

## LEGISLATIVE COUNCIL

Thursday, 22nd April, 1993

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**The President (The Hon. Max Frederick Willis)** took the chair at 10.30 a.m.

**The President** offered the Prayers.

### CASTLEREAGH LIQUID WASTE DISPOSAL DEPOT BILL

**Bill received and read a first time.**

### PETITION

#### Steel-jawed Leg Hold Traps

Petition praying that the House legislate to ban totally the manufacture, sale and use of steel-jawed leg hold traps in all areas of the State as they cause great suffering to all animals and birds, both target and non-target, caught in them, received from the **Hon. R. S. L. Jones**.

### STANDING COMMITTEE ON SOCIAL ISSUES

#### Report: Births, Deaths and Marriages Open Register

**Debate resumed from 1st April.**

**The Hon. D. F. MOPPETT** [10.40]: When the debate was interrupted on the previous occasion I was endeavouring to make the point that many of the advocates for a more open register for births, deaths and marriages referred to the British model, which has been adopted in New Zealand and other countries. That model was used as a basis for advocating the wider adoption of the concept of an open register in Australia. Counterarguments to this suggestion were based on the technical differences between information contained in the British register and other registers. On that basis alone there was reason for resisting the suggestion that that model should be adopted in New South Wales or anywhere in Australia.

The committee was impressed with the fact that there was a more significant aspect to the argument with regard to rejecting the comparison with Great Britain. First, it was one of those cultural moves unique to Great Britain. It had been developed over centuries in that country and had perhaps been adopted in some other countries with a sympathetic and derived culture from the model developed in England. However, the committee received evidence to suggest that the overwhelming international attitude is for more privacy and confidentiality in the maintenance of records such as births, deaths and marriages registers.

The committee was referred to the position taken by such organisations as the Organisation for Economic Co-operation and Development on aspects of privacy as a fundamental human right, and the

need for agencies and organisations that collect data of this nature to make it clear to those who are providing the original material the purpose for which the information is required and the use that will be made of it - without permission it should not be used for any purpose. It was persuasively argued that throughout the wider world community there was no enthusiasm for an open register of births, deaths and marriages.

One of the most persuasive arguments - and this was presented by Mr Justice Michael Kirby - was that many people in the Australian community would be aghast at the idea of our registers being open, because of their experiences in Europe when information as regards their ethnic origins had been used to their suffering and detriment during the dark periods prior to and during the Second World War. Although a person may have a name that suggests otherwise, information contained in such a register would confirm his or her ethnic origin. Mr Justice Kirby regarded that matter as a consideration that would mitigate against general acceptance in the Australian community of a more open register. That was regarded by the committee as almost the turning point - it was indeed a persuasive argument - for those who had advocated an open register.

Early in my speech I complimented the Hon. Ann Symonds for her contributions during this inquiry. I wish to refer again to some of the ideas she put forward during the debate that were additional to the general acceptance of the unanimous reports. The Hon. Ann Symonds has a genuine philosophical commitment to the idea of openness, and she saw the virtue, as did some of her colleagues, of a nothing-to-hide approach to these public records. Though that approach was commendable, the majority of the members of the committee were persuaded that that philosophical attitude had nothing to offer by way of benefits to the community and was not a philosophy shared by the majority of people in Australia. Though an open register may have pleased those with a technical and vested interest - genealogists, historians and others - generally speaking, people took a more private approach.

**The Hon. Ann Symonds:** You will agree that I proposed an openness only in respect of the indexes?

**The Hon. D. F. MOPPETT:** I would certainly acknowledge that it was simply a philosophical standpoint with regard to making more open only those aspects of the register and records which were proper to be revealed. I do not mean to suggest that the Hon. Ann Symonds had in any way advocated open access to all the material.

**The Hon. Ann Symonds:** Just the indexes.

**The Hon. D. F. MOPPETT:** Yes. The honourable member believed there would be an advantage in making that material more accessible.

Page 1424

She said she believed a facility should be available for recording Aboriginality in the register of births, deaths and marriages. Honourable members who took part in the deliberations of the committee heard the arguments of the Hon. Ann Symonds in this regard. I listened again with interest to what she said during the debate. Though it is vital that accurate statistics are kept regarding Aboriginal ethnicity - and perhaps for those statistics to be kept distinct from those who are, in legislation, classified as Aboriginal simply by association - I do not think that the register of births, deaths and marriages is the appropriate method of collecting such information.

I commend the Hon. Ann Symonds for emphasising the need for the collection of comprehensive data. It is probably more properly the province of the Australian Bureau of Statistics to address the problem of the lack of empirical data on Aboriginality as a component of Australian society. I do not believe it would be appropriate in the future to consider including such data in the register of births, deaths and marriages at the time of registration. I noted that 169 submissions were presented to the committee. It is fair to say that the overwhelming majority of them advocated an open register. That was because the submissions came principally from people whose interests were centred in genealogical

or historical studies. It is a salutary lesson for people who look at the weight of submissions on a particular issue to realise that frequently that can give a skewed sample of public opinion, as I believe happened in this instance.

The committee arrived at a decision which, despite the number of submissions, did not agree with the thrust of what those submissions sought. A personal view with which the committee did not agree but of which I should inform the House is that, though members of the committee were unanimous about defining the operational rules of the registry so that people would understand the general criteria by which they could obtain access to entries in the records, the discretion that has always been at the disposal of the registrar should have been left more open. However, the majority of committee members believed that that discretion should be as closely detailed as possible. That belief resulted from a request by the registrar, who felt that it was an odious responsibility to determine case by case the merits of applications for special dispensation to gain access to the records.

In my opinion too detailed a circumscription of the registrar's discretion is undesirable. No evidence was put forward to suggest that the discretion that in the past had been virtually open had been misused in any way. When the amendments or regulations are written to cover this area, I hope my remarks will be borne in mind and that the registrar will retain a wider discretion to deal with the unusual cases that are brought forward. That will enable him to treat with compassion applications that are received for dispensation from the normal rules. I thank the staff of the committee and commend my colleagues for their collaboration on this project. I commend the report to the House.

**The Hon. K. J. ENDERBURY** [10.53]: The report has been covered in detail by honourable members and my comments about it shall be brief. Members of the committee thought that this would be a simple matter; that the prospect of opening up the registers of births, deaths and marriages would not present great difficulties. However, as evidence was received from people who had made submissions to the committee, it was realised by members that the issue was much more complicated than had been originally thought. Ultimately members had to strike a balance between the needs of people such as genealogists, who had legitimate reasons for ascertaining background information on behalf of individuals, groups and organisations, and the requirements of Government departments for access to information, and had to bear in mind security aspects.

The committee received evidence from representatives of Government departments that were concerned about the freeing up of information in the registers that might enable criminals to have greater opportunity to commit forgeries and related crimes. The committee heard of the concerns of the Privacy Committee and individuals about protecting the privacy of those who did not wish details of family backgrounds to be made public. It was suggested to the committee that some representatives of the media with fewer scruples than they should have might seek information with a view to carrying out a destructive job on persons prominent in public life. By and large the committee did a good job in balancing those concerns. As with all reports that come from the Standing Committee on Social Issues, so many grey areas were involved that it was virtually impossible to determine precisely in black and white terms what should or should not be done.

No matter what the committee recommended, not everyone would be pleased about the report. Some people will be pleased with the report overall, and others will agree with only parts of the report and its recommendations. It is impossible to please everyone. On the whole the committee members tackled their task with a will, did not shirk their responsibilities, and listened carefully and attentively to the evidence put before them. I agree with the thrust of the report and place on record my tribute to the staff members who supported the committee: the director, Isobel Bothwell; senior project officers, Jaleen Capels and Glen Baird; committee officer Heather Crichton; assistant committee officer Annie Marshall and the many people who voluntarily gave evidence to the committee on a matter that became far more complicated than was originally thought. I support the report and look forward to future legislation based on the work done by the committee.

**The Hon. J. F. RYAN** [10.56]: I commend the Standing Committee on Social Issues for its report into births, deaths and marriages and whether those registers should become open for inspection by the public. The report is all the better because it involved a level of extensive community consultation. Many diverse issues of importance were raised before the  
Page 1425

committee. When I first saw the terms of reference for this inquiry I frankly wondered why it was necessary to go through such an extensive process of consultation. Any information held by the Government should become publicly accessible, and I doubted the necessity to challenge that concept. As the committee received information from the public it became apparent that many important issues required consideration - issues related to the basic human rights of people in the community.

The inquiry was initiated by the Australian Law Reform Commission. Initially committee members were of the view that the public servants who had prepared the report of the commission had got it monumentally wrong and that there was a need to review the report that had been made and add to it opinions that had been put to the committee by members of the public. In this instance politicians stood up for the rights of people and gave consideration to matters that had been put before them. In the normal course of events when one is presented with a quality report that appears to be well researched one would say simply that it was a good report and its recommendations should be implemented in full. I believe that opinion was shared by the majority of the members of the committee.

It ought not surprise honourable members that the Australian Law Reform Commission got it so wrong since it was the originator of the now infamous Australia Card. It, too, would have compromised the privacy and rights of people. I have taken a particular interest in people who pursue the much valued hobby of tracing their family history. In many respects this is not only an innocent pastime but also a valuable one in providing information about people's origins, their relatives and where their relatives had died. It is the right of every human being to have that information, if it is at all possible. The origin of a family name, how family properties were acquired and interesting anecdotes are important to some people. However, advancements in medicine have demonstrated the importance of people knowing their family medical history. As medicine is improving, many people in their declining years become subject to diseases such as Alzheimer's disease, cancer and other illnesses which may have a strong genetic link. It is becoming increasingly important that a blueprint be provided as to a person's genetic make-up.

How a family member died is of interest to some, particularly when the cause of death resulted from a disease acquired genetically. Every scrap of information that can be made available to us in our declining years is important and may prevent our encountering some of the problems faced by our families. Interest in medical research into the causes of death will increase, not decrease. Eventually I believe it will become incumbent on Parliaments to allow people increased access to the history not only of immediate family members but also perhaps aunts, uncles and other relatives. At some time in the future such matters will be pursued not just out of interest but because people will consider it their right to have made available to them such vital information that may assist them in preserving their lives. Though these are important issues that the committee considered, one should balance them against the need to protect one's privacy.

Some people, for legitimate or illegitimate reasons, may wish to protect information about their age. Despite progress being made in our society regarding age discrimination, nonetheless, people may wish to protect themselves from that sort of discrimination, particularly those with the good fortune to look younger than their age. Some people may seek to keep in confidence whether their parents were married and so protect the legitimacy of their birth. Other people may wish to protect details about how immediate members of their family died because they may view them as personally damaging. Personal rights to privacy should be respected and that issue was foremost in the minds of committee members when preparing the report.

The committee received fascinating representations from the Society of Australian Genealogists and from radio personality Nick Vine Hall. I was able to obtain information about my family history because,

after giving evidence, Mr Nick Vine Hall assisted me in obtaining my birth certificate from Canada. I had not previously seen my birth certificate and did not know how to gain access to it. My mother was unhelpful in that regard because, wonderful as she is, she was worried that my birth certificate would reveal how old she is, having valiantly attempted in the past to keep her age from us. Members of the committee found the submissions interesting and, in many cases, entertaining and enlightening. I raise a matter of intense concern to me and one that goes to the heart of the rights of our committee. The committee had gone through a process of inquiry lasting about six months and received evidence from 170 witnesses. Hours of consultation were carried out formally and informally through the staff of the committee.

**The Hon. J. M. Samios:** Was it a good cross-section?

**The Hon. J. F. RYAN:** It was an excellent cross-section. When the committee was in the final throes of preparing its report, the annual conference of Australasian Registrars of Births, Deaths and Marriages was held in November 1992, months before our report was due to be handed down. It was well known that the report dealing with these issues was being prepared, yet the annual conference sought to deal with the same issues. The committee and its staff had become a great repository of information, and, without being immodest, it is my belief that this is the most detailed investigation on this particular subject carried out in Australia. I was surprised that, in the main, Registrars of Births, Deaths and Marriages throughout Australia decided to put together their own report on this issue and pre-empt everything included in the committee's report. I was somewhat disappointed by that action.

I believe it would have been more appropriate to have waited until the New South Wales Parliament had made a decision on this issue and reported

Page 1426

accordingly. Those registrars would have found our report to be an excellent standard to follow throughout the country. The fact that national standards do not exist in respect of these issues is one matter that became apparent to the committee. Until national standards are introduced, it will be difficult to link up all registers to cross-reference information from State to State. It is important that there be such cross-referencing because not everyone is born in the State in which they live, marry, have children and die. These matters should be able to be traced Australiawide. In this day of improved technology it would be reasonable to assume that one could attend the New South Wales Registry of Births, Deaths and Marriages and be given information from around the country, but that is not possible. Six or seven inquiries right across the country are necessary in some instances.

It is important that national standards are introduced so that this information is more accessible. This report would be an excellent landmark and barometer on which to base those standards. Unfortunately, the annual conference of Australasian Registrars of Births, Deaths and Marriages made a number of decisions that differ from the committee's conclusions. One decision that immediately comes to mind is that the committee recommended a 75-year time lag for public access to records of birth certificates; the conference recommended 80 years. That may not seem a great deal of time, but sometimes the people making inquiries are elderly; to a person aged 65 or 70, a requirement for an additional five years may be very important. That aspect was taken into consideration when the 75-year timelag for access was suggested.

The public servants involved in these matters do an excellent job. Barbara Flett, the Principal Registrar of the New South Wales Registry of Births, Deaths and Marriages, provided professional and excellent submissions to the committee. She deserves a great deal of recognition for the manner in which she carries out her job on behalf of the Government. Anything requested by the committee was provided by her. She escorted the committee on an interesting tour of the births, deaths and marriages registry. New South Wales is well served by that particular official. Nevertheless, it might be said that the officials who attended the annual conference of registrars made a decision that pre-empted the committee's decision. In areas where there is a difference, the committee's report should be preferred over the recommendations of the officials as the basis for national standards if for no other reason than

the committee's inquiry was clearly more extensive, in particular, in respect of public consultation.

I enjoyed participating in this inquiry as a member of the standing committee. The committee's report maintains the good standard established by a succession of excellent reports produced by the Standing Committee on Social Issues. Each of its reports has resulted in government action and many compliments from the public. The committee began with the adoptions report; it has produced a report into drug abuse; juvenile justice is currently being considered following the release of the Government's green paper; and now it has produced this particular report on births, deaths and marriages. By taking time the committee has been fortunate in getting it right every time.

That indicates not only the way in which the Standing Committee on Social Issues carries out its task but also the fact that parliamentarians take time to consult with the community on any controversial issue. That invariably removes the heat from otherwise damaging issues in terms of the controversy they would create, results in good decisions supported by the community, and helps the Government implement recommendations that have the full support of the community. I commend the committee for an outstanding report. I am grateful for the opportunity to participate in the process.

**Reverend the Hon. F. J. NILE** [11.13]: As a member of the Standing Committee on Social Issues I am pleased to participate in the debate on its report on births, deaths and marriages, which dealt in particular with the question of whether there should be an open register. The social issues committee, as part of this Parliament, performs a valuable function and provides a good service to the people of New South Wales. It is important for the community - and perhaps the media - to be aware of and to pay more attention to the work of committees such as the Standing Committee on Social Issues. It is important also that credit be given for the work carried out by committees, particularly when account is taken of the fact that much of the work is carried out when Parliament is not sitting. Often debates appear in the media about the role of politicians and the number of days that Parliament sits. The impression is sometimes given that the only time members of Parliament do any work is on the days when Parliament actually sits.

A great deal of work is carried out by the standing committees of the Parliament, in particular the Standing Committee on Social Issues. When committees carry out their valuable work and take evidence from highly qualified witnesses it is disappointing to me that representatives of the media show a lack of interest by their poor attendance at committee hearings. They have an opportunity to attend committee hearings with members of the public to observe committees carrying out their functions and to hear the evidence. Few occasions arise when at the request of the witness a committee will hear evidence in camera. The work of the committee is open to the public and particularly to the media. With more than 40 journalists attached to the Parliament as part of the parliamentary press gallery one would think more attention would be given by the journalists to committees when they are carrying out their important duties.

The report when presented to the Parliament is a bit like the tip of the iceberg, but below that tip is a tremendous amount of work that has been carried out by committee members and particularly the staff

Page 1427

assisting the committee. I offer my thanks to the chairman, the deputy chairman and members of staff for their diligence in carrying out their duties and in enabling the committee to meet often fairly tight deadlines in producing reports and presenting them to the Parliament. For example, the social issues committee received 169 written submissions on this particular reference dealing with the issue of births, deaths and marriages and the question of whether the register should be made more available to the public than it has up to the present. The majority of those submissions came from genealogists and family historians - people with an intense interest in the subject and people who were able to assist the committee by providing their valuable expertise.

The committee heard evidence from 36 witnesses at formal hearings held in Sydney. Those witnesses included genealogists; representatives of genealogical societies; historical, social science,

health and medical researchers; representatives of the New South Wales Law Reform Commission; the New South Wales Registry of Births, Deaths and Marriages; the Privacy Committee of New South Wales; and members of the Federal Attorney-General's Department. As a member of the committee listening to the evidence, it is important to note that witnesses hold the committees in high regard. I was particularly impressed by the serious and helpful attitude of representatives of the Federal Attorney-General's Department. Being from the Federal sphere they could have taken the attitude that this was only a committee of the State Parliament and treat it in an off-handed way. That did not happen. I was impressed with their serious attitude and the fact that they travelled to Sydney to give evidence before the committee. That shows the high standard in which the Standing Committee on Social Issues is held by members of Parliament, by government departments, as well as by a wide range of community organisations and academics who we know have busy schedules. It is commendable for them to give their time to appear before the committee. Indirectly, that gives greater credence to the work of the committee itself.

The Standing Committee on Social Issues had to strike a balance between the privacy considerations of individuals and the public benefits which may follow should changes be made to allow increased access to registry records. I believe the committee adopted an open-minded approach in taking evidence from a wide range of citizens to establish whether there was justification to open the records to a wider range of persons than those who have access at present, in particular, to persons concerned and their families, or to persons they would authorise to have access to the records on their behalf. That meant that the committee had to examine the role and function of the registry, legislation guidelines concerning privacy and data protection, and the use of registry data by State and Federal organisations.

A new issue that arose, and one that will probably affect this Parliament and the workings of government, related to the possible commercial use of registry data. I believe all committee members were concerned about the opening of registry data for use in a commercial sense, with people endeavouring to make a profit from access to that data. All committee members were concerned about possible commercial use or commercial exploitation of registry details. That matter raised during the inquiry was of concern to all committee members. In seeking to arrive at a balance the committee was impressed by the work of the registry and the serious and responsible attitude taken by those in the registry to their role of protecting the records and ensuring they were available in the first place, that is, that the information was collected and maintained in a professional way and made available within the terms of the law, particularly to family members.

I support the principal registrar retaining some discretionary power under any future legislation, particularly with respect to requests for research by specialist researchers who may not be specifically defined in the registry's access policy. As a member of the committee I agreed that requests should be evaluated according to the existing criteria - that is, the reason for the research - the reputation of the body seeking access, the public benefit of the research and issues relating to the privacy of individuals. In assessing the question of whether the registry should be made more open to the public, I believe, as the majority of committee members believe, that it is very important to protect the privacy of persons who provide the information initially, and that the confidentiality of those records would be an important factor in ensuring that the records were accurate.

The members of the committee believe that an open register may affect the accuracy of information recorded. In time that would have an effect in the community. It would not happen overnight, but if busybodies could have access for their own reasons to what are basically family records that are maintained by the Government, that is, for reasons completely outside those of genuine research, genealogy, and so on, and if the information was misused or abused, there may be an effect in the long term as to whether information that was provided was accurate and truthful. As a member of the committee I agreed that we could not support an open register, as proposed by the Law Reform Commission. The recommendation of the Law Reform Commission, which in many ways triggered off the inquiry, was not accepted and I was happy to be part of the committee that agreed that the

recommendation should not be adopted.

The committee agreed unanimously that the current criteria used to grant access to certificates, that is, the age of the record, the relationship of the applicant to the subject of the record, and the exercise of the principal registrar's discretion, should continue to be the basis for access provisions. The application of the age criteria for access to both indexes and certificates, which was recommended by the nine members of the committee, is designed to provide consistency with the role of the registry and to protect the privacy of individual citizens. The protection of the privacy of individuals is important. In many areas of society privacy has become a matter of top priority.

Page 1428

Honourable members will recall the very contentious debate about the proposed ID card. There is a great sense of concern, if not suspicion, by the public that privacy could be abused in some way. I believe that issue will become more important and we must protect the privacy of individual citizens. I was happy to be in the majority in the committee when it took a strong position on this matter. The majority of the committee, with one dissenting voice, considered that indexes to birth records should be made available with a 75-year timelag and that the ongoing release of indexes be instituted into registry practice.

I was one of the nine members of the committee who supported the current restrictions placed on access by individuals to certificates of births occurring after 1905, based on the criterion of the applicant's relationship to the subject of the certificate. It is important to note that sometimes the impression can be given that it is very difficult to obtain access to these records. However, when one considers that the records are available to the family, to persons unrelated to the family but whom family members can authorise to have access to the information, as well as being available for the purposes of medical research, social history, genealogy and so on, it can be seen that a large number of people already have access to the records. I do not believe that the recommendations of the committee are in any way draconian. I believe they provide a balance, with the emphasis on protecting the privacy of individual citizens of this State. The report of the committee was consistent in recommending increased access to registry data for medical and academic research. The committee determined that access arrangements should be developed by the registry in consultation with the Department of Health and other appropriate agencies.

Improved medical science regarding genetic questions and hereditary questions about a person's health must be readily accessible, and the committee recommended that the guidelines incorporate those developed by the National Health and Medical Research Council. However, the privacy of individual citizens must be protected and respected, and I believe that the report, in its recommendations, has done that. The invasion of privacy by outsiders - that is, people totally outside the family group - or professional groups, whom I call the busybodies, must be prevented. The recommendations in no way present any obstacle to members of the family or persons authorised by the family to have access to all the available information of the births, deaths and marriages register, and I believe that has been made very clear. Limitations and recommendations have not been placed on family members or persons authorised by family members to access the available information on the births, deaths and marriages register.

As other speakers have said, I think it is important that any future changes relate to the necessity to maintain a national uniformity as evidenced in the discussions and the recommendations made following a previous inquiry by the committee into adoption records. Consistency between the States will avoid any accusation of discriminatory practices in the maintenance of these records, and I believe that the various heads of the respective departments in each State are working in co-operation to ensure that their policies are uniform. I hope that uniformity will be parallel with the recommendations of our Standing Committee on Social Issues.

I was very pleased to be a member of this committee. I thank the deputy chairman and the staff for their diligence and for their professional approach to this very important matter. I thank also the

committee for its ongoing work as it continues to examine many important issues referred by the Parliament, Ministers and other places. I thank the Parliament for the opportunity to serve on this committee. I regard it as having been a great privilege and an honour.

**The Hon. ELISABETH KIRKBY** [11.33]: I, too, should like to place on record what a privilege it was to serve on this committee and how interesting, informative and important I considered the work done for this particular report. The reference to the Standing Committee on Social Issues was to investigate an open register for births, deaths and marriages. When the Law Reform Commission recommended an open register for births, deaths and marriages, it put forward a number of arguments in support of its position. The first argument was that the reasons for a closed register were not made clear in the Registration Act. I quote from its report:

They appear to centre on considerations of privacy and confidentiality which are not necessarily given effect in the operation of the registration system or in other public registers in the State.

The second reason was, and again I quote:

As there is no way of guaranteeing the effective operation of a closed system, and since we have received no evidence of abuse of the open register system, the Commission recommends that an open register be substituted for the existing one . . .

As a member of the Standing Committee on Social Issues, I agree that there are problems with the current operation of the registry and also with access to the births, deaths and marriages register. However, I feel that the situation is very complex, and after many months of deliberation I do not believe that it can simply be solved by having an open register. For the benefit of honourable members I should point out that many things are at stake.

In an open registry, indexes of registers are made available in the public area of the registry. This means that the public may search the indexes and may request copies of register entries. However, no access is permitted to the registers themselves, except by requesting identified copies. Requests may be made for an official search of the registers, and this will be undertaken by registry staff. Some parts of the register are closed and are not available, except with special dispensation.

The public revelation of this information raises the issue of privacy and I am sure that all honourable members would agree that privacy is a fundamental human right. It is necessary to point out that

Page 1429

judgments about the degree to which information should be considered are essentially subjective and, although I am not sensitive about people discovering my age - I think everyone knows my age - or my parentage, I do realise that for other people in the community these subjects are sensitive and are subjects about which they wish to retain their rights of privacy.

The Law Reform Commission acknowledged that there would be significant privacy problems if it were possible to gain access to information on the register simply to satisfy idle curiosity, or if the data were obtainable from the registers for commercial use. Opening up the registry would reveal the following information. First, to refer to the birth index, people would learn the subject's family name and identifying or first name or names, the parents' first name or names and the registration number.

Indexes from 1974 include the date of birth and, as has been pointed out in the report, if no details of the father of the child have been provided upon registration, the entry appears after all other births listed under the same surname that include a father's name. This, of course, means that inferences of ex-nuptial births can be drawn from the birth index. Furthermore, there is a system of prefixes and number sequences on registers which reveal legitimacy and show whether a child has been adopted. Recently, this information also includes a system of prefixes which indicated a stillbirth.

The death index includes the subject's family name and first name or names, the first name or names of the parents of the deceased, the registration number and, after 1974, the full date of death. Marriage registers are referenced under both the bride's family name and the groom's family name. The register includes the full names of each party and the registration number of the event, and the date and month of the event is recorded in indexes from 1974 on. It is important to note that other jurisdictions that have open registers generally have much less information available. In that regard I refer honourable members to page 22 of the report, which talks about indexes overseas and the details that are collected in England on registration forms.

The report states that in England, sensitive personal information is only collected on a section of the form which is clearly marked confidential. Persons who complete the form are advised that such confidential data will be used only for government statistical purposes and will not be included in the register. The birth index will include the full name of a child and only the mother's first name, the death index will contain the full name and date of birth of the deceased, and the marriage index will include the full names of the two parties. Furthermore, one of the fundamental principles of privacy is that information gathered from an individual by the Government should be used only for the purpose for which it was originally collected, except in special circumstances. As was stated by the Independent Commission Against Corruption in its report on the unauthorised release of government information -

**The DEPUTY-PRESIDENT (The Hon. R. T. M. Bull):** Order! Pursuant to sessional orders, as one hour has now elapsed, debate on the motion to take note of the report is interrupted.

### **CULT ACTIVITY IN NEW SOUTH WALES**

**The Hon. S. B. MUTCH** [11.41]: I move:

- (1) That this House notes with concern the increase in activity of cults in New South Wales, including:
  - (a) deceitful recruitment practices;
  - (b) physical and financial exploitation and abuse of cult members;
  - (c) fraudulent fund raising activities; and
  - (d) the misuse of mind influencing techniques.
- (2) That a Select Committee be appointed to inquire into and report upon the means of combating cult activities and in particular the following matters:
  - (a) public exposure and education;
  - (b) the application of trade practices legislation;
  - (c) the proper control and regulation of mind influencing techniques; and
  - (d) the provision of support structures for the victims and families of cult abuse.
- (3) That, notwithstanding anything contained in the Standing Orders, the Committee consist of seven members, of whom:
  - (a) 4 shall be Government members nominated by the Leader of the Government;

(b) 2 shall be Opposition members nominated by the Leader of the Opposition; and

(c) 1 shall be a crossbench member nominated by the Leader of the Government.

(4) That the Committee have leave to sit during any adjournment of the House; to adjourn from place to place; to make visits of inspection within New South Wales and other States and Territories of Australia; and have power to take evidence and to send for persons, papers, records and things; and to report from time to time.

(5) That should the House stand adjourned and the Committee agree to any report before the House resumes sitting:

(a) the Committee have leave to send any such report, minutes of proceedings and evidence taken before it to the Clerk of the House;

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

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

(6) That, upon receipt of a request from the Committee for funding, the Government immediately provide the Legislative Council with such additional funds that the Committee considers necessary for the conduct of its inquiry.

In 1977 in the other place the then member for Gordon, Tim Moore, M.P., moved for the establishment of a select committee to inquire into and report upon the activities of an organisation known as the Children of God, its aims, objects and practices, and to make such recommendations, if any, as it deemed desirable for the control of this and similar organisations. That motion was defeated by a vote of

Page 1430

49 to 48 on the grounds that the member for Gordon did not have sufficient evidence to present to the House of dangerous cult activity in New South Wales. The then member for Gosford, Mr McGowan, M.P., said:

. . . the honourable member for Gordon would have to submit proof that something is being done that needs to be given serious consideration.

The setting up of a select committee of both Houses of this Parliament is something that should not be undertaken lightly. Certain requirements have to be fulfilled before such action can be taken. First, it should be a newly emergent problem of our society or a facet of our society which, because of our changing attitudes, is now seen to be of such importance as to warrant investigation. Second, it must be a problem that is capable of legislative solution or one allowing action by the executive. Third, such an inquiry should do more good to society than harm.

These were valid points and they remain valid today. However, Mr McGowan also said with respect to allegations of brainwashing and indoctrination:

Such stories are as old as humanity itself. Undoubtedly a cave-man father would have been as horrified as a modern father would be when his clean, sweet daughter expressed a wish to depart her home and cohabit with a grubby, pimply, shambling semi-idiot who was obviously going to indoctrinate her, turn her against her family and sexually and repeatedly assault her - occasionally against her will . . . Eventually the young man loses his pimples, helps to produce a grandchild and reconciliation takes place. That is but the way of the world.

I believe that statement is evidence of how attitudes have changed, even since 1977. I do not believe

anyone in Parliament today would countenance rape under any circumstances, whether it be inside or outside marriage. In addition, I believe that back in 1977 the honourable member for Gosford could be excused for not understanding the modern cult phenomenon and for genuinely believing that the problem was as old as time itself. In 1977 members of Parliament were only just becoming aware of the development of sophisticated mind-influencing techniques, which, sadly, were developed in laboratories during the war in Korea and other conflicts. These techniques were first labelled as brainwashing, which was undertaken in captivity in a situation of forcible imposition and enforced deprivation. Modern techniques of mind influencing can achieve, by deceit and seduction, a much more powerful, longer term and more dangerous form of mind control which, in my view, deprives cult recruits of basic civil liberties.

Since 1977 our knowledge of destructive cult activities has increased tenfold. Who can ever forget the horrendous events which occurred in Jonestown in 1978, where over 800 disciples of Jim Jones suicided, or were murdered with poisoned Kool-ade and guns. However, the events in Waco, Texas, where 86 people, including 17 children and infants, have just died in a frightening holocaust, bring home to us the fact that our ignorance of the workings of destructive cult activities is no less than negligent. In that case, media reports stated that the Federal Bureau of Investigation adopted a turn of the screw approach, which included bombarding the cult compound at night with magnified sounds of dentists' drills and locomotives. It seems to me that this is not the correct way to deal with the leader of a destructive cult. Perhaps the FBI relied on the advice of people who were expert in terrorist-hostage situations.

The factors that emerged from that siege are: we need to have specialist knowledge about the workings of cults; we need to know about the inner workings of cults in particular; and we need to seek out and gain from the knowledge of people who have developed experience in this area. An interesting article entitled "Assessment and Treatment of Cult Victims and Their Families", which was written by Michael D. Langone and published in volume 10 of a source book entitled *Innovations in Clinical Practice* in Sarasota, Florida, describes the rise of concerns about cult activity and the responses of parents, friends and relatives of the people involved in cult activities. The article talks about the way in which attempts were made to extract cultists from the cults in which they happened to be involved. The article talks also about the emergence of new ways of intervention which seek to give to cult members information about particular organisations so that they can have a fuller understanding of the facts of the situation. Because they are instructive, I seek leave to incorporate in *Hansard* pages 261 and 262 of the article.

**Leave granted.** [See *Addendum 1.*]

**The Hon. S. B. MUTCH:** In November last year during an adjournment debate, I raised my concern about the activities of a cult known as Kenja. I did so on behalf of parents of a senior member of the cult. They were concerned that she had been exploited and manipulated by the leader of the cult, Ken Dyers. He is a con man in the image of L. Ron Hubbard, and has been residing at Bundeena. My intention was also to expose to the public the activities of this cult, which include deceitful recruitment practices, physical and financial exploitation and abuse of cult members, taxation avoidance and the misuse of pseudohypnosis and other mind influencing techniques. Unfortunately, one-off exposures and public warnings are not always enough to curtail the activities of these types of harmful and exploitive organisations. In fact, Kenja has been exposed in the past. As long ago as December 1986 Reverend Adrian van Leen of Concerned Christians Growth Ministries issued a publication entitled, "Take a Closer Look", which examined Kenja in some detail. Adrian van Leen noted:

Kenja is dangerous because it involves unqualified people dabbling with pop-psychology and actively seeking to influence and alter the lives of other people . . . It is dangerous because it develops a closed circle, us versus them, mentality which tends to isolate and alienate people from their normal support systems of family, friends, church and work.

**The Hon. Franca Arena:** What does Kenja mean?

**The Hon. S. B. MUTCH:** Kenja is a derivation of the first names of the two principals of the organisation, Ken Dyers and Jan Hamilton. In 1987 an article written by Kevin Perkins about Kenja appeared in the *Sun* newspaper with the headline. "Mother's plea to cult leaders `give me back my daughter'" and the sub heading, "Scarred for life by  
Page 1431

cults". It referred to the mother of a cult recruit who had flown from England to try to recover her daughter, and described Kenja as practising coercive methods, including hypnotic suggestion and mind coercion. The photograph accompanying the article, depicting a smiling Ken Dyers and his lieutenant, Jan Hamilton, with cult members, alerted parents who sought my help to the fact that their daughter, who was shown in the photograph, was in something far more sinister than an eccentric social club.

Another article appeared in August last year in the *Sydney Morning Herald*, in which a former senior cult member, Annette Stephens, accused Kenja of taking over her life by using hypnosis and leaving her mentally "in one hell of a mess". Annette Stephens is one of a surprisingly large number of former Kenja members, some of whom were in senior positions in the cult, who have come forward to provide me with an indictment of the activities of this organisation. In May 1988 the *Australian Women's Weekly* ran a story entitled, "Combating the Cults that Prey on our Children", with the subtitle, "Though they have been widely exposed in the past, cults are still actively recruiting here".

The article gave a list of cults in Australia and a check list of cult features. It also supplied a short contact list of organisations and individuals who could provide help. Kenja was listed as a cult in the article under the category, "Human Potential Movement". That article described some of the types of categories of cult organisations that were of concern. It described western pseudo-Christian exclusive-type cults, and eastern mystical cults. The article also described new age movement cults, the occult and human potential movement, which included Kenja, and extreme Christian fringe groups, to give people an idea of the categories under which these types of organisations operate.

I am advised that there have also been other media exposures of Kenja in past years, yet this organisation has continued to entice unsuspecting people into its ranks. It is obvious that periodic exposure is not really enough. Cults survive, and in some cases thrive, despite periodic exposure, for a number of reasons which reflect the structure and tightly disciplined control mechanisms typical in most cults, and the lack of organised response to cult activity by governments, health professionals and consumer watchdog organisations.

Following my public warnings about the Kenja organisations last November, I have received reams of further information about the activities of that cult and general information about the level of cult activity in this State that is deeply disturbing. Also disturbing is the lack of support structures and information available to family and friends and former cult members, and the fact that organisations and forces are at work in our community today actively seeking to prevent this information and support from being provided. I am also concerned about the lack of Government strategy for dealing with this problem, which is detrimentally affecting the lives of thousands of people.

Hundreds of destructive cults operate in Australia and each of these organisations is like a Venus fly trap, waiting to shut upon very talented and promising young people who are at a stage in their lives when they are vulnerable to cult activity. Intelligent, idealistic young people are particularly vulnerable to cult recruitment, particularly during times of transition. Perhaps it is their first year away from the family home, perhaps they have enrolled at a distant campus and are away from established family and friends, perhaps they have experienced a relationship break-up and are seeking solace. Wherever young people are seeking answers to life's questions and trying to cope with changes in life patterns, cult recruiters will be in evidence.

In my address I will provide further details of the cult known as Kenja and use the anatomy of this cult to provide details of the workings of a typical destructive cult and instances of problems that have arisen for members of the cult and concerned families and friends. These problems and experiences are

common to many destructive cults. All sorts of weird and wonderful organisations comprise a pluralistic and democratic society. Some of these may be called cults and they may be harmless or even benign or possibly beneficial organisations. The *Macquarie Dictionary* defines "cult" as "a particular system of religious worship, with reference to its rites and ceremonies or an instance of an almost religious veneration for a person or thing, or simply as a popular fashion". In an informative book written by Steven Hassan, a former member of the Unification Church, otherwise known as the Moonies, entitled *Combating Cult Mind Control*, the author targets his concern with what he defines as "destructive cults" or "any group that engages in outright deception to pursue its ends, whether religious or secular in its apparent orientation."

The cult awareness network in the United States, which has come under concerted attack by a number of very powerful cults worldwide, lists under seven broad categories the marks of a destructive cult. These include: mind control or undue influence; manipulation by use of coercive persuasion or behaviour modification techniques without informed consent; charismatic leadership, claiming divinity or special knowledge and demanding unquestioning obedience, power and privilege, in which leadership may consist of one individual or a small core of leaders; deception, consisting of recruiting and fundraising, with hidden objectives and without disclosure of the use of mind controlling techniques and the use of front groups; exclusivity, being secretiveness or vagueness by followers regarding activities and beliefs; alienation, consisting of separation from family, friends and society, a change in values, and substitution of the cult as the new family, and with evidence of subtle or abrupt personality changes; exploitation, which can be financial, physical or psychological, including pressure to give money, to spend a great deal on courses or give excessively to special projects and

Page 1432

engage in inappropriate sexual activities and a totalitarian world view - the we-them syndrome which affects dependence and promotes the goals of the group over the interests of the individual and approves unethical behaviour while claiming goodness.

All of these characteristics are evident in Kenja, despite the fact that the cult leaders have gone to great lengths to deny or disguise them. A number of techniques are used by cult leaders to repel or diffuse attacks upon them. These include the use of glowing testimonials about the organisation by cult members, some of whom are in respected positions in society and may be afforded privileged and protected positions within the cult, sometimes being kept in ignorance of the more unpalatable aspects of the cult.

The honourable member for Bulli in another place has received hundreds of letters written by members of the Kenja cult under the direction of the leadership, complaining about my exposure of the cult in Parliament and extolling the praises and virtues of the cult leaders. The cult members have written at least two separate letters in general. The letters reveal a great deal about the organisation and in themselves evidence common characteristics of a destructive cult. In addition, one cult member who wrote a letter to the honourable member for Bulli has now left the organisation and has written me an illuminating letter about the way in which the letter writing campaign was organised and orchestrated. The letters reads:

Dear Mr Mutch,

I am writing to you regarding my involvement in the organisation "Kenja" . . . I believed it to be a forum, through which people could find out about how to communicate, clarify their goals, and contribute to the community. I now believe Kenja to be a destructive cult, run by people who establish themselves as authorities on life. These people are really authorities on manipulating the thoughts and emotions of other people who trust them . . .

One point I would like to raise is the viability of statements from people involved in Kenja. When newspaper articles were published denouncing Kenja as a cult, and naming Ken Dyers as a con man and a bully, everyone . . . was encouraged to write a letter to the Labour Minister Mr McManus. He

was portrayed as being "on Kenja's side". To force him to take action it was suggested that everyone write a letter to him talking about the benefits that Kenja had made on their lives. I would like to emphasise that the letter writing occurred during a scheduled clowning class.

I will describe what that refers to later. The letter continues:

People were not encouraged to write their letters at home. Letters were read and edited by the Kenja directors and people occupying positions of power in Kenja, to make them sound more polished and professional, and to take away any connotations that could be taken "the wrong way". Although no one was physically placed in a chair and forced to write a letter, throughout that night's class people co-ordinating the letter writing would come in to see who had not written a letter and they were encouraged to write one. The letter writing was portrayed as a "process" to go through. Those who had already written a letter were said to have benefited from this as they had a chance to get in touch with all that Kenja had done for them. Through letter writing, they would have the chance to review all the changes they had undergone. Thus the letter writing became something that was hard to avoid. I also wrote a letter, which I now disregard as I was coerced . . . to write it. I did not choose to write it independently. It was written in the context of a closed group situation with supervision and editing.

Defence mechanisms used by Kenja and other cults include the blackmail of family and friends of cult members, and cult members themselves who have broken free. If they wish to continue contact with a cult recruit, family members are asked to provide testimonials about the cult, which are known to be false.

**The PRESIDENT:** Order! Pursuant to sessional orders, business is interrupted for the taking of questions.

## QUESTIONS WITHOUT NOTICE

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### HOMEFUND AND FANMAC BONDHOLDERS

**The Hon. M. R. EGAN:** My question without notice is directed to the Minister for Housing. Does the Minister recall advising the House that a meeting of Ministers would be held after question time yesterday to "discuss the whole question of FANMAC and what might be done about the FANMAC bond portfolio"? What was the outcome of that meeting?

**The Hon. R. J. WEBSTER:** The meeting was held and appropriate announcements will be made by various Ministers at various times in the future.

### FEDERAL ENTERPRISE AGREEMENTS

**Reverend the Hon. F. J. NILE:** I ask the Attorney General and Minister for Industrial Relations whether it is a fact that yesterday the Prime Minister announced a new Federal industrial policy for his Australian Labor Party Government, that enterprise agreements would supplant awards and that he would ensure that nearly all Australian workers were covered by workplace deals in the next three years. Has the Federal Australian Labor Party Government adopted the principles of the New South Wales industrial relations legislation, which the Call to Australia group strongly supported and by its votes enabled to become law in New South Wales? Will the new positive Federal policy help to accelerate the increase in industrial enterprise agreements in New South Wales?

**The Hon. J. P. HANNAFORD:** The honourable member's question follows upon comments I made to the House yesterday. On the day the announcement was made that Laurie Brereton had been

appointed Minister for Industrial Relations at the Federal level I am on record as having said in his electorate that the one hundredth New South Wales enterprise agreement had been registered for an industry in Laurie Brereton's electorate. On that day I said that the New South Wales Government would be willing to enter into discussions with the Federal Government aimed at having mutually consistent industrial relations legislation. However, certain fundamental issues had to be recognised by the Federal Government. They revolved around two words: individual rights. Individuals had to have the right to be able to negotiate agreements with their

Page 1433

employers; individual employers had to have the right to negotiate with employees; the individual had to have the right to go to the industrial tribunals to achieve redress; and individuals had to have the right to choose whether to be members of an industrial organisation. At that time I said that if the Federal Government moved on the issue of individual rights, the New South Wales Government would entertain discussions about issues of mutual benefit.

Already the New South Wales Government has moved with the Federal Government in areas of mutuality such as co-location of industrial officers, and is moving toward corresponding rights for industrial inspectors. Instead of Federal and State inspectors having the right to visit a particular site that might be covered by Federal and State awards, we are looking at having one inspector able to deal with Federal and State issues. Unlike the Labor Party in New South Wales, the New South Wales Government does not have a closed mind about moving forward in regard to industrial relations. The New South Wales Labor Party is cringing about the direction in which industrial relations are moving. I understand that the Prime Minister is now affectionately referred to in the Labor Party as the King. Obviously that illustrates the relationship that exists between the New South Wales Labor Party and the Federal Labor Party. The King is the title that has been bestowed upon the Prime Minister - the man Labor Party members have crowned and no doubt worship as King and God.

**Reverend the Hon. F. J. Nile:** They are the true believers.

**The Hon. J. P. HANNAFORD:** They are the true believers in their mates. It was good to see almost a road to Damascus type conversion of the King in the last few days.

**The Hon. Virginia Chadwick:** The King and I.

**The Hon. J. P. HANNAFORD:** That is more appropriate. It is interesting to read the speech that the Prime Minister made to businessmen in Melbourne yesterday. The phrases used in it were lifted straight from speeches delivered in recent times by John Howard and John Hewson. The Federal Labor leadership, having been returned to office, is recognising that a new direction must be taken in industrial relations. Keating has taken the Jobsback idea and said that under the Federal system industrial agreements will become a full substitute for awards, awards that set out only the most basic of working conditions. To some extent that proposal is further to the right than the New South Wales Government has gone. I have always said that Keating was extremely right-wing. The Keating Government is leaving the left-wing of the Labor Party sitting on its hands on the wing. The Labor left-wing in New South Wales is not quite certain where it is going. It has its head under its armpits.

The left-wing of the New South Wales Labor Party developed the King and I concept. Keating said that awards would form a safety net for those unable to make workplace agreements with their employers and would not be an alternative for those unwilling to make such deals. That is the New South Wales industrial relations system. He said that over time the safety net would become much simpler. He said, "We will have fewer awards, with fewer clauses". That is further to the right than anything proposed in New South Wales. At least New South Wales has had a mutuality system that enabled both systems to move forward. The Federal Government is proposing to emasculate the award system. The award system is the basis upon which the Industrial Commission has moved.

Part of the campaign in New South Wales has revolved around keeping the Industrial Commission in

place. I have always said that New South Wales will have an Industrial Commission. Only a week ago, when the New South Wales Government announced the new direction for pay rises for New South Wales public servants, the Public Service Association rejected that proposal and said that it undermined the award system and would lead to the destruction of industrial relations. The association said that was the secret, hidden agenda of the New South Wales Government. I said there was no such secret agenda. The secret agenda was in Canberra with the King and I. No wonder the Labor Party is so upset; Keating is completely undermining the rationale for the existence of the left-wing of the Labor Party. The Labor Party is going so far right that the left-wing does not know what it will do.

*[Interruption]*

**The PRESIDENT:** Order! The level of interjection is making it difficult for Hansard to get this down.

**The Hon. J. P. HANNAFORD:** It is awkward enough for the left-wing of the Labor Party to swallow this, let alone get it down. Keating also said that there will be clear, substantial and easily enforceable penalties for breaches of enterprise agreements, and he said that would be part of his vision. Honourable members will recall what Prime Minister Keating said about penalties on the last day of the recent Federal election campaign. I repeat: he said there will be clear, substantial and easily enforceable penalties for breaches of enterprise agreements. Is he really saying that for the past few decades Federal governments have got it wrong and he is trying to work out what the Federal Government should do to get on to the industrial relations ladder of progression for the next decade? The Labor Party has had to reassess its position.

I was pleased that after the election Keating took a little break. As it happens the break has done Australia some good. Obviously, he took the time to read about Jobsback and decided that perhaps Hewson and Howard had something to offer with it. We have now got Keating back as Prime Minister and he has adopted Jobsback. If Keating maintains his leadership in this way, there will be a real chance of pursuing mutuality in industrial relations because he has foreshadowed a world where the era of wage fixing

Page 1434

will be terminated and a new system of determining wages and conditions in the workplace will replace the award system.

I wonder whether members of the Opposition are finding all this slightly familiar. More will be said about this issue in the days and weeks to come. One thing is absolutely certain: the left-wing of the Labor Party is going to have to ask itself where is it moving. It is a pleasure to stand on this side of the House and look at honourable members opposite. Only a couple of members of the right-wing are present; the left-wing is being left on its own to suffer the diatribe. The right-wing members of the Labor Party who are in the Chamber have smirks on their faces because they realise that this will really make life difficult for their colleagues on the left - as it should be.

## **MASTER BUILDERS ASSOCIATION**

**The Hon. J. H. JOBLING:** My question without notice is to the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council. Following the report of the Gyles royal commission into the building industry last year, were official government relations with the New South Wales Master Builders Association terminated? The Minister subsequently told this House that official relations would not be resumed unless the MBA agreed to drastically reform its operation. Will the Minister tell the House whether any progress has been made on the MBA issue and whether he expects to resume official relations with the MBA?

**The Hon. J. P. HANNAFORD:** I am also interested in the relationship between the socialist left and

the socialist right of the Labor Party. The matter referred to in the honourable member's question is of critical importance. The many recommendations contained in the report of the Gyles royal commission, which was handed down on 26th May last, showed that there was an urgent need for drastic reform in the industry. In his report Mr Gyles stated clearly that several groups in the New South Wales building industry had used their industrial muscle to defy the law and grab any benefits they could.

In relation to those practices the royal commissioner pointed out that unions and building groups operating on government projects were paying an additional \$200 million each year for schools and public hospitals. The overall cost in both the public and private sectors ran into billions of dollars. At the time the report was released former Premier Greiner gave the commissioner's words meaning by saying that some groups in the building industry had a spineless and expedient approach to industrial relations in the face of commercial imperatives, and the public sector was but one of its victims.

The Gyles royal commission provided a wealth of detailed information which during the past year has formed the basis for fundamental reform in the building industry - reform which has been driven by the Government, with very little co-operation from the Labor Party in Opposition. Mr Greiner said that the royal commission had exposed how rampant industrial lawlessness had undermined virtually every aspect of the building industry and it would take a concerted effort by all concerned if the industry was to be cleaned up. One recommendation of the royal commissioner was that it was "undesirable that the Government should have any dealing with officers of the New South Wales Master Builders Association unless and until there is a proper restructuring of it". He recommended that "advice be sought from the State Crown Solicitor as to whether there are grounds for applying to have the Master Builders Association of New South Wales deregistered as an industrial organisation".

Mr Gyles identified the use of government funds granted for the MBA's apprenticeship scheme and the imposition by the MBA of special fees on New South Wales Government projects without informing the client, which is the Government. There was independent mediation between the Government and the MBA during the middle of last year to determine if there was a willingness within the MBA to achieve a complete culture change in the association. I am pleased to announce today that there has been a major breakthrough in the reform of the building industry in this State as a result of negotiations to secure reforms in the Master Builders Association of New South Wales. The Master Builders Association has undertaken to undergo a complete change of culture. Because of this, as of today, the State Government has resumed official relations with the MBA. The MBA has agreed - and I reiterate - to undertake a process of internal reform, including a new fees regime which will eliminate the potential for the imposition of discretionary special fees. I emphasise that it will pay \$1.5 million in reparation for its unacceptable use of group apprenticeship scheme grants.

It will continue to operate the group apprenticeship scheme at no cost to the New South Wales Government, according to acceptable accounting methods. The broad definition of collusion in the Government's code of practice for the construction industry states, ". . . not to engage in collusion and not to sanction collusion amongst its members; to report to the client if it has any knowledge of collusion and to educate its members about unacceptable tendering practices". The association will repay all special fees gained from New South Wales Government projects from 1986 to the present time, net of the contract and development fees that would apply in the absence of the special fee. The MBA has also agreed to co-operate with the Government in its development of an industrial relations strategy for the New South Wales building industry.

Further, the retired Chief Justice of the Supreme Court, Sir Laurence Street, has examined the entire agreement between the MBA and the Government. He has certified to me that the agreement is in the public interest, it is legally sound, it is a satisfactory settlement of financial claims in commercial terms, and it adequately addresses the concerns raised by the royal commission. Sir Laurence stated that he was satisfied the matters of concern regarding the Master Builders Association arising from the Gyles royal

commission report had been comprehensively and responsibly addressed by representatives of the Government. He said that the Government sought outside advice where appropriate and officers who worked on the negotiations had been exacting in imposing an obligation on the Master Builders Association to rectify all matters that had attracted criticism in the Gyles report. Sir Laurence Street said that the Government had acted in a responsible manner.

The Government congratulates the Master Builders Association for recognising the issues raised against it by the Gyles royal commission and for taking steps to remedy the situation. As I indicated to the House, \$1.5 million will be recovered from the Master Builders Association. That association will now run the group apprentice scheme at no cost to the Government. The Master Builders Association will be substantially reformed as a result of the Government initiating this inquiry and positively pursuing the recommendations.

### **BUILDING INDUSTRY TASK FORCE**

**The Hon. A. B. MANSON:** I direct my question without notice to the Attorney General and Minister for Industrial Relations. Is it a fact that the building industry task force, rather than concentrating on corruption, violence or civil breaches in the building industry, is devoting most of its resources to collecting evidence for a deregistration case against the New South Wales branch of the Building Workers Industrial Union? Was it legitimate for the Gyles royal commission to make the deregistration recommendation when it did not have sufficient evidence to support it?

**The Hon. J. P. HANNAFORD:** The total number of civil remedies complaints being investigated by the building industry task force currently stands at 217, which comprise 97 matters that are current and 120 that are not current - that is, complaints that have been dealt with or in relation to which no further action will be taken. The principal matters complained about are: no tickets no starts - 44 complaints; secondary boycotts and bans - 30 complaints; construction employees redundancy trust and building union superannuation scheme matters - 25; abuse of safety - 15; and intimidation - 17. The breakdown of complaints about criminal behaviour currently being investigated by the building industry task force show that the major types of offences committed are: offering or soliciting a corrupt commission - 25 offences; conspiracy to cheat and defraud - 15; false testimony - 11; demand money with menaces - one; intimidation - 7; and other fraud offences - 10.

I do not regard that number of complaints as an unreasonable number to be investigated. The Hon. A. B. Manson suggested that the task force is spending most of its time gathering evidence for the purpose of presenting a deregistration application. That so many investigations into criminal activity in the building industry are being conducted - and they involve employers as well as employees - is a matter of concern, and we should all be comprehensively ashamed of that statistic. To date 21 people have been charged with a total of 55 offences.

**The Hon. Judith Walker:** They are yet to be proved guilty. They are innocent until proved guilty.

**The Hon. J. P. HANNAFORD:** The honourable member said that the charges have to be proved. I advise her that there have been successful prosecutions in relation to 29 charges.

**The Hon. Judith Walker:** It only cost \$35 million to find that out. Well done Minister!

**The Hon. J. P. HANNAFORD:** A further 20 charges are being heard at present and 6 charges have been dismissed. The honourable member referred to an amount of, I believe, \$25 million. Obviously the honourable member has forgotten that last week I announced that in excess of \$10 million had been recovered by civil recovery mechanisms from errant builders. The Government has started to recover money and has identified the nature of the corrupt practices that are occurring in the building industry.

**The Hon. A. B. Manson:** And by the Master Builders Association.

**The Hon. J. P. HANNAFORD:** The honourable member suggests that I am seeking to target only union members in this regard. I have frequently stated in this House that the Government is interested in cleaning up the building industry. That means dealing with employees as well as employers and their attitudes. Unionists and employers alike are being prosecuted and will continue to be prosecuted as the Government continues to pursue some of the major investigations being conducted by the building industry task force. The life of the task force has been extended by me, and I am at present contemplating whether the task force should operate permanently.

We need to make certain that the building industry in this State is as clean as we can make it and sustain it because the community suffers when the contracting system is abused. The Hon. A. B. Manson knows that, and I am sure he agrees with me in that regard. He referred to the involvement of task force officers in any deregistration. The evidence presented to the Gyles royal commission needed to be put into a form that could properly be presented to the courts for deregistration purposes. Some of the evidence heard by the Gyles royal commission was not complete and officers of the task force are gathering the evidence to complete those investigations.

When the application for deregistration is filed I intend to have prepared a comprehensive statement setting out the grounds upon which deregistration is being pursued. The Hon. A. B. Manson will recall that on the last occasion when there were deregistration attempts in the building industry the

Page 1436

grounds for deregistration were not identified and a great deal of work had to be done. It is only fair that the union know at the time the application is lodged what the allegations are. It is fair that the community and the rest of the union movement know also. I challenge anyone to say that I am not acting fairly or competently in this matter.

#### **HIV SELF-TESTING KIT**

**The Hon. E. P. PICKERING:** I address my question without notice to the Minister for Education in her capacity representing the Minister for Health. Is the Minister aware that last night the Australian Broadcasting Corporation television program "Quantum" revealed the following: first, the development in Australia of a low-cost, self-testing kit capable of being used by ordinary individuals to test for, in a matter of two minutes, the presence of HIV positive blood; second, the kit was not available in Australia on the decision of health authorities; and third, the kit is being widely and successfully used in South-east Asia? If these are facts, will the Minister approach her colleague in another place to investigate why the kit is not available in Australia? Will the Minister agree that the largest single problem facing health authorities in Australia and overseas is the fact that millions of people are HIV positive without knowing this to be so? If this is so, would not the availability of a low-cost, self-testing kit help to reduce this serious problem in Australia? Will the Minister further investigate if there is any suggestion that the kit has been suppressed to protect the lucrative financial interest of existing laboratories for HIV positive testing in Australia?

**The Hon. VIRGINIA CHADWICK:** I thank the Hon. E. P. Pickering for his question without notice. Of course I will refer it to my colleague the Minister for Health.

#### **GIFTED SCHOOLCHILDREN**

**The Hon. ELISABETH KIRKBY:** My question without notice is addressed to the Minister for Education and Youth Affairs. In view of the concerns expressed by Dr David George about the impact of segregating gifted children and accelerating their progress through the schools, will the Minister be reviewing these two platforms of her Government's policy? How does the current policy address the

social and emotional development of gifted children? Does the Minister believe that this area has been adequately covered?

**The Hon. VIRGINIA CHADWICK:** I acknowledge the genuine interest of the Hon. Elisabeth Kirkby in this area. However, I point out to her that there is absolutely no way that I intend to alter the policy which gives opportunity to gifted and talented children in New South Wales in a way that was disgracefully lacking in the past. Quite frankly, I regard this as an important equity issue. There are those in the community who somehow believe it is elitist and inappropriate for us to try to provide facilities and support mechanisms for students in our community who have special gifts or talents. Yet somehow it is wholly desirable, socially desirable and, indeed, imperative that we provide support mechanisms for those students in our community who have learning difficulties, those who are socially or economically disadvantaged or suffer some racial or cultural disadvantage - for example, the Aboriginal community - or those who have difficulties or suffer cultural disadvantages because of their limited knowledge of English, being from a non-English speaking background.

I for one fail to comprehend, and refuse to accept, that there is a difference, when one regards it as an equity issue, between the best possible support for individuals, whether gifted or disadvantaged. How can it be said that in a civilised community it is somehow socially desirable and appropriate to provide special services for students of the Aboriginal community, or children who have physical or intellectual impairment or disability of some kind, but that it is inappropriate to service the needs of those children who have special gifts and special talents? The answer to the question is no, I will not alter the policy.

#### **NEEDLE EXCHANGE PROGRAM**

**The Hon. ANN SYMONDS:** My question without notice is directed to the Minister for Education and Youth Affairs, representing the Minister for Health. Is the Minister aware of a front page article in last Sunday's edition of the *Sunday Telegraph* that attacked the needle exchange program in a sensational and ill-informed way? Will the Minister acknowledge that all major political parties support the needle exchange program as one means of preventing the spread of blood-borne diseases? Is the Minister aware that because the city fathers of Edinburgh opposed the introduction of a needle exchange program that city has the highest level of HIV infection and hepatitis infection in Europe? Will the Minister assure this House that she and the Government will continue to support this crucial health program?

**The Hon. VIRGINIA CHADWICK:** I preface my remarks by saying that I will ensure that the Minister for Health is aware of the interest and concern of the Hon. Ann Symonds in this area and I will forward the question to him. It is fair to say that in New South Wales, largely as a result of the bipartisan approach to this issue, the needle and syringe exchange program has been successful, and that is indicated by one very important and very simple mechanism, that is, by looking at the very low rate of HIV infection among injecting drug users in New South Wales. That is not to say that I in any way condone the use of illegal drugs; I most certainly do not. But I believe that, though not condoning in any way or seeking to encourage such practices, we should look at the low rate of HIV infection among that population as an indication of the success of the

Page 1437  
needle exchange program.

I am given to understand that in Sydney only 3 per cent of users are in fact HIV infected. Though that is something that we cannot take any joy from for a variety of reasons, including the fact they are users and are hooked on the practice, if that 3 per cent figure in Sydney were to be compared with, say, the figure in New York where it is believed that of the order of 45 per cent of users are HIV infected, those who question the merit of the exchange program would reconsider their position. That is not to say that this is not a sensitive question with a whole variety of ethical and moral issues surrounding it. The sharing of needles clearly remains the mode of transmission for less than 10 per cent of those we believe to be HIV infected. They are not figures I have dreamed up; they are figures supplied to me by the

Department of Health.

Though I note the concerns of people such as Reverend the Hon. F. J. Nile, who may question those figures and how they are determined, I can only go on the figures provided by the department. I accept that it is a contentious matter. I repeat that it is one that has serious ethical and moral implications. However, I believe that the strength and merit of the program has been proved by the simple statistics that I have outlined. I do not purport to have expertise in this area and I am clearly not the Minister for Health. I certainly will refer the honourable member's question to my colleague because I know that he has a particular interest in this matter.

### **VISITING MEDICAL OFFICERS**

**The Hon. ELAINE NILE:** I ask a question of the Minister for Education and Youth Affairs, representing the Minister for Health. Is it a fact that the visiting medical officers in New South Wales are planning the withdrawal of their services from public hospitals in New South Wales? What urgent action is the Government taking to resolve this dispute and to remove this threat by VMOs, which is causing patients and potential patients unnecessary stress and anxiety?

**The Hon. VIRGINIA CHADWICK:** I thank the honourable member for her question, which of course I will refer to my colleague the Minister for Health. Though I do not feel competent in any way to speak of the negotiations that I know are taking place between the Department of Health and the VMOs either at hospital or departmental level, I know the issue has certainly occupied the waking moments of my colleague and, I suspect, much of what would normally be his sleeping time over recent days and weeks. It is a most worrying and difficult question for those who would be concerned about the continuing level of service in our public health system. Equally, it is a challenging and vexed question for my colleague when, for right or for wrong - and I make no judgment on it because I am not qualified to do so - we have a commission determination which clearly is not being followed by the VMOs. I guess we could debate whether it is a good or bad determination but the reality is that there was a commission determination and that is what is objected to.

If the Industrial Commission made a determination in relation to the salaries of teachers, I do not know that it would be appropriate for me to unilaterally vary it. I would very much expect that if the New South Wales Teachers Federation were not happy with a determination by the commission it would, as -well as doing the normal sabre rattling, go back to the commission seeking a variation of the determination or lodge an appeal. Perhaps in the long run that may be the way to go. But, as I understand it, the VMOs do not wish to follow this course. It is a serious matter. I know it is occupying the time of my colleague, who shares the honourable member's concern about the level of service provided to people in New South Wales hospitals. I will forward the question to him.

### **TRADESWOMEN ON THE MOVE PROJECT**

**The Hon. HELEN SHAM-HO:** My question without notice is directed to the Minister for Education and Youth Affairs and Minister for Employment and Training. Will the Minister explain what the tradeswomen on the move project involves and how it will benefit students in New South Wales government schools.

**The Hon. VIRGINIA CHADWICK:** The honourable member shares my concern to ensure that young women in New South Wales have an equal opportunity in the areas of training and employment and, in particular, to try to redress the historic imbalance of representation of women in non-traditional trades. It is somewhat sobering to note that of the 43,000 apprentices in New South Wales only 10 per cent are women. Anyone on either side of the Chamber who does not think that that is a problem should reconsider the issue.

**The Hon. J. R. Johnson:** The Minister should examine hairdressing establishments. She would find that hundreds of young women are employed who are not apprentices and they are being exploited.

**The Hon. VIRGINIA CHADWICK:** That is a separate issue which the honourable member might seek to pursue on another occasion. I would be astonished if he did not regard it as a significant problem for New South Wales that only 10 per cent of apprentices in this State are women and, to take the honourable member's example, if one excludes apprenticed hairdressers, the number of female apprentices in New South Wales drops to 3.4 per cent.

**The Hon. I. M. Macdonald:** That is because of the trade union movement.

**The Hon. VIRGINIA CHADWICK:** For anyone who ever thought that the trade union movement was for all people, the figures indicate that they should think again. The Government has implemented a project called tradeswomen on the move in a genuine attempt to redress the imbalance.

Page 1438

The project began last year when a team of tradeswomen travelled to 51 schools in the regions of the North Coast, the northwest, the central west and the South Coast of New South Wales. Girls in high schools were told and shown exactly what non-traditional trades, such as building, metalwork, plumbing and vehicle trades, were all about. The results are quite encouraging, with each student answering a questionnaire after the lectures. Prior to the session 44 per cent of participants understood the concept of non-traditional trades and after the session that figure increased to 95 per cent. The number of girls who said that they were now prepared to consider a career in non-traditional trades increased from 39 per cent to 63 per cent after the lectures and 95 per cent said that the lectures convinced them that it was plausible for a girl to consider such a career.

Based on these results, in 1993 the Federal Government and the State Government are again joining forces to continue the project, and I am very pleased that there is such co-operation in this venture. This year up to 60 schools will receive visits from tradeswomen from non-traditional trades. In 1993 visits will take place to schools in the Riverina, the southwest and the far west of New South Wales and, again, high school girls will be given a two-hour lecture and a practical demonstration of what is involved in non-traditional trades. The team of tradeswomen, including a co-ordinator and three qualified tradeswomen, will visit the schools in term 2 and early term 3.

I believe projects such as tradeswomen on the move will help break down the barriers encountered by many young women when choosing a career - some of those barriers are within themselves in terms of their own cultural conditioning and their own understanding of the acceptability of a career in those trades. It is a difficult choice, made harder by misunderstanding and peer pressure. However, it is clear that face-to-face visits by tradeswomen have proven to be a very direct, simple and effective way of delivering the message that girls can do anything, even embark on a non-traditional trade - even politics.

## **STATE ENTERPRISE AGREEMENTS**

**The Hon. Dr MEREDITH BURGMANN:** I direct my question without notice to the Attorney General and Minister for Industrial Relations. Given the Minister's "open mind on industrial relations" and his desire to "achieve areas of mutuality", will he move to abolish those sections of the State Industrial Relations Act which make it impossible for workers and employers to come to agreement on an enterprise bargain? Is the Minister aware that by July more than 1,000 workers in the Illawarra will be covered by enterprise agreements under the Federal jurisdiction because the New South Wales Industrial Relations Act does not allow for bargains to be entered into with all-union shops? Does the Minister intend to continue forcing State public servants into enterprise bargains against their will to make the number of workers covered by enterprise bargains in New South Wales look better than the pathetic figure of 10,000 now covered by the Act?

**The Hon. J. P. HANNAFORD:** I am pleased that the Labor Party, in particular the left of the party, is asking all these questions which I would like to have written for myself. If I recall correctly, the honourable member asked whether the Government would abolish all of those provisions of the Act which make it impossible to negotiate awards.

**The Hon. Dr Meredith Burgmann:** Agreements.

**The Hon. J. P. HANNAFORD:** To negotiate agreements. I acknowledge that some provisions in the Act make it difficult to negotiate agreements.

**The Hon. Dr Meredith Burgmann:** So thousands of workers are being forced to enter into agreements.

**The Hon. J. P. HANNAFORD:** If I can acknowledge the interjection the honourable member said, "So that thousands of agreements cannot be negotiated". Lately I have been under some pressure to amend the Industrial Relations Act to remove those provisions which make it difficult to negotiate these agreements. I understand that representations have been made to the crossbenchers and to the Independents urging me to amend the legislation. No doubt the Labor Party has given consideration to the questions that should be asked in this House. I take the question asked by the Hon. Dr Meredith Burgmann as an indication that the Labor Party is prepared to support changes to the legislation that will have the effect of freeing up the legislation and enable the Government to negotiate agreements, in particular, those parts of the Industrial Relations Act which affect weekend trading and penalty rates.

That is the major provision in the Act that is holding up the negotiation of enterprise agreements in New South Wales because it is the New South Wales industrial awards that cover those areas of commercial activity. I welcome the honourable member's invitation. I take her question as an indication that she and the Labor Party will support such legislation when it comes before the House. I will draw the honourable member's question to the attention of all employer organisations in New South Wales that may make representations to me. I will ask them to direct those representations to the honourable member, as I know she will take them to caucus and ensure support for the changes which employers in this State want.

## **BONGIL BONGIL NATIONAL PARK ACQUISITION**

**The Hon. R. S. L. JONES:** My question without notice is directed to the Minister for Planning and Minister for Housing, representing the Minister for the Environment. What action is being taken to acquire Bongil Bongil National Park from Bonville Beach Hardwoods, which is now in receivership? Is it not a fact that this magnificent national park can be acquired for less than \$1 million? Will the Government make sure that this golden opportunity does not slip through its fingers?

**The Hon. R. J. WEBSTER:** I had difficulty understanding the honourable member's question,  
Page 1439  
possibly because it was poorly worded. I do not understand how Bonville Beach Hardwoods could own a national park.

**The Hon. R. S. L. Jones:** We sold the national park to them.

**The Hon. R. J. WEBSTER:** The Hon. R. S. L. Jones says that we sold a national park to Bonville Beach Hardwoods. That is unbelievable. As with so many questions asked by the Hon. R. S. L. Jones, I will seek an answer and get back to him as soon as possible.

## WESTERN SYDNEY TEENAGE PREGNANCIES

**The Hon. PATRICIA FORSYTHE:** I direct my question without notice to the Minister for Education and Youth Affairs and Minister for Employment and Training. Will the Minister inform the House of the progress made by the working party researching the high incidence of teenage mothers in Sydney's west?

**The Hon. VIRGINIA CHADWICK:** I thank the Hon. Patricia Forsythe for her question and for her continuing interest in the progress of the working party. It has been a month since I announced the establishment of a working party to look into this important question. The reason for the body being established was the alarming figures produced by the Australian Bureau of Statistics which indicated that a quarter of the babies born in Australia to women aged 20 years and under were in Sydney's western suburbs. That is an amazing statistic. In 1990, 655 teenage girls gave birth to babies in Sydney's west, yet Australia-wide our records show that the total was 2,961.

The working party includes representatives from technical and further education institutions, the Department of Industrial Relations, Employment, Training and Further Education, the Department of Social Security and Westmead and Nepean hospitals. Two teenage mothers are also on the working party. So far the party has determined that there is a need to change current attitudes. Young mothers often leave school when they fall pregnant. Their options for further education are limited because of their babies and they become trapped. The working party wants to break down those attitudes which consign teenage mothers to poverty traps and a sense of being second-class citizens.

In just four weeks the party has drawn up an information pamphlet which will be distributed to young women at Commonwealth Employment Service outlets, hospitals and family planning clinics. The leaflet will inform women about their rights and entitlements once they become pregnant. It will explain to them that they do not have to resign their jobs when their babies are due; that they might be entitled to up to 12 months' unpaid maternity leave; and that they can report discrimination. The leaflet explains in simple terms the steps that can be taken in that regard. It outlines the choices available to young mothers if they wish to continue their education, such as completing their higher school certificate through TAFE or distance education. It explains also where child minding facilities are available.

One of the major complaints of these young women is that insufficient information is available to explain the options open to them. This brochure aims to tackle that problem head on so that these young mothers do not feel so isolated. The brochure will complement the intensive personal development curriculum in Department of School Education schools. Its aim is to prevent teenage pregnancies through education. But if these young women do fall pregnant we should not abandon them and their children. We wish to assure them that measures are in place to assist them. This brochure will inform them of these options.

## TAFE TUITION FEES

**The Hon. JAN BURNSWOODS:** My question without notice is directed to the Minister for Education and Youth Affairs and Minister for Employment and Training. Has the TAFE Commission stated that no decision will be taken until October on the proposed new \$500 TAFE tuition fees in 1994? Have full-time staff already been seconded to a steering group to implement the new fees by the commencement of 1994? Has this steering group prepared a detailed timetable for the development of computer systems, fee collecting procedures, staff training and public awareness to occur before October? Will the Minister now direct that work cease on the implementation of the new TAFE fees until she makes her decision in October?

**The Hon. VIRGINIA CHADWICK:** The Hon. Jan Burnswoods would be aware that for many years there has been considerable debate not only by New South Wales TAFE but also by vocational education

institutions right around Australia about a more equitable approach to the charges being levied by TAFE. I know that the honourable member is aware that charges are currently being levied by TAFE. The honourable member should also be aware that there are a number of inequities in the allocation of those charges. Those inequities could spread to similar charges being imposed in respect of short, long, intensive and costly courses. When I became Minister responsible for TAFE some time ago I became aware that considerable work had been done in trying to bring about a more equitable system of fees. After looking at that work I became aware that it had not been completed.

Given the time of the year, it was unlikely that it would be administratively feasible to bring in a new system of charges - which would have begun in 1993 - without causing great disruption. Given that we were also undergoing the last of the management changes at college level, it seemed to me that the beginning of 1993 was not a good time for us to move in that area. I have never made any secret of the fact that a lot of work has been done over a long period. A working party, which was in place when I became Minister, has continued and will continue until this matter is resolved.

Page 1440

National consideration of the issue is on the agenda for a meeting of Ministers of Vocational Education, Employment and Training, which will take place tomorrow. In case the honourable member thinks some strange conspiracy is taking place, with secret working parties in New South Wales, there is no secret about it. The matter has been under consideration for a couple of years. A decision will be made one way or the other well before October, so that if there is to be any change, it can be implemented in an orderly fashion and in a way that the colleges and students, both current and future, can cope with. The decision will be made long before October.

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### SPECIAL ADJOURNMENT

#### **Motion by the Hon. J. P. Hannaford agreed to:**

That this House at its rising today do adjourn until Tuesday, 27th April, 1993, at 2.30 p.m.

*[The President left the chair at 1.1 p.m. The House resumed at 2.30 p.m.]*

### CULT ACTIVITY IN NEW SOUTH WALES

#### **Debate resumed from an earlier hour.**

**The Hon. S. B. MUTCH** [2.30]: I was referring to an organisation known as Kenja. I spoke about the mechanisms used by cults to blackmail families and friends of cult members, and cult members themselves if they wish to leave the cult or do in fact leave the cult. If the family or friend of a cult member in any way attacks or criticises the cult, contact will be broken off with their daughter, son, brother or sister. Cult recruits are required to confess and write down all their darkest secrets on the pretext that they can only free themselves of these blots on their character by the so-called counselling that they undertake. These events are later used to blackmail them if they attempt to leave the group.

Family members of Kenja recruits have come forward reluctantly and have asked for anonymity, for fear of this type of emotional blackmail. Because of the confessions that they have made to Kenja leaders, ex cult members are also fearful of blackmail. They also fear intimidation from the cult leader, who promotes himself as a person familiar with and expert in the use of violence. I have written evidence of this in the form of numerous signed letters and oral evidence that I have recorded on tape. This evidence is quite detailed and may be provided to a select committee, if one is established.

Kenja has been described as part of the human potential movement because its major advertising and recruitment theme is that of personal development. It advertises in the Yellow Pages under the front name Personal Evolvment Centre, under the category of Training and Development. It has used a number of front names, including the Kenja Personal Ability Centre, Kenja Social and Sporting Club, Kenja Entertainment Club, Canberra Communication Consultants in association with the Kenja Training and Development Centre, and the Communication Centre of Melbourne. It offers something for everyone.

**The Hon. Franca Arena:** It is obviously a big business.

**The Hon. S. B. MUTCH:** It is a big business; it offers something for everyone. It advertises eisteddfods, plays, shows, sporting events, social events, workshops, cultural activities, one-to-one work, lectures and classes. An important part of Kenja is an activity known as clowning, which is now spelt with a K. A former member of Kenja who ran a Kenja centre in a capital city for six months, and who has provided me with a damning statement about the organisation, said the original clowning was devised in Paris for acting but that Jan Hamilton has used it in a personal evolvment sense as therapy to find the clown, the child within oneself. It operates like a drama workshop, with people dressing up with red noses and silly costumes. The former member says "theatrically it is great, a really fun way to discover your own spontaneity".

The hook is that in order to continue with the clowning and other social activities, recruits must attend what are called processing sessions with Ken Dyers and then with others who have been described at various times within the organisation as professionals, full-timers or processors. They are now called, I believe, meditation consultants or MCs. The purpose of all the advertised activities promoted by the Kenja organisation is to induce people into one-to-one, so-called processing sessions, which are an important part of the mind control regime.

A former Kenja member who was involved in Kenja some years ago said, "That was the work, really. That is what it was all about, the processing". Though the so-called processing sessions may involve unethical pseudo-therapeutic or hypnotic techniques, they are now but a part of a regime of social and psychological methods designed to structure the behaviour of Kenja recruits, who seem to join at a vulnerable point in their lives. The functions of this structure include isolation, deprivation, regimentation and intimidation. An important characteristic of all destructive cults is the use of mind control or what some academics might prefer to call mind influencing techniques.

The American-based Cult Awareness Network lists seven features of mind control techniques used by destructive cults, which do not all have to be present simultaneously for a mind control regime to operate. These include group pressure and love bombing, which discourage doubts and reinforce the need to belong, through the use of childlike games, singing, hugging, touching or flattery; isolation and separation, which creates an inability or lack of desire to verify information provided by the group with reality; thought-stopping techniques which introduce recruits to meditating, chanting and repetitious activities which, when used excessively, induce a state of high suggestibility; fear and guilt, which is induced by eliciting confessions to produce intimacy, and to

Page 1441

reveal fears and secrets, to create emotional vulnerability by overt and covert threats, as well as alternation of punishment and reward; sleep deprivation, encouraged under the guise of spiritual exercises, necessary training or urgent projects; inadequate nutrition, which is sometimes disguised as a special diet to improve health or advance spirituality or as rituals requiring fasting; and sensory overload, which forces acceptance of complex new doctrine, goals and definitions to replace old values by expecting recruits to assimilate masses of information quickly, with little opportunity for critical examination. Elements of most of these features are evident in Kenja. One former member of the organisation signed a letter but has asked not to be named. She said:

This was achieved by the principles of Kenja . . . insisting that those in Kenja have no contact with families or friends (unless they become involved with Kenja) and that they live with other Kenjans and get into cash producing businesses with other Kenjans. They achieved this by extreme peer group pressure, the time commitment required by Ken and Jan, which precluded a normal working arrangement (classes and activities were often scheduled during the day) and public pressure (being carpeted) by Ken and Jan themselves . . .

I was constantly pressured into giving up any spare time to working at car washing to earn money to go directly to Kenja, or working on the maintenance of the building. Free time was very rare as each night of the week was spent at a class. The day usually began with a 7 a.m. meeting, I would then go to work, go straight to Kenja from work for a class, then attend one or more meetings after class. This would mean that I would not get home until midnight, when I would sleep and get up the next morning at 6 a.m. to begin the whole thing all over again.

I also had to find time for three "processing sessions" per week which took 1 1/2 hours each. This was usually done at the weekend although each month I had to attend a seminar which included Friday night for setting up, both days for the seminar, Saturday night for a class and Sunday night for cleaning up. Other weekends were taken up with making money for Kenja through car washing or doing maintenance or renovation work on the building. Also compulsory leisure activities and meetings were scheduled at weekends so free time was very limited. Even leisure activities are constructed so that free time is utilised within a Kenja framework.

Another Kenja member who has gone on the public record - and it takes some courage to do this - is Annette Stephens, who has also written me a letter. Annette Stephens says:

I was a member of Kenja from early 1982 to February 1992.

I helped set up the Melbourne Centre and was its first Director. I was a Meditation Consultant in Sydney for two years until October 1991, including a stint as Director of Energy Conversion. I have attended classes and seminars in Melbourne, Sydney, Noosa and Canberra and ran Energy Conversion sessions in Tasmania.

I was a devoted member of Kenja. I believed any distress I experienced was for my own benefit, that when I became a clear spirit I would be at the forefront of a new world. I believed the technique to be the research of Ken Dyers and 100 per cent infallible. I believed all the claims as to the effectiveness of his technique to be attainable with the application of his data and the use of Energy Conversion.

In fact I spent my time on a mind numbing high, had adopted an alien belief system, wore the Kenja "uniform", worked long hours, I had given up my profession (teaching) and future security to become a door to door salesperson, lost my house and assets, had become a liar, had cut myself off from friends and had left my children . . .

I was confused and upset and believed leaving to be the best thing for my children. I was congratulated by Jan Hamilton for leaving my family, selling my house and burning my bridges behind me.

After two years I returned to my children, later when faced with leaving them again or leaving Kenja, I chose to leave Kenja. The Kenja rule that you cannot live with anyone taking alcohol or medication meant I had to make a choice. After one year Kenja contacted me and I went back as I had been unable to live in a society that didn't understand my belief system. I was rewarded by becoming a Meditation Consultant.

I became increasingly disillusioned with Kenja but never thought of leaving until I read "Combating

Cult Mind Control" by Steven Hassan . . .

When I left I felt like I was in two places at once, couldn't enunciate words, my eyes felt gritty and dry, couldn't make decisions, couldn't remember 90 per cent of my time in Kenja, had nightmares, flashbacks, two car accidents while "spaced out" driving, couldn't sleep, couldn't work and cried most of the time. I had less than \$10 and virtually no assets apart from an old car. Kenja knew of my financial state but had no hesitation in booking me in for a \$100 session. I left.

Families are broken up by Kenja. The techniques used have changed in response to publicity and perceived public opinion. Initially both Ken Dyers and Jan Hamilton told people publicly to leave their families, now it is done by Kenja members, mostly M.C.'s who know the rules. At one stage a group of Kenja children lived separately from their parents. Kenja puts on a public show of concern, denies this happens and hides behind the Ethics. Kenja has a public agenda and a hidden agenda families are never given any indication of the latter. Families may even initially be pleased their child has become involved in an alcohol free social group.

Since leaving Kenja I have had contact with parents who say they have been afraid to express opposition for fear of losing the limited contact they have. Although understandable this allows Kenja to claim that families approve of their child's involvement. My involvement in Kenja caused my family much pain, they know now I was a victim of a cult. I consider it a miracle that I now have a close relationship with my family.

I have a letter from Bev Garlick which evidences similar concerns about the organisation. I seek leave to have the letter incorporated as an addendum.

**Leave granted.** [See *Addendum II.*]

**The Hon. S. B. MUTCH:** Kenja leaders claim they act ethically and as if to prove this they have issued an ethics document. Sadly, on its face the document is false propaganda and double-speak. For example, ethic No. 12 states "The family unit is respected and created and no one interferes destructively with the family unit". The truth is that families of recruits are cut off from contact with Kenja recruits if those family members do not join Kenja or support its activities. Perhaps there is a perverse logic or internal consistency in the Kenja edict. Perhaps the family unit is double-speak for the Kenja family unit which has been created, and perhaps to the Kenja leader, critics of the organisation are interfering destructively with the Kenja family. One former Kenja member said in relation to his natural family that he cut from them because, stupidly, he believed that if people were not for Kenja, they were against it. The people who were not actually involved were people who were, in the words of the game of Kenja, suppressive and not enhancing their own lives, "so it is better that we do not communicate with them".

Letters from families of Kenja recruits reveal

Page 1442

similar types of stories. I have letters from parents who have been cut off from contact with brothers and sisters and even from children who have been cut off from contact with their Kenja parents. The prohibition of drugs and alcohol as a feature of Kenja is a classic technique of destructive cults. A drug-free environment sounds squeaky clean, but the truth is that to a Kenja person even a person who drinks alcohol socially is unacceptable. Of course there are exceptions to all rules. Ken Dyers is allowed to do as he wishes, because he is supposedly the enlightened one. He is a clear on the scientology scale, which all Kenja processors are required to buy and study. It is a feature common to all destructive cults that they are led by a charismatic leader. In Kenja, Ken Dyers fits that mould in some respects. One former member said:

. . . his eyes would just, that was the one thing that would be constant, that would be looking into your eyes, so that to begin with you'd be feeling quite uncomfortable that someone was so intent to look into

your eyes, and you'd seem to fish around to try and find the problems that there are so in a way you'd think he's reading your mind and he knows what your thoughts are. And this is what he encourages everyone to think - that he actually does know what you're thinking, and that he's got quite amazing metaphysical powers that he can actually be in your body, and experiencing what you're experiencing right now. So you're encouraged to think that he's a magical man, that he's totally enlightened.

Ken Dyers' privileged position seems to extend to sexual gratification, using his position of authority to exercise his prerogative over female members of the organisation. One former senior member of the organisation wrote about her experience.

Dear Mr Mutch

Note: While I am happy for the contents of this letter to be read by you in Parliament, I do not agree to the use of my name.

I can understand why. The letter continues:

I am writing to you now to discuss some details of a personal and intimate nature that describe the abuse of trust involved in the relationship I had with Mr Ken Dyers, who was my therapist.

The letter continues:

Jan had by this stage also stated that in order to do clowning, we must attend weekly private sessions with Ken. About six months after starting weekly sessions with Ken, my relationship broke up. Within one week I had a session with Ken where he suggested that we conduct our session naked . . . This mode became the norm in our sessions.

While it seems unbelievable to me now, at that stage I felt dependent upon Ken's approval . . . I especially needed the approval from a powerful authority figure that Ken provided and over time, became more and more dependent upon it. Naturally I was encouraged to do this by Ken, who worked hard to become the primary relationship in my life. It was this and the trust I felt I could place in Ken as a therapist that enabled me to push aside normal barriers to allow this kind of behaviour.

During our weekly sessions, Ken became more and more interested in exploring the sexual hang ups he felt I had. This involved more touching and stimulation in the genital area, mutually, as Ken felt I needed help in this area. This escalated to involve oral sex on my part . . .

I still believed that Ken would sense the discomfort and turmoil I was feeling about this and would stop. He didn't. Eventually, Ken suggested that we try his new "process" that involved lying down. I still believed in my incredible naivety that Ken was doing this to help me with the sexual problems I was not aware of having. We had sex and afterwards he thanked me for it. I asked him why he was thanking me as it was meant to be a level of therapy. I felt extremely uncomfortable about the whole thing and asked Ken why this was all necessary, his answer was "You want to clear don't you?" This meant that I had to accept any procedure in the name of resolving emotional conflict. Fortunately at this time I was expelled from professional processing, and lost the privilege of having advanced sessions with Ken . . .

I discovered that in a session with a fellow female Kenjan, she too had been through the same procedure with Ken. Some time later, Ken asked the women in an advanced class to raise their hands if they had slept with him. Of the 10 females present, at least 8 put up their hands.

It distresses me that women and girls may be experiencing this kind of treatment. Through confidence shattering experiences people can and do become so emotionally vulnerable that they will condone situations they would normally have nothing to do with. As I have outlined in my previous

letter, Ken works diligently to cut people off from their home, family and friends and encourages the utmost dependence on Kenja and primarily upon him. Once he has achieved this, proven by my experience, he then does what he likes in the name of his fake therapy abusing any sense of moral obligation normally upheld by a therapist engaged in the privileged area of human sensitivity and trust.

It is interesting to consider how the positions of therapists and patients are being used in the Kenjan organisation. I turn to an assessment of material from an eminent academic in this area. I shall read the contents of the letter, but as is common in this field, people are most concerned about their position in society and the powerful forces that work in our community today that would prove to be destructive to their careers if names were known. This professional and many other professionals who have given me advice on this issue have indicated that they would give evidence before a select committee but would probably want to do so in camera. I shall read some of this advice because it goes to the heart of the control mechanisms used by the organisation:

Dear Mr Mutch,

I have read your letters and the material enclosed with your letters. In response to your request for comment, I make the following points. The comments by individuals about the physical, interpersonal and intrapersonal events that occurred during and after their involvement in the organisation suggest that they experienced psychological trauma associated with these events.

This psychological trauma may have occurred because of the personal characteristics of these individuals, the structural demands of the organisation, or the use of particular techniques by senior members of the organisation. It is most likely that the trauma is a result of the overall constellation of personal characteristics, structural demands, and particular techniques.

In terms of personal characteristics, it appears that some individuals were experiencing unhappiness/instability in their lives, and were attracted to the apparent happiness/stability offered by the organisation. It appears that other individuals experienced a "slide" into the organisation after becoming acquainted with members of the organisation.

In terms of the structural demands, the comments by individuals point to a range of social-psychological processes that are associated with the acceptance and adherence to group norms. These processes include isolation from people outside the group, intimidation by people inside the group, deprivation of normal physical and emotional comfort, and communication of particular attitudes and beliefs by people inside the group. These types of structural demands typically lead to individuals

Page 1443

accepting the norms of the group and to the creation of a particular relationship of dependence among senior individuals inside the group.

In terms of the particular techniques, the comments by individuals point to a range of "quasi-religious" and "quasi-clinical" procedures that appear to be designed to allow senior members to exert influence over other members of the organisation. The use of these procedures appears to lead to the creation of a dependency relationship that could not be said to be psychologically healthy. The procedures appear to lead some individuals to believe that they have "lost control" physically and psychologically. The sexual contact reported by some individuals, for example, appears to have occurred during periods when they were experiencing such a sense of the loss of control.

Some individuals have labelled some of these techniques and their own experiences when exposed to these techniques as "hypnosis". This label is probably given because of the particular techniques used by senior members, and because of the experience of loss of control (or nonvolitional) of the individuals themselves. The techniques and experiences described in the comments by individuals are quite different from hypnosis as it occurs in contemporary medical and psychological practice. However, aspects of the techniques reported to be used overlap with some hypnotic

techniques (as well as with other psychological procedures), and aspects of the individuals' experiences overlap with some parts of the hypnotic experience (as well as with other psychological experiences). The use of the techniques appears to lead to a reduction in the reality testing by individuals, and a relatively uncritical acceptance of the instructions of the senior member. Moreover, the individuals appear to experience a sense of dissociation that involves an alteration in normal waking consciousness and a feeling of incapacity to respond negatively to undesired actions.

The combination of interpersonal and group processes that are apparent in the comments by individuals suggest the possibility of substantial trauma occurring, either intentionally or unintentionally, in those people who expose themselves to these processes.

Recently a former member of the Kenja organisation came to see me with other people once involved in the cult. The man's name was Michael Beaver, and to me he looked pretty good and was well out of Kenja. I said to his mother that it just seemed all too easy, that although this young man had been through this experience he seemed so well. I should like to read a letter I received from him, and the reason for doing so will become apparent. The letter states:

Dear Mr Mutch,

I was in Kenja for two years, leaving Kenja in late 1990. I was told to leave by Ken Dyers for having contact with people who drink and having contact with people who had been to Bali, living with me.

I was recently diagnosed as schizophrenic and was hospitalised five times during 1992, due to Kenja. I now want to write what I personally think of Kenja.

I think Kenja is a destructive cult which traps people within Kenja. I was told to "cut lines" with my family, because I was told that it was my family, or it was myself. If I did not cut off from my family I would be asked to leave, because my family was drinking, and I lived with my father who used to go to the pub a couple of times a week. It wasn't as if my father got drunk; it was just a way of keeping me isolated from the rest of the community.

I was only paying half price, at Kenja, because I was then seventeen years. But it still cost a lot of money, something like \$100 per week. I paid \$50 per week for a session, \$15 for classes and every month I had a workshop, which was \$100. As well, I was doing ballroom dancing and touch football, which made up the \$100. Also, I was buying my meals at Kenja. No receipts were ever given. I was recently told that while Ken Dyers claims he makes no monetary gain, he makes between \$5000 and \$7000 per week. If this is true, it shows he is a liar.

Whilst in Kenja I was encouraged to disassociate myself from my family and friends. Because I had "cut lines" with my family and friends I realised that I had no friends, this was very hard for me when I came out. If I meet Kenja people they will say hello to me but that is all they will say, they won't mix with you. I felt very lonely when I first came out.

Personally, I think Kenja is a trap because the brain-washing techniques used by Kenja brings on a sense of dependency on Kenja and makes one feel as though one has no life outside Kenja.

After being put out from Kenja I suffered many psychological problems and only now am I coming to grips with myself after help from ex-Kenja people. Before meeting these people I could not talk about Kenja, because I was programmed not to talk about it. One of these people was a professional, a meditation consultant, ( M.C.) in Kenja, while I was there. This person had left Kenja on their own accord. This person had my trust, I could listen and ask questions and I began to have my doubts.

I had been told by Ken Dyers that I was a failure and I began to realise that I was not, it was only

the programming that had made me think that I was. The programming in Kenja makes one feel that Kenja is your only salvation, if you are made to leave as I was, you feel that you are worthless.

After what I have been through I feel that Kenja is dangerous and I would like to see it closed down.

I am back working after eight months of severe problems. How many more people do we have to see having psychological problems before this destructive cult gets closed down. I have heard of four other people who have had severe problems after leaving Kenja, and I have only been discussing it for six weeks. Who knows how many more people are suffering after being in Kenja?

We need Laws that are strong enough to combat mind control. What right has this unqualified man, Ken Dyers, got to screw people's minds up the way he does. Staring someone in the eye for an hour at a time is dangerous hypnosis, as done in "energy conversion" and which costs an adult \$100.

Why do people go along? Because I was under 18, my father had to go along and give the O.K. for me to attend. On the surface it looks fine, he went to an open night and heard a lecture. My father heard about the sporting activities and thought it was all right. But we were not given any details about the "energy conversion" sessions. When I was asked to book in for them, I asked about them and was told, "You'll find out".

It didn't occur to me that it was hypnosis. After the "energy conversion" one feels such a high, that I felt as though I should come back, which shows the trap that Kenja is.

Please feel free to contact me as I would like to see Kenja closed down and I am willing to fight this all the way.

Yours faithfully,  
Michael Beaver

The next thing that Michael Beaver apparently wrote is a note that contains the words, "This is now the end for me. I am weak overtaking by spirits. I cant face life any more. Its my right my choice. Kenja is to partly blame as it exposed me to truths". Unfortunately, this young man suicided. One can question what effect Kenja might have had on him, and I have my views about that. On 13th March, 1993, two articles appeared in the local newspaper, the *St. George and Sutherland Shire Leader*. The first article, under the headline "Committee plans to investigate cults", referred to my notice of motion to inquire into cults. The second article, by Graham

Page 1444

Davies, was headed "Psychiatrist's warning on brainwashing techniques". It stated:

People who become involved with sects are putting themselves into serious psychiatric danger, the director of psychiatry at Sutherland Hospital, Dr Nerida Brinkley, warned.

"They go away on weekend rituals where there is much chanting, and return to the city with severe problems," she said.

"Some never recover.

"Some suicide . . . they are brainwashed," she added . . .

She said staff have identified seven distinct categories of problems which result in people needing help from the unit . . .

The switch to sects and the associated problems, was a newcomer to the list of problems that the

unit receives.

In fact, Dr Brinkley says that the shire has one of the highest rates of suicide of young people, particularly among young males. There is evidence of increasing cult activity and it would be interesting to see from Coroner's Court statistics whether cult activity has some association with the numbers of suicides that are occurring among young people in our society today. That question may be examined by referring it to something like a select committee, which can call evidence.

Kenja members entrust their money to Ken Dyers and Jan Hamilton. It is clear that the income generated by the participants in Kenja activities has never been fully declared to the taxation department. The resulting profits have probably been the foundation for the personal wealth of Ken Dyers and Jan Hamilton. A letter I have received estimated total Kenja turnover at \$800,000 per annum. I believe that is an underestimation and is dated. A further letter describes how there were two sets of books used in order to deceive the taxation department. Many letters mention the strategy of cash payments only and no receipts. The Kenja taxation philosophy is described in one letter in this way: "Tax was something that was paid when you decided how much you were willing to pay".

Former Kenja members have informed me that the Brisbane centre was closed when a tax investigation seemed likely. A great deal of information has been provided to me by way of statutory declarations, signed letters and taped interviews about tax irregularities. This information has been provided to me on the understanding it is under the protection of Parliament. However, if the Commissioner for Taxation is interested, I would like to talk to him. I believe these people were under a form of control and mind influence when they deceived and lied to the taxation office. I have evidence to confirm this from those people in the form of statutory declarations. Because they were under a form of control, I believe it would be reasonable to negotiate with the taxation commissioner about the manner in which they should be treated.

Approximately 200 people belong to the Kenja organisation. They were all required to write one, but mostly two, letters to the honourable member for Bulli - who has forwarded all letters to me. These letters reveal interesting things about the organisation. They tend to reveal that people who join this organisation may have a profession or good job. It does not take very long before they are no longer doing that job, but doing something they consider to be better - running their own business. In general, their business involves cash-producing enterprises - cottage industries, if you like. One of the main businesses is flower selling.

**The Hon. Judith Walker:** That proposition seems perverse to me.

**The Hon. S. B. MUTCH:** It is a good way of raising cash; people can do more processing sessions. The people all seemed to be relieved of their cash. These letters show a similar pattern: the people have been rescued from their psychological problems and dilemmas by Ken Dyers. A lot of people were, in their own eyes, alcoholics and drug addicts, but suddenly, when they met Ken and become involved with processing, they miraculously became tremendous human beings capable of setting up their own business and selling flowers. I raised the matter of the Kenja organisation in Parliament. I am prepared to table these documents which are extremely critical of me.

**The Hon. Judith Walker:** You do not have to worry, I have copies.

**The Hon. S. B. MUTCH:** I would like to table them. Perusal of them will show that many of the authors held high positions in society for a short time. The bundle of documents is a fairly complete set of the letters forwarded to me by Ian McManus. Some of the letters are written by prominent people, and those people should have their day in court as well.

**The Hon. Judith Walker:** But this is not court. This happens to be Parliament.

**The Hon. S. B. MUTCH:** I am tabling them for their benefit. Perhaps I could refer to some of the letters that form part of the set of tabled documents. One letter that is highly critical was written by J. C. Walker, who purports to be the Dean of the Faculty of Education, University of Canberra. Many of the letters are written on the letterheads of the institutions that employ the people concerned. Another letter is purported to be written by Anne Cummins, principal of Merici College, Wise Street, Braddon, Australian Capital Territory. Another letter is purported to be from Paul Wright, though it is unsigned. A card attached to the letter states that the author is a photographer employed by the publishers of the *Bulletin*. The letter has been written on the *Bulletin* letterhead.

**The Hon. Judith Walker:** This is disgraceful.

**The Hon. S. B. MUTCH:** I think they should be entitled to their say.

**The Hon. Judith Walker:** This is not a court. It is Parliament.

**The Hon. S. B. MUTCH:** They are entitled to put their complaints about me on the public record, Page 1445 and I have no problems with that.

**The Hon. R. S. L. Jones:** Why are these letters all about you? Why are they all complaining about you?

**The Hon. S. B. MUTCH:** The honourable member can read the letters. There have been hundreds of letters of complaint about me. I have two letters written by Denise Edwards, who apparently is a lecturer in the bioscience unit of the University of Technology, Sydney. Her letters make interesting reading.

**The Hon. R. S. L. Jones:** Do those letters complain about you too?

**The Hon. S. B. MUTCH:** Yes, all letters I am referring to complain about me. Another letter was written by Robert McDonald, who professes to be Assistant Commissioner, Program Evaluation Branch, Australian Taxation Office, National Headquarters, Canberra. Another letter is from Linda Paisley, who purports also to have been employed for 22 years in the Australian public service, in the tax office in Perth. I wish to place on the record that these letters have been written to me -

**The Hon. Judith Walker:** Were they written to you or to Mr McManus?

**The Hon. S. B. MUTCH:** They were written to Mr McManus, who referred them to me. It is only fair that I produce these documents as I am the one they are attacking.

**The Hon. R. S. L. Jones:** What do they say about you?

**The Hon. S. B. MUTCH:** The honourable member should read them. In the interest of technicalities, I seek leave to table the letters I have just referred to.

**Leave granted.**

**The Hon. S. B. MUTCH:** I shall now refer to the connection between Kenja and the Church of Scientology. I am sure honourable members would be aware of the organisation the Church of Scientology, though one barrister I spoke to the other day asked, "What is Scientology?" I suppose we are not all that well-informed. The article I referred to earlier from the Concerned Christian Growth Ministries entitled "Kenja: the Science of Change" noted that Kenja's claim to uniqueness in the Western world is contradicted by its own statements and jargon. The article states at page 17:

Many of Kenja's buzz words are an integral part of the Scientology vocabulary including such terms as, "We have the technology; clear reactive mind thoughts; data; terminals; interbulate; processing; energy centre; reality level; ethics and research; standards and ethics; awareness; consciousness; causative" and more. The late Lafayette Ron Hubbard would not be pleased with Kenneth Dyers and company. He would regard their "technology" for living as definitely NOT "standard" tech.

I will read from a letter from yet another ex-Kenja member whom so far I have not quoted. I could read many more letters to the House. Those who wrote to me were concerned about a number of things. Parents, friends and relatives do not want to go public for fear that the person in Kenja will not want to contact them any more and will close off from them entirely, so that there will be even less contact than there is at present. Another concern relates to public ridicule. Most friends and relatives wish to be available if a person ever gets out of the organisation. This particular ex-Kenja member asked in the letter, as most correspondents have, that the name not be disclosed. I have asked most of these people to advise me if they do not want their names revealed. This letter states:

Please, do not use my name publicly, or give it out to anyone at all.

Also, please do not identify me in any way . . . This is really important to me that you respect this request, and on this understanding, I will sign this letter.

This person said:

One big lie is that Kenja is based on the research of Ken Dyers - over the last 40 years or so.

In fact, it is based almost entirely on Scientology.

Ken Dyers has stated that he was in Scientology and the implication was that he was in it for a number of years.

On the first day that I started work in Kenja as a "professional" we had to go out and buy (from the Scientology bookshop) Dianetics by L. Ron Hubbard and 0 - \_ [Zero to Infinity] book. Also a copy of the "Tone Scale" and several other scales.

Over the next month, we had to completely read "Dianetics" and the 0 - \_ book.

Daily, from then on, we had to read some of the 0 - \_ book and at least daily, locate ourselves on the "Tone Scale".

The Scientology material forms the core of Kenja Dyers lectures and seminars, yet they constantly deny that it has anything to do with Scientology (which is true in the literal sense that Kenja is not a branch of Scientology and that they pay money to Scientology. In fact Ken Dyers used to skite about how Scientology had labelled him a "squirrel" and tried to destroy him and Kenja - but, of course, had failed against the mighty powerful and evolved Ken Dyers.

A number of so-called ex-Kenja professionals have given me books in which the name Scientology has been covered up. I have been given huge charts that are supposedly tone scales used by Scientology. They are very detailed charts. Apparently its members have to memorise details from the charts. It is another form of keeping people's brains so preoccupied with detail that they cannot think about anything else. I now seek to put on the record the contents of a letter written by Henry Bartnik entitled "Kenja not Scientology", of the Sydney Church of Scientology. The letter, which appeared in the *St George and Sutherland Shire Leader* on 14th January, states:

I refer to a recent article on the Kenja group.

If Kenja founder Ken Dyers has "acquired God-like knowledge" or if he has "developed a theory of energy conversion that brings insights into the meaning of life" then it is not Scientology that he is talking about.

Scientology is an applied religious philosophy that is applied by millions of people to help make their lives more orderly and ethical.

Page 1446

There are no new "theories" or knowledge reserved for gods, just basic data that happens to work out in practice.

I would be very concerned if the Kenja group were attempting to apply Scientology principles outside the guidance of our church. I think the group is doing something quite different.

I am trying to be fair to all parties concerned. I have oodles of letters from people who were once involved in the organisation. It seems to me that if one wants to know about the activities of an organisation one only has to speak with former members of the organisation. One letter states:

Dear Mr Mutch,

I read the newspaper articles concerning what you said in parliament regarding Kenja and want to express my support . . .

All of the people I met in Kenja seemed to be quite sincere apart from Ken Dyers and Jan Hamilton. Ken Dyers left me with the impression that he was a rather sleazy con man and Jan Hamilton simply seemed to be crazy.

There is more in that correspondence that confirms the processing and activities that occur within the organisation. Another matter I wanted to refer to was is the article to which I referred earlier that appeared in the *Sun-Herald*. The article, which was written by Kevin Perkins, states:

Dyers said Kenja was a non-profit organisation, did not take money from people in advance and he was now only a consultant responsible for "ethics and security" with no financial interest.

I thought that was an interesting statement because that sort of claim has been reiterated by people who have come to me with evidence. The fact is that Ken Dyers has had a substantial property portfolio. I have some of the searches here, though this probably does not reflect the totality of the property involved. On 8th June, 1983, Ken Dyers and Jan Hamilton purchased one-quarter shares each in a unit at Rose Bay. Myee Hamilton, Jan's mother, has a half share. The total purchase price was \$85,000. Myee Hamilton now owns the property outright. On 24th January, 1984, Ken Dyers bought a unit at Bellevue Hill for \$122,500. On 15th April, 1988, Ken Dyers and Jan Hamilton bought a unit within the city of Sydney for \$125,000. On 26th May, 1989, Ken Dyers and Jan Hamilton bought a house at Bundeena for \$515,000. On 12th June, 1992, Ken Dyers sold a house at 6 Edward Street, Bondi, for \$375,000. That is only a fairly cursory examination.

**The Hon. Judith Walker:** Has the honourable member never bought or sold property?

**The Hon. S. B. MUTCH:** The suggestion is that Kenja is a non-profit organisation, that it does not take money from people in advance, and that Ken Dyers is only a consultant responsible for ethics and security, with no financial interest.

**The Hon. Judith Walker:** What the honourable member says does not prove anything.

**The Hon. S. B. MUTCH:** I have already said on the record that I would like an appointment with the Commissioner of Taxation so that I can speak about the statutory declarations that I also have in my possession about this organisation concerning tax matters. I did wish to refer to a number of other matters relating to Kenja but in the interests of time I will refer now to the notice of motion. I suggest there is enough concern in the community to warrant an investigation generally into activities of cults in New South Wales. Since I gave notice of this motion I have received probably in excess of 150 letters that refer to a small number of organisations. The same theme recurs repetitively in those letters, and that is the theme to which I referred when I spoke about the activities of the Kenja organisation.

There seems to be a common thread throughout the organisations. People in our community are gravely concerned about these issues. I do not wish to name those organisations. The truth is that I have many letters. One of the files I have is full of original letters, handwritten and typed, from citizens of New South Wales. I have received some letters from interstate but the vast majority are from New South Wales. I do not know how some of these concerns can be dealt with by simply referring them to Ministers. This material should be referred to a select committee for proper evaluation, proper examination and determination, to see whether we can do something about these organisations.

**The Hon. Judith Walker:** Or a proper witch hunt.

**The Hon. S. B. MUTCH:** The result could well be that we can do no more than offer a safety net for some people. A number of people who have been involved in cult activities and are suffering from all sorts of mental problems have come to me. They have no money left, because these organisations have deprived them of their income and they have nowhere to turn. I have also received letters from parents, friends and relatives expressing their deep and personal concerns about cult activities in New South Wales. In 1977 the former member for Gordon raised a similar motion in the other place. He was not able to produce any evidence of cult activity, he was not able to say where cult activity might be occurring. The motion was rejected by a majority of one. At that time people did not have a good understanding of how cult organisations worked nor of the power of mind control.

I should also like to refer to what has happened since I placed the notice of motion on the notice paper. I issued a fairly benign report - the Mutch report - in which I said, "Over the past few months I have received a number of representations from parents and friends who have been involved in cult activities". I stated that a major concern was that idealistic, intelligent young people were particularly vulnerable to cult recruitment, probably because they are going through personal transition periods and get sucked in to joining these organisations. I also said:

The problem in Australia is subterranean compared to the United States. This is perhaps because of the reluctance of Australians to speak publicly about problems involving mental health and because of the stricter Australian defamation laws.

Page 1447

In fact, there is evidence that overseas cults see Australia as a safe haven.

The following paragraph of the report is very interesting. It states:

Two courageous people who have taken a stand are concerned parents Tony and Joan McClelland, who established an organisation called CultAware, which has as its objectives: to focus on activities and mental health implications of destructive groups and mind control techniques, to provide information and resources to affected individuals, families and concerned citizens, to raise community awareness and to educate the members of the helping professions.

Arraigned against the efforts of citizens like the McClellands are some powerful organisations with substantial financial resources.

Ursula MacKenzie, editor of the United Kingdom based Family Action Information and Rescue news bulletin, *Fair News*, wrote:

Cults may once have fitted the image of 'crackpot leaders with a few followers', but now are a force to be reckoned with, powerful organisations who can buy their way into university control, set up political parties and run businesses and management training courses.

**The Hon. Judith Walker:** That description sounds a little like the profile of the Liberal Party. I could have been easily fooled.

**The Hon. S. B. MUTCH:** The problem with the Liberal Party is that it is not as effective at raising funds as other organisations. What has occurred since is quite extraordinary. Honourable members in the upper House have been approached ad nauseam by members of particular organisations who are trying, for some reason, to stop this investigation into, what I would term, destructive cult activity in New South Wales. I cannot understand why people would want to oppose the setting up of a bipartisan parliamentary inquiry which will endeavour to get to the bottom of what is going on in our society.

I have received letters from organisations that seem to have something to fear because they say that Tony and Joan McClelland are associates of criminals. I was introduced to the McClellands by the Hon. Patricia Forsythe, who knows them through Rotary activities. The McClellands are the personification of concerned and genuine parents. Tony McClelland has whiter hair than my father. Their son became involved with a particular cult organisation. The McClellands are country people and they were at pains to find a way of getting further information to their son so that he might learn about what he was really involved in. They were able to get that information to him and, fortunately, he has since left the organisation. I have received letters from Henry Bartnik and the Church of Scientology.

**The Hon. Judith Walker:** What does he say? Why does the Hon. S. B. Mutch not tell the House what these people are saying? How does the honourable member expect his colleagues to vote for something when he has given us no answers?

**The Hon. S. B. MUTCH:** I dare say the Hon. Judith Walker has received half of these letters. One letter from Mr Bartnik states:

My name is Henry Bartnik.

I am the public spokesman for the Church of Scientology in Sydney. My post title is "Public Relations Officer"

The immediate subject of my visit is a motion that is being forwarded by MLC Stephen Mutch, to curb "destructive cults". While Mr Mutch has not named the Church of Scientology I am concerned about the emotiveness and encompassing nature of his subject matter.

**The Hon. Judith Walker:** So am I.

**The Hon. S. B. MUTCH:** The Hon. Judith Walker should try to get herself on the committee.

**The Hon. Judith Walker:** I will. At least I would have an open mind about these matters. I could not say the same for the Hon. S. B. Mutch.

**The Hon. S. B. MUTCH:** The letter continued:

There is also a broader issue which relates to the US deprogrammers in Australia who are creating a market for deprogramming.

Thank you for giving me time to speak to you.

All sorts of letters have been distributed around the streets near where the McClellands live. I have a letter from the secretary of the Better Family Relations Association regarding the formation of a religious vilification group called CultAware. It is extraordinary that resource information of CultAware - which has issued a pamphlet I recommend to all honourable members about disseminating information to health professionals and people in the community who are experiencing problems with cults - should be read by members of the upper House.

**The Hon. Judith Walker:** CultAware is a well-known American organisation.

**The Hon. S. B. MUTCH:** Had the Hon. Judith Walker been in the Chamber when I commenced my speech, she would have heard me talk about -

**The Hon. Judith Walker:** I heard the Hon. S. B. Mutch.

**The Hon. S. B. MUTCH:** I read on to the record an article which I invite the honourable member to read.

**The Hon. Judith Walker:** I know, and I will.

**The Hon. S. B. MUTCH:** It refers to parents and friends of people in cult activities who are concerned and do not know what to do. In the past people hired Rambo types to drag people away from these cults. Sometimes such action worked and sometimes it did not. If it did not work, often the parents and friends were accused of kidnapping. Since those days a lot has been learned about mind control and mind-influencing processes. I am informed that the types of activities engaged in by intervention counsellors now are basically to try to get the cult member to accept voluntarily further information about the cults to which the member happens to belong. The vehemence of the attack launched against this family from the country who

Page 1448

sought to get their son out of this organisation is extraordinary. They provided their son with this information about the organisation which led the son, of his own volition, to make a decision to leave the cult.

**The Hon. Judith Walker:** How old was the son?

**The Hon. S. B. MUTCH:** I cannot recall how old the son was.

**The Hon. Judith Walker:** His age is in the letter, by the way.

**The Hon. S. B. MUTCH:** To what letter is the Hon. Judith Walker referring?

**The Hon. Judith Walker:** The letter from his parents.

**The Hon. S. B. MUTCH:** The Hon. Judith Walker should tell me. How old was the son?

**The Hon. Judith Walker:** He was in his twenties and he was in the United States at the time.

**The Hon. S. B. MUTCH:** The Hon. Judith Walker should talk to the son about what he thought of the process.

**The Hon. Judith Walker:** I would, if I could afford it.

**The Hon. S. B. MUTCH:** I think the Hon. Judith Walker should speak to the son. A stand needs to

be made against those who prey on the vulnerable to manipulate their consciousness and grow rich at the expense of the people they manipulate. It is not good enough to equate the right of religious freedom with the right to exploit in these ways and say, "Caveat emptor". It is not good enough to claim that there is not enough evidence of these practices and that there has never been a specific mechanism to deal with these problems.

I suspect that the letters I have received are the tip of the iceberg. We have to create an opportunity for people to come forward with information. We need to classify what has been done in the area of civil and criminal law. We need to seek advice from various authorities and determine how those areas can be linked. We need to review the laws that are relevant to these cases to see how effective they are. We need to know to what extent those laws are being enforced. We have to think about the walking wounded emerging from cults and we have to determine what can be done about their specific problems. We have to consider the likely cost to the State, as well as individuals, of doing nothing. The damage that cults cause to individuals could be summarised in these three concepts: deception, coercion and exploitation. We need to examine the New South Wales Fair Trading Act 1987, which contains sections concerning fair trading which mirror those concepts. For example, section 42, which deals with misleading or deceptive conduct, states:

A person shall not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.

Section 43, which deals with unconscionable conduct, can be summarised as having these features: the relative strengths of the bargaining positions of the parties; any requirement to comply with unnecessary conditions; the degree of understanding of documents; undue influence, pressure, unfair tactics; and the availability of and comparison with like goods. All these features could be brought to bear on the exploitative relationships that exist between individuals and cults. A select committee, as part of its brief, could seek advice as to how the New South Wales Department of Consumer Affairs could run a test case to establish the use of these sections against cult exploiters on behalf of injured parties. This could go a long way towards sending a signal to these organisations that their mischievous use of psychological practices and other activities, including their enrichment by deception, will not be so easily tolerated in the future.

If we set up a select committee it could focus on how members are deceived into joining cults; look at the flimsy, contractual ways in which individuals are persuaded to part with their money; look at the deceptive claims made by cults in their publicity; calculate the hours of unpaid labour by cult members as a condition of their membership; look at the deceptive and unconscionable psychological practices used by cults, including sexual exploitation; and calculate the financial losses suffered by cult members. When Tim Moore sought to establish a select committee to investigate the Children of God in 1977, the then member for Gosford, Mr McGowan, argued that he had not raised a sufficient case. He said:

He failed to establish a need for a select committee to investigate the matters he has raised. I expected that he would provide us with cases of police intervention with the Children of God, of arrests, convictions or cases of fraud and kidnapping, but he has provided no such objective evidence.

*[Interruption]*

Opposition members should remember that this matter is part heard. I have many more letters.

**The Hon. Judith Walker:** And just remember that they are children. You are referring to them as though they were adults.

**The Hon. S. B. MUTCH:** That is not true. I have many more letters that need to be examined, and I suggest that a select committee is the place for that to be done. As I continue my speech I will provide further details. That mindset of requiring absolute proof before action was taken overlooked the point

that prevention is better than cure. It is like saying to a patient with chest pains, "We cannot treat you until you have a heart attack". It also overlooked the fact that the price to be paid for a select committee inquiry would be far outweighed by the cost to individuals whose lives have been and are being seriously affected by the Children of God. It overlooked the fact that, fifteen years later, the Department of Community Services, both in this State and in Victoria, tried to pick up the pieces at considerable expense. A voice

Page 1449

of reason in that original debate - it is good that I can refer to Mr John Hatton in this way - said:

I do not argue the matter from a religious point of view but rather from a logical one. As parliamentarians we should become involved in a matter about which a section of the community has expressed concern. At this time I have not made a judgment about the matter.

If gambling casinos and the use of drugs are investigated because, by observation, honourable members are convinced individually that when one has regard to the possible effect on society those subjects are worth looking at, then the matter now before the House is also worth looking at. A committee should be established to look at the Children of God. Are we afraid of leaning something?

The question before us is whether we are now going to learn from experience and set up the select committee into cults that I propose, or whether we are going to make the same mistake that was made in 1977 and wait till these issues boil over into a crises which will end up costing us more in terms of the shattered personal lives of our citizens and the consequent drain on this State's expenditures. I refer now to a letter written to me by a young person who was involved in the Kenja organisation. I thought this statement was a fairly pithy and succinct reflection of concerns:

This is serious. It is my opinion that people who occupy positions of power in Kenja think that because they may fill a need for those who feel vulnerable at some stage in their lives - a need to have support and feel like they are making changes, they can charge whatever price they like. But when the price goes beyond dollars, when you are given a ready-made, elite, isolated reality, that is when the price of your own thoughts, your friends, your ability to make decisions, and your private past costs too much. Kenja just doesn't cost dollars, it costs freedom - the freedom to be an individual and the freedom to have space in your brain to think.

I wish to raise a few other matters that have been referred to me in a number of letters that I have received. It is interesting to note that the Church of Christ has been banned from the campus of the Queensland University. In a recent report of the cult's activities in the *Australian* the Chaplain of the Queensland Council of Churches, Reverend Cyril Muller, said that students had been "psychologically twisted" by the church's manipulative methods. The report goes on to state:

Mr Muller said the church's doctrine required members to seek new disciples. Members were told they were sinners if they failed to attract their quota of recruits. Complaints by students of continual harassment by church members on campus prompted the university registrar, Mr Douglas Porter, to withdraw campus meeting facilities and issue a stern warning to members. The Church of Christ was banned from the Queensland University of Technology last September after similar complaints.

In Sydney, the Anglican Chaplain of the University of Sydney, Reverend Robert Forsyth, was more sanguine about the Church of Christ. When interviewed for the 13th April issue of *Campus News*, he said that he was not aware of Church of Christ members harassing students. He said that their most common activity was simply walking around the campus asking students to come to Bible meetings. Perhaps Reverend Forsyth should speak to Reverend Muller and compare notes. A letter I received from a student at the University of New South Wales alleges a great deal of harassment. The writer states that she has lodged formal letters of complaint with the University of New South Wales. She goes on to say:

As a young person walking alone around campus and the city of Sydney, I am constantly having to fend off members of various churches including the Sydney Church of Christ, the Church of Scientology, Campus Bible Study and the Uni Church.

I very much resent having to fend these people off. I feel set upon. I feel that it is an invasion of my right to freely move around campus. I have tried everything to rid myself of this persistent harassment, from being very polite through to being incredibly rude and nothing works.

The Sydney Church of Christ is a cult which seeks to entrap vulnerable young people and indoctrinate them. It does this through a technique called 'shepherding' - that is, providing young people with a 'disciple' or 'big brother'.

Another cult that has been of interest to me, one that I have never heard of before, is Sahaja Yoga. I have actually received a number of letters detailing the practices and effects of cults in general. A number of letters that I have received refer to the organisation operating in New South Wales known as Sahaja Yoga. One writer states:

I am very concerned regarding the deceitful methods sometimes used by these cults and would certainly be in favour of anything which can responsibly be done to avert the heartache which is caused to the families who stand helplessly by, watching their loved ones (especially little children) trapped in a seemingly 'brainwashed' situation. I am thinking particularly of friends of mine whose son and daughter in law, being members of the Sahaja Yoga cult, are considering sending their two small children (aged 5 and 7) over to India, unaccompanied by their parents, to live in a commune.

I also witnessed the heartache caused when two relatives of mine were involved with the Orange cult of Bagwan Rajneesh when one of them was trying to smuggle her little boy to India against the wishes of the husband, who was not in the cult. I wish you every success in the passing of the motion to form a committee to look into these matters.

The second letter I refer to also claims that children are being sent to a boarding school in India at a very early age. The writer of a third letter says:

As parents of a member of the Sahaja Yoga cult we heartily support your desire that a parliamentary select committee be set up to inquire into ways of combating and exposing cult activities.

They said their daughter has joined the cult and now lives in India. The letter continues:

She has virtually cut herself off from other members of the family. In this regard we have obtained copies of documents setting out rules to be adhered to by Sahaja Yoga members which state, among other things, that members must not write to their natural families.

The pain, distress and anguish suffered by so many of the parents and families of cult members can be quite tremendous. We felt so helpless and inadequate.

**The Hon. R. S. L. Jones:** Which cult is that?

**The Hon. S. B. MUTCH:** That organisation is known as the Sahaja Yoga, which I had never heard of before, but I have received many letters about that organisation.

**The Hon. Judith Walker:** Is it a religious cult?

**The Hon. S. B. MUTCH:** I do not know what  
Page 1450

it is. I think it is just another matter that this committee could look into.

**The Hon. R. S. L. Jones:** Is it a cult or is it a religion?

**The Hon. S. B. MUTCH:** The honourable member raises a very interesting question. He asks whether it is a cult or a religion. People do all sorts of things in the name of religion; they do all sorts of things in the name of freedom. I do not think we as a society should back off from the position of trying to prevent people using the tag of religion to conduct activities that are detrimental to our society. We have every right to try to proscribe activities practised by so-called religions. A number of them are probably illegal now. If such activities are not acceptable in our society we as a society and we as a sovereign Parliament can make laws to protect people in our society.

*[Interruption]*

The Hon. Judith Walker is always concerned to ensure that people are paid proper award rates and that adults in all sorts of situations are protected. How ridiculous! The criminal law exists to protect adults as well as children. It is a nonsensical argument to say that we as a welfare state and a pluralistic society -

**The Hon. Judith Walker:** We are a democracy.

**The Hon. S. B. MUTCH:** We are a democracy. I am glad the honourable member realises that. This Parliament has a role to play. A select committee could examine all of these questions. The question of cults hiding behind the banner of religious freedom needs to be seriously addressed. If the honourable member is frightened to address an issue because it might cause a bit of controversy in the community, that is her problem. How do we respond to the concerns expressed in the large number of letters I have received, for a start? It is all very well for a cult to organise each of its 200 members to send me two letters. It is difficult to get ordinary people to put pen to paper to make representations. About 150 people have written to me about the motion alone, and I have received dozens of letters in relation to the Kenja organisation. Those letters detail individual complaints and concerns about such organisations.

**The DEPUTY-PRESIDENT (The Hon. Beryl Evans):** Order! The Hon. S. B. Mutch has the call. The Hon. Franca Arena will have an opportunity to participate in the debate later.

**The Hon. S. B. MUTCH:** I have much more information and many more articles to which I would like to refer, but one cannot cover all aspects of this matter in this forum. A select committee would be able to examine many of these questions. A situation has occurred in Waco, Texas where a cult leader has gone to extreme lengths to fulfil his personal destiny. It seems to me that in that siege situation the FBI seems to have used the age-old tactic of treating that person as a terrorist in a hostage-terrorist situation. I am told that the FBI received some advice on how cults operate and on how this particular cult leader saw himself in his own world view. But apparently the advice was just not good enough, or it might have been flawed advice; the fact is that there is limited expertise on the inner workings of cults. Where does one find out about the activities of cults except from cult members? Much of the information I have is from former cult members.

**The Hon. Judith Walker:** What an extraordinary thing to say.

**The Hon. S. B. MUTCH:** My information comes from people who have experience of the way in which these organisations are run. They are exactly the sort of people one would talk to, other than families and friends who have expressed their concerns to me. A pamphlet put out by CultAware reads:

When you meet the friendliest people you have ever known, who introduce you to the most loving people you've ever encountered, and you find the leader to be the most inspired, caring, compassionate and understanding person you've ever met, and then you learn that the cause of the

group is something you never dared hoped could be accomplished, and all this sounds too good to be true - it probably is too good to be true!

Don't give up your education, your hopes and ambitions, to follow a rainbow.

That was written by Jeanne Mills, who is a survivor of Jonestown, a former member of the People's Temple and a subsequent victim of assassination. One can hardly do less than say that this matter has been dramatised by the Waco situation.

**The Hon. Judith Walker:** You have hitched your star to the wagon. You are dramatising it.

**The Hon. S. B. MUTCH:** I was looking into these matters well before the Waco siege began. It is very important in our society that we keep an open mind on these matters.

**The Hon. Judith Walker:** I think so. I think we should start burning witches tomorrow, too.

**The Hon. S. B. MUTCH:** The honourable member's comment is quite extraordinary. Does she think that members of her side of the House would participate in a witch hunt?

**The Hon. Franca Arena:** The Hon. Judith Walker speaks only personally, not for members on this side of the House.

**The Hon. S. B. MUTCH:** The Hon. Franca Arena says that the Hon. Judith Walker speaks for herself. I have every confidence in the institution of Parliament. That is why I want some of this information to come out in evidence before a select committee. This Parliament is made up of people who represent the interests of our constituents, and those representatives will contribute all sorts of opinions and knowledge to the workings of a select committee. I have every confidence in the processes of this Parliament. That is what a democracy is all

Page 1451

about. Another interesting article appeared in the *Science Digest* of January 1982. It was written by Flo Conway and Jim Siegelman and is entitled "Information Disease. Have Cults Created a new Mental Illness?" The article says that a survey of former cult members - the first survey of its kind - had revealed:

. . . that in their recruiting and rituals, many cults are using a new form of mind control - a sweeping manipulation unlike anything else ever witnessed before in our society.

Comparisons with brainwashing are misleading. That method of thought reform, first observed in the early Fifties in Chinese and North Korean prisons and "reeducation" camps, rests firmly on the principal fact of physical coercion.

**The Hon. Dr B. P. V. Pezzutti:** This is good stuff.

**The Hon. S. B. MUTCH:** As the honourable member said, this is all good stuff. He should know; he is a registered medical practitioner. The article continues:

In America's cults, participation almost always begins voluntarily. From first contact to conversion and in daily cult life, control is achieved not by physical coercion but by an even more potent force: information.

Crippling tactics. For the past six years we have been studying the communication techniques that some of America's cult leaders use to gain control over people's minds. Most rely on the use - and abuse - of information; on deceptive and distorted language, artfully designed suggestion and intense emotional experience, crippling tactics aggravated by physical exhaustion and isolation.

The thesis of those two writers is this:

Once an individual has been drawn into the cult, there is usually a single moment of conversion, an intense experience engineered through the skilful manipulation of information.

**The Hon. Judith Walker:** What cult is the author of that article talking about?

**The Hon. S. B. MUTCH:** That article, which I recommend to the honourable member, refers to a particular organisation and the honourable member can read it for herself. The article refers also to the rehabilitation time required by former cult members, which depends on the intenseness of the experience they have gone through. That is another matter dealt with in my motion: the problem of what to do with people who have been involved with cults and need rehabilitation. What can we do to advise children in schools about organisations into which they might potentially be drawn? It might be necessary to examine the provisions of trade practices legislation and the control and regulation of mind-influencing techniques. That is an interesting but difficult area.

New South Wales has the Psychologists Act which provides for the registration of psychologists and under which a person cannot hold himself out to be acting as a psychologist. That Act does not prevent someone from holding himself or herself out to be a therapist, a counsellor, a professional meditation consultant or all sorts of weird and wonderful things. It does not prevent anyone from being a pretend professional; and people can call themselves professional. Patients could rely on such a person to treat them, as a therapist. Doctors' societies, psychology registration boards and similar organisations have accredited people and provide protection for patients. Unfortunately, others might hold themselves out as practitioners in various psychological areas and there are no legislative controls to prevent that from happening. For the information of honourable members I could advertise an organisation called CultAware that is presently being reviled by several major organisations.

**The Hon. Judith Walker:** That has only just emerged.

**The Hon. S. B. MUTCH:** As the honourable member said, it has just emerged in this country. I have a pamphlet that details the activities of that group.

**The Hon. R. S. L. Jones:** Is this a cult?

**The Hon. S. B. MUTCH:** I received an anonymous letter today attacking CultAware and suggesting that it is a cult itself. The Hon. Judith Walker likes to talk about freedom of religion.

**The Hon. Judith Walker:** I do like to talk about freedom of religion and the right to practise it.

**The Hon. S. B. MUTCH:** The pamphlet has a quotation on the front of it which is most instructive. It is a quotation from Thomas Jefferson: "There can be no freedom of religion unless there is freedom of mind".

**The Hon. Dr B. P. V. Pezzutti:** Hear! Hear!

**The Hon. S. B. MUTCH:** The honourable member agrees with that sentiment. In my view, the objectives of CultAware are laudable. They are:

To focus on activities and mental health implications of destructive groups and mind control techniques.

I do not know where its funds are derived from, but its members have given a lot of personal support and finance. The purpose of the CultAware organisation is to provide information and resources to affected

individuals and families, and to concerned citizens; to raise community awareness; and to educate members of the helping professions. Those are laudable objectives. For the information of the Hon. Judith Walker, CultAware has emerged because of growing concern about destructive groups or cults that are flourishing within the Australian community. Destructive groups function in areas as diverse as religion, commerce and education. The mind control techniques employed by these groups are sophisticated, subtle, effective and abusive to their members. The mental health implications are of great concern to CultAware.

CultAware says that it respects the freedom of religious choice of individuals, but that genuine choice requires access to all information, opportunities for reflection, dialogue, and exploration of the consequences of different opinions. Cults deny the individual this freedom through the use of psychological manipulation and mind control techniques. The CultAware group has put out its list of the characteristics of destructive cults. I am aware

Page 1452

that academic work has been done in this field. A cult will have some but not necessarily all of the characteristics, and the CultAware network identifies the types of things to which I have referred. A cult is usually characterised by a leader who claims divinity or a special mission delegated personally to him or her by God. The pamphlet outlines the typical control mechanisms that are found in typical destructive types of cults.

One of the things that concerns me - it seems to be borne out by the material I have received - is that typical cult recruits are not just ratbags. It seems to be assumed that people who become involved in these activities are ratbags or predisposed to that type of activity. Typical cult recruits come from middle to upper socioeconomic family backgrounds. There seems to be a concentration on people 16 to 35 years of age who are of average or above average intelligence, usually well educated and include college graduates; they are intellectually curious and idealistic. That is a common feature of cult recruits. People are most vulnerable to the activities of cults when they are between high school and university, between university and a career, or when temporarily unattached.

In that respect, the problem targets young people in our society. They are the ones who are most able to go out and do further recruiting and also are most able to go out and earn cash money while undertaking cult activities. In my view, people in that category are at risk. The functions of CultAware seem to be carried out very much through the auspices and good offices of Tony and Joan McClelland. Those functions include education, addressing the damage to mental health caused by cult involvement and targeting mental health professionals, to properly train them and inform them about the particular problems that are being experienced, and also ensuring that rehabilitation is made available for former cult members. The group offers resources including appropriate referrals and information, when requested, about the availability of exit counsellors.

That area is controversial. None of the civil liberties of people involved in these cult organisations should be affected. It is important that our study of these matters is improving and becoming more sophisticated, and that we are able to make appropriate interventions without interfering with the rights and freedoms of cult members. Cults operate basically on information flow. Too much nonsensical information is inculcated over a concerted period and this can cause confusion. In cults there is lack of real information about what is going on in our society. When this information is given to cult members of their own volition - and that is very important - they will often leave these organisations. I have received many references from people who have been counselled by exit counsellors. Members of cults have been approached by an exit counsellor, have left the organisations and then written a glowing testimonial about the process they went through. This has resulted in more information being available about a particular cult.

Some people might ask what the exit counsellors are up to. It is interesting that when an exit counsellor intervenes and gives information to a cult member and that member leaves the cult, that member is free to continue his or her own life with all the normal support structures of family relationships,

relatives, friends and local organisations such as churches. Problems tend to arise in the first couple of years after a person leaves a destructive cult, but it is not similar to drug addiction, a habit that people find much more difficult to throw.

I will now adjourn this matter because I have not yet had a chance to properly analyse the material I have received; I have merely made reference to it. I have had more than 150 letters referred to me and I am receiving letters at the rate of eight or nine a day. Today I received 15 or 20. Those letters need to be examined carefully because they address legitimate concerns. In a parliamentary democracy it is proper that those concerns be referred to a member of Parliament, and I have an obligation to address those concerns. This matter would be best handled by a select committee. On the next occasion I shall have further information, and the Hon. Judith Walker can place before the House any information she wishes.

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*Addendum I*

21 Dallachy Street  
PAGE ACT 2614

23 December 1992

The Honourable Stephen Mutch Member of Parliament  
Parliament House  
Sydney New South Wales 20001

Dear Stephen

I am writing to you with concern regarding a group named Kenja. I have had some personal involvement with this group in the past, and would like to see that others do not go through any of the trauma which I have been through, and which others like me have gone through both whilst involved in the group, and after leaving.

I have already spoken with you on the phone, but feel that it is necessary to put my concerns in writing.

It has now been some 17 months since I left Kenja. During the past 17 months, I have dealt with many emotions and after effects of the techniques used by the group, some physical, some emotional but all painful in one way or another. In more recent months, I have been working towards making the public aware of this and other similar groups using mind control methods.

During my time in Kenja, I was subjected to all of the known forms of mind control. They include the methods known as 'love bombing' and 'freezing and unfreezing'. I was also subjected to a variety of abuses, and I saw many others subjected to those abuses. All those who attend Kenja are subjected to numerous methods of control including control of time and activity, finances, relationships and behaviour. Those who attend meetings are verbally abused and patronised by authoritarian leaders. Surely Nazism is dead in todays society. I think not - I know not. It simply has a different name and a different leader!

My first involvement with Kenja was an 'Open Night' at which we were told a little of the background of the group. I had been invited by an employee of mine who had been approached by one of the Directors of Kenja in Canberra. The night was fast and the language was not easily understood. Over a 3 hour period, we were 'bombarded' with information which, because

Page 1453

of its nature, left us with a feeling of 'what has hit us'. It is a technique which is used extensively in

groups such as this, the 'Moonies' and the Church of Scientology (Dianetics), and which has the effect of 'scrambling' the thought processes. The directors of the group are fully aware of their actions, and are also masters in the field of persuasion and manipulation. As a registered nurse, I felt that I would be able to smell the rot if there was any. This was not the case however. I booked a 'session' for the following Friday.

These sessions tend to follow a format. They last for two hours for a private session, and here in Canberra, cost \$100.00. During a private session, the 'client' and 'counsellor' take positions opposite each other, either sitting or lying, and maintain eye contact for the duration of the session. During the session, we had to get rid of the entities which controlled our lives, our actions and our reactions. The following is the best definition of what happens during a session. It is taken from Groothuis - 'Confronting the New Age'. pp78 and 79.

" . . . accompanied by dramatic physical and psychological manifestations called kriyas which include powerful sensations of heat and energy streaming up the spine, associated with tremors, spasms, violent shaking and complex twisting movements, involuntary laughing or crying, emitting of vocal noises and animal sounds. Other physical manifestations include nausea, diarrhoea or constipation, anal or uterine contractions, clenching of the jaws, rise or fall of temperature, ecstasy, orgasmic rapture and states of indescribable peace and tranquillity."

How often must we subject ourselves to this exercise? Once a week is ideal - especially for the pockets of those who call themselves professionals.

Weekly costs in Kenja include classes, Klowning, Co-EC, Sessions and work-shops, as well as other minor costs towards the 3 or 4 major events held each year such as accommodation, attire, lessons etc. For some a mere \$600.00 is needed in order to pay Kenja bills as well as the rent, food and utilities! Not only did it cost me financially, but I lost my job, I lost my friends and I lost my self esteem. I lost the ability to make decisions, and I lost the ability to hold a conversation. I had to relearn all of the basic skills I had lost.

During my first workshop, I felt fear that I had never felt before. People in the workshop were subjected to physical and verbal abuse. I include a written excerpt from the diary which I wrote following my first Sydney workshop.

"I was there lying opposite someone I didn't know - they had been chosen for me to work with so that we wouldn't enter into agreements with each other - so that she would have no empathy or sympathy for what I was feeling. I was freaked out by what was happening around me. Ken seemed to know an amazing amount about me - things which I believed I had shared in confidence with my so called counsellor. Well, they weren't confidential any more.

After this workshop, I will be so careful what I share with anyone.

Ken verbally tore shreds off some people here today. I don't think I really understand what is going on. Maybe I will understand more later. I still don't think I like the way he belted into the guys today. I don't like the way he grabs for their testicles. I don't understand why they let him, but Ken says that it is because they trust him implicitly. He got so angry today, that the veins on his neck stood out and he spat when he spoke. His face was beetroot red. He even tried to fondle \*\*\*'s breasts. He is just lecherous. I feel like standing up and giving him some of his own but I am not strong enough, and he would pick on me next if I did.

Ken's language was so coarse. He always speaks in a coarse sexual way. He said that Jan told him that his penis was like a golden shaft. How can he embarrass her that way. I guess that is her problem. I just hope that he doesn't pick on me next.

I live in fear of being the next victim of Ken. I must hide the way I am feeling. I must not let anyone know. Ken had been talking for so long. I was really exhausted. The room was stuffy - all the doors were closed. The windows were closed and the blinds were shut. The only air flow was a small air conditioner. I was feeling sleepy. He's still talking - it seems like the end won't come for some time.

Well, he finally did stop. We had a session then. It lasted for an hour. By the end of my session, I had an open abrasion on my sacrum the size of a 20 cent piece. It was so painful, and I still had another session to go this afternoon. Would I be able to continue in this much pain?

Lunch brought some slight relief. I hid in the toilets and cried. I was too scared to tell any one. I only had to get through the weekend. I must not let anyone know. Ken talked some more after lunch. He talks for so long. He had \*\*\*\*\* on the floor and fondled her and kissed her. Don't ever let it be me. If ever I prayed, it was now. Like I never prayed before.

Well, he missed me this time - I'm safe until tomorrow. The session lasted about 40mins and only made my back bleed some more. Now I am home. I can't even lie on my back. I can't sleep because of the pain. I only have one day to get through."

No body disputes the fact that each has a free will, that we are all entitled to make our own decisions. What we do say is that the decisions which we make in life are educated and informed decisions. They are decisions made by the full knowledge of the methods used, of the expectations and constraints which will be placed on them.

If Kenja gave all the information, no-one in their right mind would want to get involved with Dyers, his centres or his followers.

The methods used by Dyers and his followers are unscrupulous. Dyers is a corrupt and dishonest man who preys on his victims. He uses physical, emotional, verbal, spiritual, mental and sexual abuse to control and manipulate. Ultimately, it is Mr Dyers who is to be held responsible. Even those who use his techniques have been subjected to his procedures. He is a liar and a cheat who has stolen and borrowed from so many other groups that he doesn't even know when he is telling the truth. He is a sick man and he must be stopped from hurting any more people.

Yours sincerely

(sgd) Bev Garlick.

Bev Garlick.

#### *Addendum II*

In the late 1960s and early 1970s, increasing numbers of young people began to join cults. Many of these cult joiners were college students and the children of middle class families who did not consider themselves or their children to be "crazy". Parents could not understand why their children joined "weird" groups and changed radically, sometimes in a matter of days. . . . These cult members appeared to become "different persons" overnight. Parents were usually extremely distressed and bewildered.

To the extent they had contact with their children, parents tried to reason with them and tried to persuade them to return to college and reestablish normal relations with family and friends. But more often than not, parental actions increased family conflict. Many parents then turned to mental health professionals for guidance. Unfortunately, most psychologists, psychiatrists, and social workers tended to assume either that a relatively normal young adult was merely going through a rebellious

phase or that overprotective parents were trying to mask family or individual psychopathology.

A few clinicians, however, did listen (Clark, 1979; Singer, 1978, 1979), and they began to hear remarkably similar stories from parents in all parts of the country. Moreover, after helping parents defuse family tensions, the clinicians were able to meet and talk to cult-involved young adults. They reported that, although a sizable minority of cult joiners had had psychological problems, the majority were relatively normal youth from relatively normal families. The astounding changes

Page 1454

they exhibited appeared, to a large extent, to result from powerful sociopsychological forces within the groups into which they had been recruited.

Clark was so struck by these groups' capacity to effect sudden and rapid change that he described the process as an "impermissible experiment" (Clark et al., 1981). Studies by Korean War "brainwashing" researchers (Farber, Harlow, & West, 1956; Lifton, 1961; Schein, 1961) and laboratory experiments by social psychologist (Milgram, 1974; Zimbardo, Ebbesen, & Maslach, 1977) had made the psychological profession aware of the potential power of group forces and the need to establish ethical restraint on their study.

The connection between "brainwashing" and cult joining did not escape those parents and ex-members who had begun to meet in support groups, not only in the U.S. and Canada but also in Europe. The publicity resulting from the nearly 1,000 suicide/murders at Jonestown, Guyana, in 1978 helped to make these small support groups aware of each other and laid the foundation for today's umbrella support organizations, such as the Cult Awareness Network in the U.S. and L'Association Pour la Defense de la Famille and de L'Individu in France.

In desperation, some parents, usually with the help of people who had left cults, abducted their own "brainwashed" children. They held cultists captive in mountain cabins, hotel rooms, the family basement, and other places in order to force them to listen to "the other side of the story." . . . The term "deprogramming" was applied to this process, which usually took 3 to 10 days and succeeded in permanently extricating the cultist from the group approximately two-thirds of the time (Langone, 1983b). S. K. Dubrow-Eichel (1989) provides an in-depth description of a deprogramming.

Needless to say, deprogramming quickly became controversial. Some condemned it (Robbins, Shepherd, & McBride, 1985), including some who criticized cults (Enroth, 1977, while others argued that deprogramming restored civil rights that cults had taken away (Delgado, 1977). Although deprogramming was the dominant intervention during the middle and late 1970s, it became marginal, in part because of the legal risks it entailed (a number of suits resulted from failed deprogrammings), but mainly because understanding about cultic control processes increased and the "anti-cult" organizations became more intellectually sophisticated. Today, deprogramming "snatches" are uncommon. Voluntary "exit counselling" has become the preferred direct intervention (Giambalvo, 1990; Hassan, 1988).

**Debate adjourned on motion by the Hon. S. B. Mutch.**

## **ITALIAN REPUBLIC AND PREMIER OF VICTORIA**

**The Hon. FRANCA ARENA** [4.3]: I move:

(1) That this House condemns the ill-informed and offensive remarks by Premier Jeff Kennett of Victoria regarding the Italian republic.

(2) That this House acknowledges that his statements, made to Il GlobO newspaper, are offensive not only to a friendly nation, but also to the one million Australians of Italian background and descent.

(3) That this House calls on Premier Kennett to withdraw his ignorant remarks and apologise to the Italian-Australian community and to the Italian Ambassador.

**Debate adjourned on motion by the Hon. Franca Arena.**

## FEDERAL HEALTH CARE FUNDING

**The Hon. Dr B. P. V. PEZZUTTI** [4.4]: I move:

That this House condemns the Keating Labor Government's lack of support for general medical practice and the health care of the people of New South Wales.

It is obvious to everyone that there has been a decline in the nature of general practice in New South Wales, for many reasons. First and foremost among those reasons are that patient rebates for general practitioners paid by Medicare have been declining in real terms since its introduction in 1982. General practice has become a dumping ground for a large number of practitioners entering the system who are trained overseas. There will be more foreign doctors registered in Australia after passing the Australian Medical Council's examinations than there will be graduates from our medical schools in a single year. That gives some idea of the number of overseas graduates who are entering the medical work force every year. Everyone from Mr Howard down recognises that the biggest problem in this country is that there are far too many doctors, and of course that has led to an oversupply of doctors at the general practice level.

**The Hon. J. R. Johnson:** Not in country areas.

**The Hon. Dr B. P. V. PEZZUTTI:** The Hon. Johnno Johnson says, "Not in country areas". I should like him to indicate to me where in New South Wales there is a shortage of general practitioners.

**The Hon. R. S. L. Jones:** Tibooburra.

**The Hon. Dr B. P. V. PEZZUTTI:** The Hon. R. S. L. Jones suggests Tibooburra. That, of course, is just a stab in the dark, because it is not true. Two areas are still looking for general practitioners, but Tibooburra is not one of them. The problem is that under the enormous pressure of there being too many doctors and the rebate being far too low, there is pressure to bulk bill patients and reduce the time spent with patients if a general practitioner is to remain economically viable. That has led to patients moving through the surgery too quickly and to doctors too often seeing patients with a single disease. This has inevitably led to doctors practising a lower standard of medicine because it is not viable to practise under those circumstances and produce a higher standard. Of course, it is easy to provide a higher standard if patients are able to pay for a reasonable consultation, and so in the more affluent suburbs -

**The Hon. J. R. Johnson:** Doctors have never been better off. They are guaranteed their money.

**The Hon. Dr B. P. V. PEZZUTTI:** The Hon. Johnno Johnson says that doctors have never been better off and that they are guaranteed their money. Are there any other pearls of wisdom that I can put on to the record for the honourable member?

**The Hon. J. R. Johnson:** You do not have to put my wisdom on the record. Put your own.

**The Hon. Dr B. P. V. PEZZUTTI:** Good. The Hon. Johnno Johnson says doctors have never had it so good, but general practice in this country has

never been so much under threat.

**The Hon. J. R. Johnson:** They get paid for every patient now.

**The Hon. Dr B. P. V. PEZZUTTI:** Here we go. Labor has supported the growth of entrepreneurial clinics as part of its policy. Let us have a bit of the old supermarket clinic where one drops in to receive treatment for a cold, hopes the visit is short, out comes the credit card, it is whipped through the EFTPOS system, one pays the bill and out one goes. This is the new form of supermarket medicine. Having too many doctors and lowering the price per service brings high economic change to medicine. Where is the money in groceries these days? Coles supermarket is making big profits at the moment, the largest profits it has ever made - supermarket vegetables. The service levels in those supermarkets have dropped dramatically. The Hon. J. R. Johnson was a member of the Shop Distributive and Allied Employees Association, and service was the byline of his membership.

**The Hon. J. R. Johnson:** And still is.

**The Hon. Dr B. P. V. PEZZUTTI:** And still is. But there are far fewer quality unionists in the business. If you go into any shop these days, you cannot get proper service or advice from a properly trained person in the retail area. You pick up an item from the shelf yourself, you see what it costs, you have a look to see if the expiry date is all right, you go to a counter and usually a young woman passes it over the machine that tells the price, it goes on the computer and she tells you how much it all cost. The level of service in supermarkets with union membership has dropped dramatically and people are not happy about it.

Employees do not have the opportunity to provide service, because of the economic changes; there is no opportunity for them to help their customers. When was the last time the honourable member saw a frail 85-year-old person in a supermarket given assistance, perhaps when trying to get something from the top shelf? They usually ask another shopper to get it for them. I have done it myself.

The Federal Labor Government encouraged the growth of entrepreneurial medical clinics; clinics owned by non-medical people providing medical services. One of the best examples was the great friend of the Labor Party, Dr Edelsten. Despite clear evidence of fraudulent activity being presented to the Health Insurance Commission, he has never been charged under any Commonwealth Act. All the offences that he has been successfully prosecuted for here and in Victoria were under the Medical Practice Act of each State. Not once has this man, who plainly has been fraudulent, who plainly has been an associate of criminals, and who plainly was found to have had a problem with the law, been caught by the HIC - because he helped the Labor Government deliver a lower quality of medicine and a lower price.

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

## **PUBLIC HOSPITALS (CONSCIENTIOUS OBJECTION) BILL**

**Motion by Reverend the Hon. F. J. Nile agreed to:**

That, pursuant to Standing Order 200, the Public Hospitals (Conscientious Objection) Bill interrupted by close of the previous Session be restored to the stage it had reached in the previous Session.

## **ADJOURNMENT**

**The Hon. J. P. HANNAFORD** (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [4.15]: I move:

That this House do now adjourn.

### **WOLLI CREEK AND M5 FREEWAY**

**The Hon. R. S. L. JONES** [4.15]: Nick Greiner, when he was Leader of the Opposition, wrote a letter to Ben Ridsdale, the secretary of the South West Sydney Environmental Health Committee, on 5th February, 1988 - just before the 1988 election. In that letter he said:

The question of the future of the Wollli Creek Valley has been discussed by me and my Shadow Ministers, including Wal Murray, M.P., Leader of the National Party and Shadow Minister for Roads. The undertaking which I have given (and I here repeat) that the road reservation through the Wollli Creek will be lifted when I become Premier after the forthcoming election is an undertaking given on behalf of the Liberal and National Parties.

He said further:

Indeed, after the removal of the road reservation through Wollli Creek, we believe a programme of environmental restoration for the Valley, should be undertaken. I might indicate that, in this process, Phillip White, the Liberal candidate for Earlwood, and Bob Gemmell, the Liberal candidate for Rockdale, have been fully supportive of our proposals to preserve the environmental values of this precious urban bushland.

It is signed, "Yours sincerely, Nick Greiner". A similar promise was made by Tim Moore and Bruce Baird prior to the 1988 election. This promise was repeated again and again and has been broken by Wal Murray and the Roads and Traffic Authority. Currently the RTA is going through a sham of a process with an environmental impact statement for the extension of the M5. Wal Murray has declared at a public meeting and on radio that the M5 extension will go ahead regardless of the EIS. Indeed, at a meeting of the fourth ward combined progress association late last year Wal Murray told the meeting, which was attended by Alderman Rathbone and Alderman Moore, in the most forthright terms, that the M5 motorway would go ahead regardless of the protests of a handful of environmentalists; that he hoped to have the contract signed by July 1992 and that the work would begin before the end of 1993. The road was to be in operation by 1996. Clearly the Deputy Premier was pre-empting the results of the environmental impact statement.

Page 1456

It seems that both the RTA and Wal Murray are hell bent on destroying this extremely valuable remnant bushland, even though the Botany West study did not prove a need for this road. This was confirmed in an answer to my question on 30th April, 1992. The RTA deliberately distorted the results of a survey of public opinion on whether the road proposal or an alternative rail proposal would be preferred. The RTA indicated that there was almost equal support in the community for a rail and road proposal where, in actual fact, if one were to examine the responses from the community, 72.5 per cent were in favour of the rail option and only 27.5 per cent in favour of the road option. One has only to look at the submissions made to the 1989 Kinhill environmental impact statement inquiry on the M5 road extension to see how valuable this remnant bushland is. The National Parks and Wildlife submission to the Kinhill statement says as follows:

The Wollli Creek valley contains some interesting vegetation associations and a surprisingly large diversity of fauna, especially birds, in such a highly developed area of Sydney.

It also has a high potential for the identification of Aboriginal sites and historic features that represent an important local educational and recreational resource with local conservation values. It is

an important area for the preservation of flora and fauna. The Wolli Creek valley should be preserved as an important area of urban bushland; it should be zoned open space and managed for the protection of its natural, cultural and recreational values.

The Total Environment Centre submission said:

Much of the bushland in the Wolli Creek valley still represents the original flora and fauna with over 260 species of native plants, a wide variety of bird life and an amazing range of reptiles present.

The National Herbarium of New South Wales of the Royal Botanic Gardens says:

The Wolli Creek Valley contains a variety of vegetation types from eucalypt woodland to mangrove and saltmarsh with a rich flora of over 270 native species. It is the only major area of bushland between Port Jackson and the Georges River in inner south western Sydney. From a scientific point of view, the plants here represent the genetic stock of plant species once widespread on the sandstone plateaus in this region . . . The survival of the vegetation along Wolli Creek is fortuitous but it is an especially important remnant, for it provides links in the north-south distributions of plant species.

The State Pollution Control Commission said:

Soil erosion from any construction will have a deleterious effect on the surrounding environment . . . The EIS provides inadequate information on plant communities in the valley. The mangrove colony is, for instance, the last major stand of mangroves left on the Cooks River, while the open scrub of *Melaleuca Nodosa* is one of the few remnants of this type of vegetation on the Cumberland Plain.

The National Trust said:

A combination of good fortune, limited access and minimal disturbance has permitted the survival of three core areas of healthy, diverse bushland . . . the natural areas of the valley are an important wildlife habitat and serve as a wildlife corridor allowing native fauna, particularly birds, to "filter through" urban areas. The Trust considers that the entire area of open space bounded by the Cooks River, Bexley Road, residential development to the west and bounded by and including Wolli Creek to the east is worthy of preservation and capable of restoration to a composite of diverse plant communities supporting a wide range of wildlife.

The Trust also drew attention to stands in the valley bushland of the Woody Pear tree, which is a protected plant under the National Parks and Wildlife Act. It states the Wolli Creek and its wetlands, particularly the mangroves, saltmarsh and reedland, should be protected as important wildlife habitat, pointing out that 14 species of migratory birds protected by the Migratory Wading Bird Treaty have been sighted in the valley's wetlands. [*Time expired.*]

### **SCHOOL QUALITY ASSURANCE PROGRAM**

**The Hon. D. F. MOPPETT** [4.20]: In response to a question without notice recently the Minister for Education referred to the first reports of the quality assurance program. I bring to the notice of the House the nature and origins of this exciting development. On 23rd March, 1992, the Government announced an important initiative to establish a quality assurance function in the Department of School Education, and an assistant director general was appointed to establish and oversee this function - Dr Peter Cuttance took up his position in June 1992. Dr Cuttance has an outstanding record of achievements in education, having been instrumental in significant quality assurance developments in Scotland before he returned to Australia to establish the Education Review Unit in Adelaide in 1989.

Dr Cuttance has set out to better this impressive record by establishing a world class school review and quality assurance function in New South Wales. In addition to establishing these structures for the

Quality Assurance Directorate during 1992, Dr Cuttance held more than 100 meetings throughout the State with school staff and community groups. This laid the foundation for the development work that is now taking place. Almost 400 schools have already indicated that they would like to work with the quality assurance teams that have been established for 1993. The purpose of quality assurance is to assist the development of schools and to provide a public account of the effectiveness of schools in meeting community needs for schooling. Quality assurance provides members of the school community with an important voice in the evaluation of their school, including the school's programs, achievements and future directions.

All schools will be reviewed over a four-year cycle. The review teams will comprise parents, teachers, executive staff, principals and cluster directors. The reviews will work with the school community to establish the best development path to meet the education needs of that community. Quality assurance reviews will recognise the uniqueness of each school community and will take account of the development objectives which the community is seeking to achieve. The reviews will assess the effectiveness of management, teaching and learning practices, and the ethos of the school community. Each of these facets of school life will be assessed for its impact on improving the learning outcomes of students in the schools.

A cross-section of school staff, students, parents and other members of the community will participate

Page 1457

in meetings and discussions with review teams. The review process will be open to anyone who wishes to contribute. In addition, the members of review teams will peruse relevant documents and observe the educational processes of the school. Any member of the school community who wishes to do so will be able to meet with a member of the review team. Quality assurance reviews provide school staff, parents and students with an important voice in the evaluation of the performance of their school and an opportunity to make a direct contribution to the further development of their school. The processes and procedures for reviewing schools and the effectiveness of the services and support programs for schools are being developed during the first two terms this year in consultation with the school community.

The school's development plan is likely to form the basic terms of reference for the school review. This provides the basis for the review to focus on the most important issues for the further development of the school, that is, the school's plans for meeting the community's needs for education. In this way the review process avoids the inspection methodologies of many earlier quality control systems and takes up the development focus of modern quality management approaches. The introduction of quality assurance reviews of schools is an initiative of international significance. The support of outstanding educationalists overseas and the widespread support that it has gained in New South Wales in the relatively short period since its inception attests to this. I should like to quote some of the reactions to the scheme, which has been praised in the local media in New South Wales. The editorial in the *Sydney Morning Herald* of 12th November, 1992, stated:

For the first time, parents, students and employers will have a continuing reference from individual schools on how they are succeeding in schooling tasks they have allocated for themselves and the expectations of their community.

I should like to quote also the remarks of Mr Ray Cavanagh, who was the Acting President of the Teachers Federation and is quoted in the October 1992 edition of the *Teachers Federation Journal* as saying:

If we take the best of self-evaluation, the notion of continued improvement . . . the best practices of workplace reform, developing ideas and experience in school management . . . and put them into . . . quality assurance, we have real potential for a new set of relationships between schools and the system which go beyond rhetoric and which set us on a new and substantially improved path.

There has also been applause from the Federation of School and Community Organisations in its *FOSCO News* of the further term, 1992, and from the Primary Principals Council, especially the remarks of the State President, Frank Farrell, who offered his support and praise for this scheme. I commend the scheme and its results to honourable members.

### WOOLLOOMOOLOO FINGER WHARF REDEVELOPMENT

**The Hon. B. H. VAUGHAN** (Deputy Leader of the Opposition) [4.24]: All honourable members would be aware that late last month the Minister for Transport announced the preferred tenderer for the redevelopment of the finger wharf at Woolloomooloo. In doing so, of course, he prepared the way for another Walsh Bay type of commercial tourist disaster. The *Sydney Morning Herald* on 23rd March reported:

Wedderlight-Delmo is proposing a five-star hotel, 120 apartments, a 120-berth marina, shops, restaurants, cafes and a sporting complex . . .

It was chosen yesterday as preferred tenderer over Mr Ian Yates's Woolloomooloo Foundation, which had proposed a "heritage marketplace".

I want to know who wants the finger wharf? I suggest that the silent majority of Sydney people do not want it. I have a copy of the 6th April edition of the *Daily Telegraph Mirror* containing a report about a resident action group that had vowed to fight the proposal for the conversion of the finger wharf. The report stated that a meeting of Friends of the Finger Wharf, attended by about 50 residents in Woolloomooloo on 5th April, threatened to take immediate action. I happen to know that the meeting did not take place, because someone turned up at Plunkett Street Public School without a key and no one could get into the room. Only 15 people arrived for the aborted meeting. This is a conspiracy to keep that eyesore at Woolloomooloo Bay.

Those who want to save the wharf and restore it are ignorant of its original purpose. It was a temporary structure, and that is how it stands today. It stands on 1,000 faulty piles. It is a temporary structure. I wonder why it does not fall into Woolloomooloo Bay. The cost of restoring the decadent structure is too high. To visit the wharf would require a substantial detour from Sydney. There are no plans to provide transport infrastructure to cater for the travelling public. As the Minister said himself before announcing the tender, "This wharf has deteriorated to a derelict condition and we were ready to demolish it". The western shore of Woolloomooloo Bay ought to be reclaimed and landscaped. The result would be in sympathy with idyllic Farm Cove. For 200 years the foreshores of Sydney Harbour have been alienated and spoliated. Let us rescue the western shore of the bay and plan for the ultimate return by the Navy of the eastern shoreline to the people of Sydney. Anyone who is

Page 1458

familiar with Farm Cove cannot help but regard it as an idyllic spot. I can foresee Woolloomooloo Bay being very much like that. If only someone could persuade the Government not to make a few extra million dollars by selling off something which will be an absolute disaster. Let us demolish the Woolloomooloo wharf.

### HOMOPHOBIA KIT

**Reverend the Hon. F. J. NILE** [4.28]: The *Sydney Morning Herald* of 17th April contained an article with the heading, "New sex survey says only 1pc of males gay". The document states in part:

Gay activists preparing for their biggest civil rights march on Washington later this month were yesterday staring in disbelief at the results of a big new national sex survey which suggests that only 1

per cent of males are homosexual. This is only one-tenth of the proportion claimed by the *Kinsey Report* for the past 45 years.

Yet the Government uses a kit in the schools as a resource for teaching against violence that states that homosexuality is normal. In part it states:

In any given population, about 10% of people will be homosexual, just as about 10% of the population will be left-handed.

Because this kit is now clearly incorrect, as the Council of Churches says, the claim, with all its implications for society, is untenable and should never again be made in a responsible education document. Call to Australia calls on the Government to immediately withdraw this document from New South Wales schools because it contains misleading and incorrect information which should not be given to the children of this State. We urge the Government to take immediate action to withdraw it. [*Time expired.*]

**Motion agreed to.**

**House adjourned at 4.30 p.m. until Tuesday, 27th April, 1993, at 2.30 p.m.**

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## QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

### FIREARMS ACT

Ms Burnswoods asked the Attorney-General, Minister for Industrial Relations and Vice-President of the Executive Council representing the Minister for Police -

- (1) Has an internal committee been established within the Government or the Police Service to monitor the effectiveness of the 1992 Firearms Act?
- (2) If so, what is the committee's charter?
- (3) When will the committee report?
- (4) Will its findings be made public?
- (5) If not, why not?

Answer -

(1-2) On 8 May 1992, the previous Minister for Police and Emergency Services, the Honourable Ted Pickering MLC, set up an on-going Government Committee to monitor the effects for the recent changes to the firearms legislation.

The Minister for Police reconstituted the Committee in an on-going form and reappointed the original Members:

- Mr Ian Glachan MP - Chairman;
- Mr Jim Small MP;
- Mr Ray Chappell MP;
- Mr Barry Morris MP;
- The Honourable Lloyd Coleman MLC.

(3) The Committee is working on an on-going basis and the legislation changes of April 1992 must be given time to take effect.

(4-5) If as a result of the review it is considered further legislative changes are required, the appropriate announcement will be made.

### FIREARMS EXHIBITION

Ms Burnswoods asked the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council representing the Minister for Police -

- (1) Who held or holds the licences to stage the gun shows at the Sydney Showground on:
  - (a) 10-11 October 1992;
  - (b) 27-28 February 1993;
  - (c) 3-4 July 1993; and
  - (d) 15-16 October 1993?
- (2) When was each licence applied for, and on what date was it issued?
- (3) Is a licence granted for each show?
- (4) If not, for what period is each licence valid?
- (5) Do any conditions attach to the licence/s?
- (6) If so, what are the conditions?

Answer -

- (1) (a-d) Mr Ken Burton, a licensed firearms dealer.
- (2) Applied for on 14 October 1991 and issued on 1 May 1992.
- (3) No.
- (4) An indefinite term.
- (5) Yes.
- (6) The usual conditions set out in Clauses 32 to 38 of the Regulation to the Firearms Act, 1989. Clause 59A of the Regulation now permits the holder of a firearms dealer licence to apply for a permit to use specified premises for the purposes of a militaria and arms fair.

### **SYDNEY GUNS AND MILITIA SHOW**

Ms Burnswoods asked the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council representing the Minister for Police -

- (1) Who held the licence to stage the Sydney Guns and Militaria Show on 5-6 September 1992, at the State Sports Centre at Homebush?
- (2) Which police station issued the licence?
- (3) On what date was the licence applied for?
- (4) On what date was it granted?
- (5) What investigations were carried out by police before the licence was issued?
- (6) Was the licence a one off licence only?
- (7) If not, for what period is the licence valid?
- (8) Were any conditions attached to the licence?
- (9) If so, what conditions?
- (10) What checks were carried out at the gun show to ensure all sellers and buyers had the appropriate licences?

Answer -

- (1) Mr Garnet Featherstone.
- (2) The Firearms Registry.
- (3) Some time before 4 August 1992.
- (4) 5 August 1992.
- (5) The usual inquiries as to good character and the ability of Mr Featherstone to provide adequate security for firearms displayed at the Arms Fair.
- (6) Yes.
- (7) Not applicable.
- (8) Yes.
- (9) The usual conditions as they related to the security of the firearms and the premises.
- (10) A check was made before the permits were issued to ensure that all applicants for permits were licensed dealers.

A militaria and arms fair permit authorises its holder to conduct a militaria and arms fair in accordance with the authority under the holder's firearms dealer licence at the premises in respect of which the permit is issued, between the times specified in the permit and subject to any other conditions imposed on the permit.

Page 1460

All sales and transactions carried out are required to be carried out in accordance with the Regulation to the Firearms Act, 1989 e.g. proper records are to be kept, firearms are only to be sold to persons holding appropriate licences etc. in the same manner as transactions are carried out at dealers' premises during normal business hours.

Police from Flemington Patrol gave the militaria and arms fair appropriate attention and nothing of an untoward nature was detected.

### **VICTORIA ROAD TRANSIT LANE**

Ms Burnswoods asked the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council representing the Minister for Police -

- (1) On which dates during 1992, and to date in 1993, has the Victoria Road transit lane been policed in the morning period?
- (2) How many motorists were booked on each of those dates for breaching the transit lane rules?

Answer -

- (1) On a daily basis throughout 1992 and 1993.
- (2) No records are kept for this specific offence.

### **PUBLIC FINANCE AND AUDIT ACT SECTION 22 PAYMENTS**

Mr Jones asked the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council representing the Premier and Treasurer -

- (1) Will you implement the recommendation of the Public Accounts Committee Report No.61, June 1992, relating to section 22 of the Public Finance and Audit Act to ensure that section 22 payments cover only unforeseen and unforeseeable circumstances for example, natural disasters?

Answer -

Honourable Members would be aware from the Budget Speech last year that the Government has initiated a complete review of the Public Finance and Audit Act. This review has since been widened to incorporate the Annual Reports Acts covering both departments and statutory authorities.

As part of that review, an analysis is being undertaken of legislation and practices in other States and the Commonwealth in relation to the equivalent of the section 22 provision in each of those jurisdictions.

The review will cover the issues of general flexibility in budget allocations, the appropriate restrictions to apply in respect of section 22 type payments and Treasurer's Advance, and the desirability and practicality of introducing supplementary appropriation bills.

It is the intention, when the review is completed, to seek widespread comment and ultimately to have new legislation prepared with a substantial period allowed for its examination by Parliament, as was done when the current Public Finance and Audit Act was introduced.

### **SOUTH BELMORE FATAL ACCIDENT**

Mr Jones asked the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council representing the Minister for Police -

- (1) Was there a fatal motor accident involving a Holden Gemini sedan, registration number, RZR 654 and a motorcycle registration number TS454 at about 5.55 pm on Saturday the 11 January 1992 at the intersection of Robert Street and Forsyth Street, South Belmore?
- (2) Did the driver of the Gemini sedan admit that she had caused her vehicle to travel through a clearly marked stop sign erected in Robert Street, South Belmore?
- (3) Were there any witnesses to confirm that the Gemini sedan did not stop at the stop sign in Robert Street, South Belmore?
- (4) If so, is there evidence to suggest that the Gemini sedan attempted to stop before entering the intersection?
- (5) Is there a clear view to the left of the intersection from Robert Street?
- (6) If so, what is the estimated distance of unobstructed view?
- (7) Did the driver of the Gemini sedan claim that her view of Forsyth Street, to the left, was obscured by

parked cars in Forsyth Street?

(8) Did the witness claim to have an uninterrupted view of the intersection?

(9) Did police claim that the only vehicles they noted parked at the scene were ambulances, tow trucks and cars carrying passers by?

(10) Prior to the accident did the motorcycle stop in front of the witness car at a set of traffic lights?

(11) If so, was there anything unusual in the manner in which the motorcycle moved away from the traffic lights?

(12) Who was the rider of the motorcycle?

(13) Was the rider of the motorcycle a professional driver with Australia Post?

(14) Was he licensed to drive semi-trailers?

(15) Was the front wheel of the motorcycle, upon examination by police investigators, found to be in a condition that indicated that it had not struck a car?

(16) Were the injuries sustained by the rider consistent with being struck by the Gemini sedan, 'amidships'?

(17) Have certain reports of the accident by the media implied that the motorcycle collided with the car?

(18) Did the Accident Investigation Squad recommend that the driver of the Gemini be charged with culpable driving?

(19) What was the driver of the Gemini sedan fined or charged with?

(20) If the driver of the Gemini sedan was not charged with culpable driving, why not?

(21) What compensation is the widow of the rider entitled to receive as a result of the accident?

(22) Will the Minister recommend that the Staysafe Committee investigate the present system of hearing cases of culpable driving resulting in death, and the use of the jury system in certain cases?

Page 1461

Answer -

(1) Yes.

(2) Yes.

(3) Yes.

(4) No.

(5) Yes.

(6) Approximately 180 metres.

(7) Yes.

(8) Yes.

(9) An attending Constable stated in evidence that when he arrived at the scene, a short time after the collision, there were quite a few cars parked in the area and they included tow trucks and passers-by who may have stopped.

(10) Yes.

(11) No.

(12) Mr Andrew John Bantine.

(13) Yes.

(14) Yes.

(15) Yes.

(16) The rider suffered serious head and internal injuries as a result of being thrown from his motorbike and striking a telegraph pole.

(17) Yes.

(18) Yes.

(19) Following a Coroner's Inquest, the driver was charged with 'Disobey Stop Sign' and later fined \$300 plus \$45 Court costs at Bankstown Local Court.

(20) The Coroner determined that there was insufficient evidence to support an indictable charge.

(21) This question is outside the portfolio of Minister for Police.

(22) The general question of Culpable Driving is being examined by the Staysafe Committee.

## **DRUG MISUSE OFFENCES COSTS**

Mr Jones asked the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council representing the Minister for Police -

- (1) How many police vehicles, how many police officers and how much police time was taken in arresting and charging Peter Carroll at Bullaburra for possession of 1.5 grams of marijuana?
- (2) What was the total cost of this operation?
- (3) What was the result of the charge?
- (4) Is it a significant waste of police time and effort to pursue minor cannabis offenders?

Answer -

(1) The arresting Constable was working as a solo unit and called for assistance. Two other police vehicles which were patrolling in the area attended the arrest scene. Each of those vehicles was manned by two police officers.

Mr Peter Carroll came under police notice shortly before 10.35 am, was charged at Katoomba Police Station at 10.54 am and was released on bail within an hour.

(2) \$67.35

(3) Mr Peter Carroll was placed on a recognizance to be of good behaviour for a period of 18 months under the provisions of Section 556A of the Crimes Act. Court costs were awarded against him.

(4) Police have a responsibility to enforce the law. Mr Carroll was in breach of the 'Drug Misuse and Trafficking Act'.

## **INDUSTRIAL RELATIONS ACT SECTION 154(2) PROSECUTIONS**

Mr Manson asked the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council -

How many prosecutions have occurred, or are pending, under s.154(2) of the Industrial Relations Act 1991, since the Act became operative?

Answer -

The Industrial Relations Act 1991 became operative on 31 March 1992.

I have been advised by the Department of Industrial Relations, Employment, Training and Further Education's Principal Legal Officer that no prosecutions have been brought under s.154(2) of the Industrial Relations Act 1991, nor, I am advised, are there any pending.

## **CONSTRUCTION POLICY STEERING COMMITTEE**

Mr Manson asked the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council -

With regard to the Government's "Construction Policy Steering Committee":

- (1) What is its purpose?
- (2) When was it created?
- (3) Who are its members?
- (4) Is it a permanent committee or does it have a prescribed lifetime?
- (5) Does it have a budget, and if so:
  - (a) What is its budget;
  - (b) Is it mentioned in the Budget Papers 1991/92 and if so where;
  - (c) Under which Department/Minister is it budgeted?
- (6) If it does not have a budget, why not?

(7) Does it have any staff, and if so what staff?

(8) What is its relationship to the Building Industry Task Force?

Answer -

As the Public Works Department chairs this committee, and this Department is the responsibility of the Deputy Premier, and Minister for Public Works, and Roads, the Honourable Mr Murray, MP, this matter would be more appropriately directed to my colleague the Deputy Premier.

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