the Hon. J. W. Shaw who put the Government on the spot by the remarks he made in regard to the principle of enterprise agreements in the second reading debate. Having given the matter more thought, he has seen a way to put the Government on the spot and to test its sincerity in saying that employers and employees can reach an enterprise agreement, a consensual agreement, to their mutual benefit. It may be that in the future in some industries a strong argument could be made for doing what these councils did in the original agreements.

There may be an advantage for an employer to discourage workers from taking sick leave by including a provision in an enterprise agreement that sick leave can be accumulated so that there will be no interruption to production. For example, it might be more costly to bring in a specialist to relieve workers performing specific tasks than to agree to the accumulation of sick leave for the employee. When a schoolteacher is sick or takes a so-called sickie, a relief teacher or casual teacher must be brought in and there is disruption to the school's system. It may be an advantage to encourage employees who are not well to struggle on with their duties, rather than be tempted to take a sickie. In some industries a strong case could be put for including such an arrangement in an enterprise agreement. As a lay person I believe that could be shown to have merit. It would be common sense and a financial advantage for the employer. It might be beneficial for companies with specialised workers, such as computer operators. For instance, BHP might have half a dozen people controlling the whole plant. It would be essential for those computer specialists to be encouraged to remain at work, even though

they might not be well, and continue with their duties. The disorganisation that might occur could be far more expensive than the amount to be paid out in accumulated sick leave.

The Government and the Minister have indicated their opposition to the proposal. Problems have been encountered with enterprise agreements. Employees could be blackmailing the employer. Most of the criticism of enterprise agreements has been that employers would rip off employees. There are probably clever employees who would be able to put pressure on the employer. That could happen with councils which might agree to an enterprise agreement, because they would not have to pay the amounts involved immediately; councillors, aldermen and even the staff are with the councils for only a limited period and responsibility for the accumulated sick leave payments will be someone else's problem in the future, perhaps in 10 years. In a sense that is happening now. Present management has had to pick up the cost of the arrangement which was made openly and, as I understand it, legally.

The Hon. J. R. Johnson: And freely.

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Reverend the Hon. F. J. NILE: And freely, and was understood by the employees. The ones to whom I have spoken genuinely understood it to be a further inducement to accept the employment and to work. On this occasion the traditional view of sick leave was not presented to them. It is only recently that I have had access to these amendments. The Government is in a dilemma but, at this stage, my view is that we should agree with the amendments in principle. If the amendments are passed, the Government will have to return to the drawing-board and work out some other method for reducing the huge payouts, for example, the $19 million that Bankstown council might have to find. Those amounts cannot be transferred from State funds and this imposes an immense burden on the council and the ratepayers. Perhaps it would be acceptable to the ratepayers if it were explained that these were the terms of an agreement. Because Call to Australia supported the principle of enterprise agreements embodied in the Government's industrial relations legislation, to be consistent we should support it on this occasion, even though the Government is of the view that this enterprise agreement will create economic and other problems. Perhaps we should have more faith in employers and employees working out enterprise agreements - the result may not be as negative or as disastrous as the Government is suggesting. Perhaps it has advance knowledge. An enterprise agreement is supposed to be a mutual agreement. Employees cannot simply tell the employer what they want; it must be a consensual agreement. That should provide some degree of protection from extravagant claims. Where an agreement does not exist, an advocate will try to reconcile the two points of view, and the Government has an indirect influence, through that mediator, in trying to resolve matters of conflict. Perhaps we should wait to see how enterprise agreements operate over a period of, say, two or three years and return to the issue if they do not work in the way that it is hoped they will.

The Hon. D. F. MOPPETT [10.22]: Rather than continuing to interject I shall make a contribution to the debate, particularly after listening to the contribution of Reverend the Hon. F. J. Nile. I do so in a genuine spirit of trying to understand better the issues. Reverend the Hon. F. J. Nile has raised two separate issues. One issue relates to people, particularly in the local government award, accumulating sick leave in the expectation that the sick leave would not be attenuated in any way. I understand there will be diminution of entitlement, not to those who do not become sick, but those employees who fall sick and have recourse to the provisions of sick leave; that amount of

sick leave will be subtracted from their accumulated sick leave. I can understand that, but that is not dealt with in the amendments. The amendments now under consideration deal with the issue of voluntary agreements. I call them voluntary agreements rather than enterprise agreements because some confusion exists in the community about the two terms. It must be understood that the legislation that makes provision for voluntary agreements in New South Wales outlaws certain unconscionable things within that ambit of debate, including minimum awards. One of the unconscionable things about entering into a voluntary agreement is this matter of accumulated sick leave ultimately being paid out.

It is a temptation for any group negotiating on behalf of workers to come to an agreement based on an average cost. Reverend the Hon. F. J. Nile was also looking at that sort of model. However, such a voluntary agreement works differentially for the employees who are a party to it. At the end of the day those who fall sick receive less money. The question arises as to whether an employee should take a sickie or struggle to work because that employee has some knowledge that his or her entitlement will terminate annually, for good reasons. Therefore, the employee attends at work to maintain sick leave which will be cashed up. Such an arrangement works differentially for various employees. The ultimate payment for the poor fellow who cannot avoid being

sick is decreased, and that is wrong. An employee's sick leave entitlement is not totally negotiable. An employer cannot say that he will have nothing to do with sick leave. It is one of those basic things that it would be unconscionable for an employer to negotiate his way out of. The Government says that by legislation people can be prohibited from entering into voluntary agreements which remove the action of the proposed legislation; in other words, sick leave will be set aside. An employee's entitlement to sick leave should accrue within one year but not be a longstanding benefit which accrues and which is a payment additional to superannuation payments. The logic is perfectly sound. The amendments under consideration relate only to that aspect and should be defeated.

The Hon. ELISABETH KIRKBY [10.26]: A few moments ago the Leader of the Government in this House and Minister for Industrial Relations was speaking about the principle enshrined in the legislation. He said that the Government would not accept these amendments because of that principle involved. I believe we must return to the principle of enterprise agreements or voluntary agreements, which is that the employer and the employees work out what will be fair and reasonable for a particular business or enterprise. It may well be that with widespread enterprise agreements some of the things the Federal coalition is seeking to abolish - such as penalty rates and holiday loadings - may be included in an enterprise agreement. Some employers may wish employees to work on Saturday and Sunday and, even though penalty rates do not apply any more, to make the enterprise work those employers will provide penalty rates. This Government is now seeking to legislate against the matters that could be considered on a voluntary basis between employer and employee, and that is not proper. The Hon. D. F. Moppett spoke about things that are unconscionable. I believe what the Government proposes is unconscionable, because we shall soon reach a situation where the worker will be working for a minimum hourly rate, which is what the Federal coalition wants. It is also seeking no accumulation of sick leave, whether cashable or non-cashable. Employees, even those with a voluntary agreement, will be left with nothing except a minimum hourly rate. That must be prevented here and now as a matter of principle.

The Hon. JUDITH WALKER [10.28]: I understand the Government holds certain views about sick leave and the propensity of some employees covered by some awards and or industrial agreements to cash in on sick leave. However, I support totally the remarks of the Hon. Elisabeth Kirkby. The Government has set up a whole new

industrial relations package, and the key provisions in that package were all about enterprise bargaining and the benefits that will bring to New South Wales. On the other hand, the Government introduces legislation which seeks to restrict the benefits that any employer or employee might be able to negotiate on his or her own behalf. Further, why is it that the Government and, for that matter, any Liberal Party-National Party Government cannot tell the truth to the rest of the world? It is a simple fact of life that those employees currently employed, whether by county councils, shire councils or city councils, will not at the end of their working lives have a mass accumulation of sick leave that will cost $19 million. I ask honourable members to consider the motive behind making such a ridiculous statement.

In relation to Bankstown City Council, how is it possible for the incredible number of people aged between 60 and 65 who are now going to retire to have amassed $19 million? Honourable members should consider their position. I totally agree with Reverend the Hon. F. J. Nile, who has made it clear to this House that he has listened carefully to workers from councils who have told him genuinely - he believes them to be genuine, and he is quite correct - that when they entered into the contracts with their employers it was on the basis that their sick leave would accumulate. If they were lucky enough not to have to use the majority of that sick leave during their working life, it

became part of their security at the end of their working life. The majority of people affected are the garbage collectors and those at the poorer end of the scale who have only paid small amounts into superannuation and require the cashing in of this benefit to provide security when they retire. It is time this Government took a more humane look at what is going on around it. The decision cannot always be reached in cold socio-economic terms. That is a fact of life. It is nonsense to suggest that Bankstown council might have to pay out $19 million. If councils were maintaining the books correctly, like every other business has to, they would have made allowance for that type of provision. The Government should accept the amendments and rethink its position.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Exeutive Council) [10.32]: There are two separate issues raised by Reverend the Hon. F. J. Nile. One relates to the expectations of some employees in relation to their salary package. It is clear that the proposed amendment No. 3, proposed by the Hon. J. W. Shaw, to which Reverend the Hon. F. J. Nile addressed his comments during the second reading debate addressed the issues that he raised. I acknowledge his views on that issue and his indication that he would be disposed to support the amendment. The Government has a different view, but I recognise the honourable member's position. The other issue, which honourable members are debating at the moment, is what should be negotiated in an enterprise agreement. The Government indicated in its original legislation that certain matters should not be the subject of a provision in an enterprise agreement. As I indicated in reply, one of those was union preference - section 480 of the Industrial Relations Act. The amendment before the House states that the issue of cashing in sick leave is another matter. In my comments I drew upon the consistent position of the Federal Industrial Relations Commission. The Hon. J. W. Shaw referred to the State commission and the Hon. J. R. Johnson interjected on a number of occasions. Surveys carried out in 1986 in relation to sick leave indicated clearly that the vast majority of the 16 per cent of awards that contained a cashing in entitlement were negotiated, consent agreements, as the Hon. J. W. Shaw adverted to, lodged with the commission. They were not arbitrated agreements. So far as the State award is concerned, I refer to the observations of Commissioner Mills in the Water and Sewerage Employees Union claim for such sick leave. In that particular case Commissioner Mills said:

> Those which promise a payment for any untaken sick leave at the end of each year appear to be a gimmick to entice employees to attend work irrespective of health consideration in the interests of increasing or maintaining productivity. They therefore descend to becoming attractions rather than payment for sick leave.

Reverend the Hon. F. J. Nile adverted to that in his comments. Commissioner Mills rejected the union's claim in its arbitrated case. The commissioner went on:

> If there is to be a consideration of the treatment over a total period of service, which there seems to be in the consideration of rewarding someone for being fit during his period of service, then that should be looked at in the light of the original reason behind the provision for sick leave. That was to endeavour to ameliorate the difficulties which a worker may have when stricken by sickness which prevented him from earning his livelihood.

With those comments he rejected that the commission should make an award for the cashing in of sick leave. That is no different from the position taken by the Queensland industrial commission. In observing what was called the Queensland sick pay case, the full bench of the Queensland industrial commission rejected a claim for the payment of the cash equivalent of untaken sick leave, emphasising that sick leave must be distinguished from other forms of paid leave, such as annual leave. Therefore, the approach the Government is taking in this matter is one which the New South Wales

Industrial Commission, the Queensland full bench, and the Commonwealth commission have adhered to. The argument of the Government is: is the principle that sick leave should be regarded in future as an entitlement equivalent to superannuation or any other cash accumulation arrangement? The approach the Government takes is that that is not appropriate. It is consistent with decisions taken by the Industrial Commission and should be reflected generally in enterprise agreements. The Government urges the House to reject these amendments on the principle of whether or not cashing in should continued to be allowed. One can go to editorials and radio comments in relation to the issue and numerous telephone calls received in my office. The consistent line in those telephone calls was support for the principle of this legislation. To be fair, the people who rang in consistently adopted the Labor Party's line, that perhaps we should accede to amendment No. 3 but adhere to the Government's approach that there should be no cashing in. It is obvious the Labor Council carried out an excellent task in organising the telephone calls to my office on the issue. It had just forgotten to point out it would be moving these additional amendments.

The Hon. Dr MEREDITH BURGMANN [10.38]: I wish to comment on the rather strange intervention by the Hon. D. F. Moppett. He believes the Labor Party amendment discriminates against sick people. There are various aspects of the industrial relations legislation, where social policy discriminates against people who get sick. The Federal coalition health policy of winding back Medicare and user-pays will discriminate badly against sick people. What happens when an employee who is sick runs out of sick leave? That employee has to use up recreation leave and eventually has to take unpaid leave, leaving that employee in a very poor financial situation. Until the Hon. D. F. Moppett can announce here that he believes in unlimited paid sick leave, which is the only industrial prevention of discrimination against people who get sick, and unless he believes in that principle of unlimited paid sick leave, the comments he made earlier tonight are simply contradictory.

Reverend the Hon. F. J. NILE [10.40]: I refer to the point made by the Hon. D. F. Moppett. He feels that if, in a certain area of industry, an enterprise agreement is struck with accumulated sick leave, it will work to the disadvantage of those who become

sick. The weakness in his argument is that he does not understand how I see an enterprise agreement working. For example, 1,000 employees in a certain enterprise will have to weigh up that very point. They are not fools. Some employers may be happy to have accumulated sick leave arrangements and others may not. It may be that not all employees see it as an automatic advantage. In a company with mostly middle-aged employees and only a small number of young, healthy employees straight out of school - who would not usually become sick or expect to become sick - most of the younger employees would vote for this arrangement, but those in the middle-age group would wonder how it would affect them. As I understand an enterprise agreement, all the employees have to agree. The honourable member is saying they will agree to something that could be to their disadvantage. I would imagine that in reaching that enterprise agreement there would be argument as to the pros and cons and the employees would finally make a decision either to reject it or accept it.

The Hon. D. F. Moppett: It is not about whether you have or do not have sick leave in this voluntary agreement. It is whether those who are lucky enough to be healthy can cash it out, versus those who are not healthy.

Reverend the Hon. F. J. NILE: That is what I am saying. The employees will have to weigh up very carefully whether they put that in the enterprise agreement. The Government expects it will be included automatically. I am saying that you are

jumping the gun and underestimating the thought processes of the employees. Some employees may say they do not want that benefit, because of the age range and other factors that they may feel would be to their disadvantage, because they may want to or may be forced to use their sick leave entitlements.

The Hon. D. F. Moppett: I think most of them will be drawn to the gambling aspects.

Reverend the Hon. F. J. NILE: The honourable member has a poor view or he underestimates the intelligence of the workers.

Question - That the amendments be agreed to - put.

The Committee divided.

Ayes, 20

Mrs Arena
Ms Burnswoods
Mr Dyer
Mr Enderbury
Mr Johnson
Mr Jones
Mr Kaldis

Miss Kirkby
Mrs Kite
Mr Macdonald
Mr Manson
Mrs Nile
Revd F. J. Nile
Mr Obeid

Mr O'Grady
Mr Shaw
Mr Vaughan
Mrs Walker
Tellers,
Dr Burgmann
Mrs Isaksen

Noes, 16

Mrs Chadwick
Mr Coleman
Mrs Evans
Miss Gardiner
Mr Gay
Mr Hannaford

Mr Jobling
Mr Moppett
Dr Pezzutti
Mr Pickering
Mr Ryan
Mr Samios

Mrs Sham-Ho
Mr Rowland Smith

Tellers,
Mrs Forsythe
Mr Mutch

Pairs

Mr Egan
Mrs Symonds

Dr Goldsmith
Mr Webster

Question so resolved in the affirmative.

Amendments agreed to.

The Hon. J. W. SHAW [10.49]: I move:

Pages 2 and 3, clause 3 (proposed section 99A (5)), lines 24-36 on page 2 and lines 1 and 2 on page 3. Omit all words on those lines, insert instead:

(5) However, this section does not affect the cashing-in of accumulated sick leave under an existing provision on termination of employment (whether by resignation, retirement, death or otherwise), but the maximum number of days (or other periods) of that leave that may be cashed-in is to be calculated as follows:

Step 1: Calculate the number of days (or other periods) of accumulated sick leave, as at the date of termination of employment, that the employee could cash-in in accordance with the existing provision as in force on that date.

Step 2: Calculate the number of days (or other periods) of accumulated sick leave, as at the commencement of this section, that the employee could have cashed-in if his or her employment had been terminated immediately before that commencement.

The maximum number of days (or other periods) of accumulated leave that may be cashed-in is the lesser of the numbers calculated under step 1 and step 2.

This is the amendment about which I feel most strongly. It is designed to protect the rights of existing employees; it is a conservatively stated amendment which ensures that where an employee has an accumulated bank of sick leave, that accumulated bank does not have to be dissipated by use for future sick leave. People have a reasonable and legitimate expectation of these accumulations being part of their retirement benefits, and they are entitled to not have those benefits whittled away because of future sick leave. The amendment would mean that they can use future rights to sick leave before they eat into their accumulated bank. If they exhaust, for example, 1993's entitlement to sick leave, they then go back to their accumulation and that can be eaten into, but only in those circumstances. I believe that I satisfactorily explained this amendment during the second reading debate, and I commend it to the House.

The Hon. ELISABETH KIRKBY [10.51]: As I indicated in my second reading speech, the Australian Democrats will support this amendment moved by the Hon. J. W. Shaw. It would be quite wrong of the members of the Government to believe that this amendment will cost inordinate amounts of money. The majority of workers get probably only 10 days sick leave a year and therefore it would take them a very long time to accumulate enough sick leave out of their current entitlement. If they have reasonably serious illness - for example, a kidney stone - they may need 28 days sick leave, and they will be bound to go back into their cashable bank. If they are bound to go back into their cashable bank I do not see why the Government should object to them taking their current sick leave before they do that. That is all that this amendment will achieve. This is a very simple amendment, a very fair amendment, and I do not believe it will leave many workers with a large cashable bank for their retirement or when their employment is terminated. One serious illness alone will dissipate it, and that is one of the reasons, I think possibly the most compelling reason, why I hope the Government will not oppose the amendment.

Reverend the Hon. F. J. NILE [10.53]: In the second reading debate I foreshadowed our support for this amendment in principle, because without the amendment it seems that if a person who is entitled to 10 days sick leave a year becomes sick, the 10 days is taken out of accumulated sick leave, which is not the legal and due right. This is a mean or sneaky way of actually nibbling into accumulated sick leave, which is why people involved in this are so angry. We will support the amendment.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [10.54]: The Government opposes the amendment. Proposed subsections (5) and (7) will preserve the cashing in and termination rights of employees as at the date of commencement of the new provisions. However, subclause 5 provides for the adoption of a formula by which any future sick days taken by employees will diminish the amount of sick leave able to be

cashed in upon their eventual termination. The application of this formula will produce a result which the Government believes will strike a proper balance between previously acquired rights and the correct rationale for sick leave, that is, to be used only in cases

of genuine illness. The Government believes that days accumulated for sick leave purposes prior to the proposed date of commencement of this legislation, commonly amounts of many months, should first and foremost be used as sick days. As I explained in my second reading speech, the practice of cashing in is totally objectionable on the grounds of principle, equity and cost considerations. Though recognising pre-existing rights of employees, the Government nevertheless contends that any stock of available sick days, whenever acquired, should be utilised for the reasons so granted, and accordingly the Government has no reservations in the proposed use of its drafted subclause (5) formula. For this reason the Government opposes the Australian Labor Party's amended formula, as that formula does not fully accept that past accumulations of sick leave must primarily be used for that purpose, and that financial windfalls should not flow to employees without reduction for future days taken. If the proposed legislation is perceived to disadvantage any affected employees, proposed new section 99A(6) may be helpful.

Employer-employee agreements may be entered into whereby existing cashing in entitlements may be wholly or partly paid out as part of ongoing reform processes at enterprise level. Thus the chance is there for employees to enter into arrangements with their employers for cashing in their complete stockpiles of available sick days at today's dollar figures in preference to obtaining the future value of some uncertain and in all probability decreased total at some distant time. Affected employees whose future sick days are to be deducted from their frozen stock of eligible cashing-in days will, as per their award, continue to be credited with a new stock of sick leave each year, which, depending on their health and situation and the number of days already acquired, they may utilise if necessary. Clearly the new grant of days will separately accumulate but without cashing in rights. Thus the Government is not to be labelled as being in some way anti sick leave; rather the Government is intent on ensuring that sick leave is available for use in genuine cases only. I assure honourable members that the bill is not seeking to deny employees access to further sick leave credits. For the reasons outlined, the Government rejects the proposed amendment.

The Hon. ELISABETH KIRKBY [10.57]: If I understood the Minister's explanation correctly, he said that it would be possible under a -

The TEMPORARY CHAIRMAN (The Hon. R. T. M. Bull): Order! There is far too much noise in the Chamber. Hansard have no hope of trying to pick up the comments of the honourable member speaking. I suggest that those who want to carry on conversations should leave the Chamber.

The Hon. ELISABETH KIRKBY: If I understood the Minister correctly, he intimated that under the terms of a future enterprise agreement it would be possible for the employer and the employee to agree to a minimum payout of accumulated sick leave. The Minister is nodding his head. I suggest that if that is the intention of the Government, it will put a lot of employers under great financial strain, because once that is commonly accepted, any employees with a need for the cash in hand will make that one of the first principles of an enterprise agreement: we want a payout in full of our accumulated sick leave. If you are looking to the economy and looking to save money for, say, ratepayers or electricity supply authorities the Government would be far better advised to accept the amendment moved by the Hon. J. W. Shaw, which will allow employees to use up their sick leave as from the date of the legislation being proclaimed

and then dip back into their accumulated sick leave. Otherwise there will be enormous pressure on councils, local government authorities, and electricity and water board authorities to pay out large sums of accumulated sick leave in the very near future. I believe the Government ought to take that into consideration.

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Reverend the Hon. F. J. NILE [11.0]: There is an inference by Government members that, somehow, accumulated sick leave will not be able to be used if this amendment is agreed to and that employees will use their annual sick leave entitlement. Once they have used their annual entitlement, which might be 10 days, anything over and above that will come out of accumulated sick leave. That seems to be fair. That is what the amendment will provide for. I believe it is only right and proper for the Call to Australia party to support the amendment.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [11.1]: I will address first the matter raised by the Hon. Elisabeth Kirkby. The effect of the legislation, as proposed by the Government, is to freeze the entitlement which will be paid out when a person leaves employment, as from the date of this legislation. When a person leaves employment the rate at which he or she will be paid will have to be determined. If an employer wishes to negotiate an agreement, once this legislation is in place he will have to pay out the entitlement at today's rate of pay. So there could be significant benefits for employers if they did not have to pay out engineers, health surveyors or town clerks at that significantly higher rate of pay. This matter, which might even be subject to various structural agreements that are capable of being adopted by local government, falls within the framework of the Government's enterprise agreements. The Government will be seeking to encourage enterprise agreements. Productivity gains could be negotiated as part of the agreement for paying out an entitlement. That is a matter that has to be agreed upon by the parties. This legislation will provide the employer and employee with an opportunity to achieve certain benefits by pursuing that approach.

Question - That the amendment be agreed to - put.

The Committee divided.

Ayes, 20

Mrs Arena
Dr Burgmann
Ms Burnswoods
Mr Dyer
Mr Enderbury
Mrs Isaksen
Mr Johnson

Mr Jones
Miss Kirkby
Mrs Kite
Mr Macdonald
Mrs Nile
Revd F. J. Nile
Mr Obeid

Mr O'Grady
Mr Shaw
Mr Vaughan
Mrs Walker
Tellers,
Mr Kaldis
Mr Manson

Noes, 16

Mrs Chadwick
Mrs Evans
Mrs Forsythe
Miss Gardiner
Mr Gay
Mr Hannaford

Mr Jobling
Mr Moppett
Mr Mutch
Dr Pezzutti
Mr Pickering
Mr Samios

Mrs Sham-Ho
Mr Rowland Smith

Tellers,
Mr Coleman
Mr Ryan

Pairs

Mr Egan
Mrs Symonds

Dr Goldsmith
Mr Webster

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Question so resolved in the affirmative.

Amendment agreed to.

The Hon. J. W. SHAW [11.10]: I move:

Page 3, clause 3 (proposed definition of "existing provision"), line 22. After "termination of employment", insert "(whether by resignation, retirement, death or otherwise)".

I move the amendment for more abundant caution. There is concern that the bill might not sufficiently preserve the payout of sick leave in the event of the death of the worker. I understand the Government intends to preserve that entitlement within the limited preservation found in the bill. There seems to be some room for doubt or argument and

it is better that the Parliament should put the matter beyond any argument and avoid future litigation. In the second reading debate, in support of the view that the bill already sufficiently deals with this matter, the Minister referred to proposed section 99A (2). That subsection does lend some support to the Government's position. It states:

> Accumulated sick leave is cashed in if the leave is not taken and a payment is made by the employer to or on behalf of the employee.

It can be argued that the bill contemplates a payment not only to the employee but to a person on behalf of the employee; that is, presumably to the legal personal representative of the employee. The definition of "existing provision" causes me concern. It is the existing provision which is preserved by proposed section 99A(5). An existing provision is defined at the end of the bill as meaning a provision of an award or an agreement that allows or requires an employee to cash in the employee's accumulated sick leave on termination of employment. The concept of preserving an existing provision seems to have in mind an employee cashing in accumulated sick leave on termination of employment. There is room for argument at some court at some future date which ought to be put to rest, if it can be put to rest. Courts from time to time are prepared to look at *Hansard*, and some court in the future may well look at the words of wisdom of the Attorney General, and Minister for Industrial Relations in assisting the court to construe this legislation. On the other hand, courts do not always give the *Hansard* record the weight that some people might desire and there seems to be some ambiguity. Unless there is a good reason for not passing this amendment, I would have thought it was the wiser and safer course to insert it into the bill.

Reverend the Hon. F. J. NILE [11.12]: I did indicate in the second reading debate that the Call to Australia party agrees with the amendment in principle, even though the Government has said it can be read into a later clause of the bill. The clause finishes after "termination of employment". That could lead to some misunderstanding and the amendment would remove that misunderstanding. It would remove fears of persons affected by the death of a loved one, such as a wife. They would know in black and white that this legislation is quite specific. The Government also agrees with it. The only argument for voting against the amendment would be that it is extraneous. In some cases it is better to make the point absolutely clear. That is what this amendment will do.

The Hon. JUDITH WALKER [11.13]: In support of the arguments of my colleagues I think the Government should accept the amendment. It is not a question of Labor versus Liberal. The person giving the advice is eminent in his own field. He is a top Queen's Counsel and a top industrial silk. I do not suggest that the Minister is not equally qualified. However, he is not qualified in the industrial field, though his advisers

are obviously very qualified in their field. My colleague is correct in saying that when judges look at interpretations they do not always refer to *Hansard* and the spirit of the legislation when it was debated in the House. That has happened more than once. The Government, in all good grace, should accept the advice.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [11.14]: The only doubt that exists in this matter is the doubt that was initially generated by the industrial wing of the Australian Labor Party in order to assist its argument and the emotional issues it sought to generate against the legislation. The clear position, as I indicated in my second reading speech, is that the Government clearly acknowledged the position in relation to this provision. There was never any doubt as to the operation of the legislation. The

Government opposes the amendment because, in terms of the proper meaning of "existing provision", it is clear that the adopted definition refers the reader to the individual award or agreement to assess what actual circumstances - resignation or retirement - will sanction cashing in under that award or agreement. The Opposition's added words are completely unnecessary and useless. The Hon. J. W. Shaw will acknowledge that the adding of otiose words to legislation encourages the judiciary to question why additional words were put in that were not necessary. The approach taken by the Government is that useless words should not be added if they are not needed in the legislation as they would encourage questioning or doubt down the track. That approach is totally abhorrent to the Parliamentary Counsel and should not be encouraged by the Government for good legislation.

Question - That the amendment be agreed to - put.

The Committee divided.

Ayes, 20

Mrs Arena
Dr Burgmann
Ms Burnswoods
Mr Dyer
Mr Enderbury
Mrs Isaksen
Mr Johnson

Mr Jones
Mr Kaldis
Miss Kirkby
Mrs Kite
Mr Macdonald
Mr Manson
Revd F. J. Nile

Mr Obeid
Mr Shaw
Mr Vaughan
Mrs Walker
Tellers,
Mrs Nile
Mr O'Grady

Noes, 16

Mrs Chadwick
Mr Coleman
Mrs Forsythe
Miss Gardiner
Mr Gay
Mr Hannaford

Mr Jobling

Mr Mutch
Dr Pezzutti
Mr Pickering
Mr Ryan
Mr Samios

Mrs Sham-Ho
Mr Rowland Smith

Tellers,
Mrs Evans
Mr Moppett

Pairs

Mr Egan
Mrs Symonds

Dr Goldsmith
Mr Webster

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Question so resolved in the affirmative.

Amendment agreed to.

Clause as amended agreed to.

Bill reported from Committee with amendments and report adopted.

MINES SUBSIDENCE COMPENSATION (AMENDMENT) BILL

MURRAY-DARLING BASIN BILL

Formal stages and first readings agreed to.

MUTUAL RECOGNITION (NEW SOUTH WALES) BILL

Message

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.

ADJOURNMENT

The Hon. J. P. HANNAFORD (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [11.27]: I move:

That this House do now adjourn.

DEATH OF Mr DONALD McKINNON GEDDES, O.A.M.

The Hon. PATRICIA FORSYTHE [11.27]: When I made my maiden speech

last year I said of the City of Newcastle that it was a formidable force when groups came together for common goals. Today I had the honour to represent the Government at the funeral of a great Novocastrian where one could see that force, the force of many people coming together to pay tribute to a great Novocastrian, Donald McKinnon Geddes, O.A.M. Don Geddes was a person who above all else represented what is good about local government. He was the longest serving alderman on Newcastle City Council. Having been elected in 1977 he served until his death last Saturday - except, of course, for the period in the mid 1980s when the Newcastle City Council was dismissed. Don Geddes gave to his city because he loved his city and he believed that he had something to contribute. He was, in addition to being a member of the Newcastle City Council, a solicitor for many years, and lately a barrister. It was for that professional work that he deserved a title as one who believed in and was prepared to work for the underdog.

As was said today at Don Geddes' funeral, he was prepared to give of his time and of his energy to the city he loved. He was honorary solicitor to more than 400 community groups. When he was elected to the Newcastle City Council in 1977, he also accepted the position of Controller of the Newcastle State Emergency Service, a position he still held at the time of his death. If honourable members put that in the context of the 1989 earthquake they will appreciate something of the time and effort that he gave to his city - and that he gave unstintingly. In addition to those positions, he was a Wing Commander in the Royal Australian Air Force reserve, a judge advocate and defence

forces magistrate. He was involved with many ethnic groups in Newcastle, president of the Newcastle Australian Football League, president of Charlestown Skillshare; he was involved and had been involved for more than 20 years with police youth clubs and with ex-service groups. But above all else he was a family man. His wife and four children certainly today heard of the pride that the city had for Donald Geddes. Not only did the city and the civic fathers come together to pay tribute, but among the tributes was a letter from the Anabakal Aboriginal community, who simply wished to place on record that they had lost a great friend.

It was interesting to note in the funeral procession that after the car carrying the Lord Mayor and bearing the flag of the city there followed four bikies representing the Newcastle Combined Bikers Group who said that they wanted to be present because Don Geddes was a patron. They attended in their leather regalia to pay their last respects. That says something of a man who was able to draw the whole community together. Don Geddes was a man who did not believe in politics in local government, but believed very much in local government. Today at his funeral the community was represented. One of his pallbearers was the honourable member for Charlestown, Richard Face. Many other members of the Opposition attended the funeral, including the former Independent member for Newcastle, George Keegan. The funeral was the largest in Newcastle in more than 50 years. That says something of a man who gave to his city. I thought tonight I should place on record a tribute to Don Geddes. I am sure all honourable members join with me in expressing condolences to his family: his wife Maria and his four children.

IRON GATES DEVELOPMENTS PTY LIMITED

The Hon. JAN BURNSWOODS [11.31]: Once again I raise in the House details about the proposed largest development on the North Coast - a huge residential and tourist development planned by a $2 company known as Iron Gates Developments Pty Limited on a site on the outskirts of Evans Head. The company, headed by Mr Sam McCormack, has freely broken the law in its determination to get the development going. However, any consideration of prosecution of Iron Gates Developments Pty Limited has

been ignored by the New South Wales Government and the responsible Ministers. By its inaction this Government has aided and abetted the illegal activity of Iron Gates Developments and has engaged in a cover-up to protect the company and Sam McCormack. Why? That question requires full investigation and explanation. The Minister for Planning, Robert Webster, condones Iron Gates Developments Pty Limited's wilful and unlawful destruction of Aboriginal heritage sites at the Iron Gates site. Further, the Minister is well aware that the company has bulldozed Crown land without authority, but comes into this House as McCormack's apologist, launching attacks against those who have exposed the company's illegal activity. As usual with this Government, it has been left to environmental groups and Aboriginal land councils to fight the might of developers who feel free to act outside the law. Environmental and Aboriginal groups have successfully taken on Sam McCormack and his teams of lawyers. Mr McCormack's company has lost three court cases already over his illegal activity on the Iron Gates site. Yet Robert Webster protects him. Again I ask, why? Now the Minister for the Environment has joined Mr Webster on the protect Sam McCormack action group. Again I ask, why?

In one instance Iron Gates Developments illegally destroyed an Aboriginal midden, then further breached the National Parks and Wildlife Act by failing to notify the National Parks and Wildlife Service of that destruction. When it was discovered by

the Richmond-Evans environmental society, the destruction was reported to the service immediately, on 15th July last year. On 23rd July, 1991, National Parks and Wildlife Service officers strenuously recommended prosecution of the company. On 9th August Iron Gates Developments applied for retrospective consent to destroy this piece of Aboriginal heritage. In itself that is an admission of guilt. One internal National Parks and Wildlife Service memorandum, dated 13th August, 1991, stated that any retrospective consent should be delayed pending court action against the company. Another internal memorandum, dated 23rd October, 1991, stated the obvious: "This site is now damaged so severely that it is questionable whether a consent is applicable at all". It is clear that the National Parks and Wildlife Service officers wanted Iron Gates Developments prosecuted and thought that it would be. Instead the retrospective consent was granted - against the wishes of the local land councils. Despite this, Mr Hartcher stated in a letter to me this month that the destruction was not reported to the service for six months, and therefore a prosecution was unlikely to proceed. However, under the National Parks and Wildlife Act the developer should have reported the destruction to the National Parks and Wildlife Service.

Koori groups ask: how can the Minister use the company's own breaches of the Act as justification for failure to prosecute? Mr Hartcher wrote further in his letter to me that the National Parks and Wildlife Service investigated the incident and its officers felt that a conviction could not be sustained. That is a fallacy. Those who did the investigations recommended prosecution. Someone higher up pulled the plug on the prosecution. Again I ask, why? Mr Hartcher should know that the company has never denied its involvement in the destruction of this Aboriginal heritage. It is on the public record in the Land and Environment Court that the company sent a bulldozer on to the site on 27th February, 1991, and the bulldozing, which itself was an illegal activity, destroyed the Aboriginal heritage site. The Government's refusal to prosecute Iron Gates Developments for any of its numerous breaches of laws is a signal to every developer in the State that planning and environment laws exist in New South Wales but one does not have to abide by them. The Government will not enforce this State's laws, and developers are therefore given freedom to destroy whatever they like. There is a pattern of collusion and conspiracy concerning Iron Gates Developments, the Minister for Planning, his department, the Minister for the Environment, the Director of National

Parks and Wildlife, the Minister for Public Works, his department and the Richmond River Shire Council.

It is amazing that the Government learned nothing from the ICAC inquiry into North Coast development. The same style of conduct is occurring with the Iron Gates development. If ever there was a case of conduct being conducive to corruption, this is it. If these Ministers truly believe that they have nothing to hide in the Government's involvement with the Iron Gates development and Sam McCormack, I challenge them to open their files on this matter - but they will not have the guts to do so. Their files will show that in July 1990 the former Minister for the Environment was against this destructive development. Their files will show also the funny goings-on with the National Parks and Wildlife Service director concerning the Heritage Council's refusal to place an interim conservation order on the area. On 19th October the company lodged a new development application, and now the whole sorry saga is set to start up again. I place on record that the three local Aboriginal land councils - Ngulingah, Bogal and Jaili - and the regional land council have been opposed always to the issue of a permit which gives retrospective consent to destroy or salvage the midden wilfully destroyed by Iron Gates. These land councils, which have a cultural responsibility to preserve heritage sites, are concerned at continuing acts of destruction of Aboriginal heritage by Sam McCormack's company, and the Government's failure to pursue prosecution of development companies that feel free to operate outside statutory restraints. This company can and should be prosecuted.

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PODIATRY SERVICES

The Hon. ELISABETH KIRKBY [11.36]: I wish to read on to the record a letter that I received recently from the Australian Podiatry Association (N.S.W.). It was signed by Marilyn Dodkin, the State secretary, and states:

> For many years the NSW Government has shown little interest in ensuring that the public receives the same high standard of podiatry service that exists in other States. This is particularly so in important areas such as diabetes, paediatrics and aged care.
>
> All mainland States, except NSW, have a university level batchelor degree course in podiatry, together with other health science degrees such as physiotherapy.
>
> The current TAFE diploma in podiatry does not provide adequate training in important subject areas such as biological sciences, radiology and biomechanics.
>
> NSW podiatrists have no access to postgraduate courses and research programmes. These programmes are only available in universities.
>
> In the interests of the NSW public, we urge you to request the NSW Education Minister, Mrs Chadwick, to make the podiatry degree course at the University of Sydney (Cumberland College) a top priority for new university course places in 1995. Also we urge you to request the NSW Health Minister, Mr Phillips, to provide the necessary support to ensure Federal Government funding.

Additional information can be applied for from the association. The final paragraph of the letter in part states:

> We would appreciate your assistance. This matter is URGENT, as decisions are to be

made within the next two weeks.

It would appear that now the mutual recognition legislation has been dealt with in this House it will be possible for podiatrists from other States, who are more highly qualified in podiatry than podiatrists trained in New South Wales, to practise in New South Wales. Also, it will be possible for podiatrists who have only been able to avail themselves of training in New South Wales to practise in other States, though they will have achieved a lesser standard of excellence and professional skill. This matter must be addressed immediately. Obviously it is going to take another two years before a course can be put into place at the University of Sydney, and it will possibly be another three years after that before fully qualified podiatrists will be able to complete that course. Therefore, I urge the Minister for Education and Youth Affairs and the Minister for Health to take the views of the Australian Podiatry Association into account and consider them carefully to see if what they have requested in their letter to me and to other members can be carried out.

UNITING CHURCH OF AUSTRALIA DECISION ON ABORTION

Reverend the Hon. F. J. NILE [11.40]: Recently the Uniting Church of Australia announced its decision to support the right of women to have abortions. This is supposed to be a pro-abortion decision - even though some leaders have denied that - and the debate is really between pro-choice or pro-life, pro-choice being abortion. An annoying aspect of the abortion debate was the comparison of men with women. It was argued that if men were to have babies there would be no laws against abortion. I should like to quote from a statement issued by the organisation of Women Exploited by Abortion. To belong to it one must have had an abortion. Hundreds of women in Australia and tens of thousands of women round the world have joined this organisation. Mrs Judy MacKenzie, the Australian Director, has said:

> Women Exploited by Abortion (WEBA) International is greatly saddened by the recent Uniting Church Synod vote on the right of women to choose abortion. We are sad because we know that because of the church's lack of biblical stand on abortion many women who might otherwise have chosen differently will now choose abortion.
>
> Most women choosing abortion do so at the most vulnerable time of their lives. After they are ambivalent about how they feel about being pregnant, and if there are no guidelines to go by the decision to choose alternatives to abortion becomes more unlikely. After all, if the church does not tell us that according to God's law, abortion is wrong; and if the law does not say that according to man's law, abortion is wrong, is a woman making a mistake if she has an abortion?
>
> WEBA says Yes, abortion is a big mistake. We know because we have been there. Tens of thousands of WEBA members world wide have had abortions, and suffered as a consequence. We are afraid now for the thousands more women whose lives will be destroyed as a direct consequence of the Uniting Church's decision.
>
> WEBA picks up the pieces after an abortion. [*Time expired*.]

Motion agreed to.

House adjourned at 11.42 p.m.