

## **LEGISLATIVE COUNCIL**

Tuesday, 12th October, 1993

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

**The President** offered the Prayers.

## **ASSENT TO BILLS**

Royal assent to the following bills reported:

New South Wales Lotteries (Amendment) Bill  
Rail Safety Bill  
Supply Bill  
Crimes (Common Nightwalkers) Amendment Bill  
Endangered Fauna (Interim Protection) Amendment Bill  
Homebush Bay Ministerial Corporation (Dissolution) Bill  
Liquor (Taxation) Amendment Bill  
Registered Clubs (Taxation) Amendment Bill  
Registered Clubs (Management) Amendment Bill  
Totalizator Legislation (Amendment) Bill

## **REGISTER OF DISCLOSURES BY MEMBERS**

**The President**, in accordance with clause 21 of the Constitution (Disclosures by Members) Regulation 1983, laid upon the table a copy of the Register of Disclosures by members of the Legislative Council for the period 1st July, 1992, to 30th June, 1993.

## **OFFICE OF THE OMBUDSMAN**

### **Report: The Neary/SRA**

**The President**, in accordance with section 31AA(1) of the Ombudsman Act 1974, laid upon the table the special report of the Ombudsman entitled "The Neary/SRA Report", dated 12th October, 1993.

**Ordered to be printed.**

## **INDEPENDENT COMMISSION AGAINST CORRUPTION**

### **Annual Report: Year ended 30th June, 1993**

**The President**, in accordance with section 78(1) of the Independent Commission Against Corruption Act, laid upon the table the annual report of the Independent Commission Against Corruption for the year

ended 30th June, 1993.

**Ordered to be printed.**

## **STANDING COMMITTEE ON SOCIAL ISSUES**

### **Issue Paper: Inquiry into Youth Violence in New South Wales**

**The Clerk** announced receipt of copies of issue paper No. 1 of the Standing Committee on Social Issues, entitled "Inquiry into Youth Violence in New South Wales" and dated September 1993, tabled pursuant to the resolution adopted by the House on 2nd July, 1991.

## **JOINT SELECT COMMITTEE UPON POLICE ADMINISTRATION**

### **Report: Remaining Issues**

**The Clerk** announced receipt of the final report of the Joint Select Committee Upon Police Administration, entitled "Remaining Issues" dated 8th October, 1993, forwarded pursuant to the resolution adopted by the House on 2nd July, 1991.

## **PETITIONS**

### **Homosexual Vilification Legislation**

Petitions praying that the House reject all homosexual vilification legislation, received from the **Hon. R. T. M. Bull, the Hon. D. J. Gay, the Hon. Elaine Nile, Reverend the Hon. F. J. Nile, and the Hon. Helen Sham-Ho.**

### **Container Deposit Legislation**

Petition praying that because of the detrimental effect of throw-away packaging on the environment, legislation be introduced imposing a mandatory deposit on all containers sold in New South Wales, received from the **Hon. R. S. L. Jones.**

### **Brothels**

Petitions praying that the House oppose Government proposals to legalise brothels and that urgent action be taken to clean up vice, disease and exploitation, received from the **Hon. Elaine Nile and Reverend the Hon. F. J. Nile.**

### **Forestry Commission**

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

### **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.**

## ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION) AMENDMENT BILL

### Suspension of Standing and Sessional Orders

**The Hon. ELISABETH KIRKBY** [2.46]: Pursuant to contingent notice, I move:

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That so much of the Standing and Sessional Orders be suspended as would preclude a motion being moved forthwith that General Business Order of the Day No. 3, relating to the restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill, be called on forthwith.

I am aware that members of this House may not have expected that I would move this motion today. However, I ask them to remember my words when I adjourned the debate on Thursday, 16th September. I moved then that the debate be adjourned until the next sitting day. If members believed that I meant the next private members' day, 14th October, perhaps they should consider the force of the contingent notice of motion standing in my name. That motion takes precedence over Government business, however regrettable some members may consider such a procedure. As the conventions of the House allow such a contingent motion, I am merely following the procedures that are permitted by the standing orders of the House. If honourable members dislike those standing orders, they have their remedy.

Let me assure honourable members that I have taken advice from the Clerks on this matter. I am not moving this motion wilfully, and I am not moving it in order to impede Government business any longer than is necessary to get this bill restored to the business paper. Let me remind honourable members also that this is no ordinary private member's bill. This bill was passed in another place by a majority of members. Under the Westminster system the convention is that the lower House is the House of Government, and if Government members examine *Hansard* they will see that many of their own ranks, including members of their frontbench, did not vote against this bill when the division was called in the Legislative Assembly. They had every opportunity to present a united opposition to the bill, and they ignored that opportunity. Why? Because many of the Government members, including members of the frontbench, are in favour of these amendments to the Anti-Discrimination Act to prevent the continuing vilification of homosexuals in our community.

They believed, as I did at that time, that the Government's bill with its wide-ranging amendments to the Act would be introduced at an early date and would contain provisions dealing with the vilification of homosexuals. That has not occurred. The Attorney General has backed away from the promise he made last year to the gay and lesbian community. The Government has allowed itself to be held to ransom by the Hon. Elaine Nile and Reverend the Hon. F. J. Nile. The Government backed down in the face of threats made by the Hon. Elaine Nile and Reverend the Hon. F. J. Nile that they would withdraw their automatic support for Government legislation. The Attorney General in reply to my motion on 16th September said that he knew of no circumstance where the Opposition and the crossbenchers have voted to take from the government of the day its control of Government business. I do not believe this Chamber and the Leader of the Government should deny members the right to debate legislation that has been passed in another place. That is what the Attorney General attempted to do a few weeks ago.

The Attorney General pre-empted the right of this Chamber to review and amend legislation, something that had certainly never happened before in the 12 years I have been a member of Parliament. If members wish to know why I did not wait until Thursday 14th October to move my contingent notice of motion, it should be obvious that I considered with care the options that were open to me before I moved my contingent notice of motion on the adjournment on 16th September. I was particularly careful to phrase my adjournment not to 14th October but to the next sitting day - today. Therefore, no one can say that this motion is an ambush; I clearly spelt it out to the House three weeks ago. I am delighted that

I took that course because last week I became aware that the Hon. D. F. Moppett intended to move a matter of public importance on 14th October to allow members to discuss the dangers of asthma and the rising incidence of that killer disease in Australia.

It is perfectly proper for him to move such a motion in National Asthma Week - this morning I attended the launch of National Asthma Week - but it would have successfully thwarted any debate next Thursday on the Anti-Discrimination (Homosexual Vilification) Amendment Bill. Honourable members are aware that a matter of public importance can have any number of speakers even if their time is limited. With question time at 12 noon and the adjournment of the House at 4.15 p.m. for Government business on Thursdays, effectively three and a half hours can be taken up by the Hon. D. F. Moppett's matter of public importance, which is an important matter. Honourable members will perhaps forgive me if I believed sincerely that the matter of public importance was yet another move in the strategy to prevent further debate of the anti-vilification bill - another move in this incredible game of chess that is being played under our standing orders with the Government and Reverend the Hon. F. J. Nile using every move to put me in check.

My duty is clear: to assess all possible moves that may be made against me and to avoid a stalemate. I assure the Attorney General that as soon as the anti-vilification bill is restored to the business paper I will readily adjourn the debate to allow Government business to proceed, but not until it is so restored. Honourable members will be aware that the Free Speech Committee said that this bill is censorship; and the Council for Civil Liberties, of which I remain a member until November, has suggested it is a threat to free speech. But free speech is not absolute. We have laws of defamation, difficult as they are to enforce, but they are only for the wealthy, as members of Parliament have discovered to their cost. This bill will mirror the racial vilification sections of the Anti-Discrimination Act. The Anti-Discrimination Board commissioner has made it clear that similar fears were expressed in 1989 when racial discrimination amendments were introduced. Those fears have proved to be groundless.

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I am sure all honourable members are aware of the concerns of Catholic Bishop Pat Murphy, who has proposed an amendment that would exempt from the bill the expression of religious values and morals. As reported in the press, the suggested amendment has been discussed by the Hon. E. P. Pickering, the honourable member for Bligh and me with the gay and lesbian lobby; the Anglican Bishop of South Sydney; Father Brian Lucas; the Reverend Harry Herbert of the Uniting Church; and the clergy of the Metropolitan Community Church. Discussions are continuing to allow a suitable amendment to be drawn up that will allay the fears of the churches. I do not intend to dwell on this issue today, but I should like to make a brief comment on the religious aspect of the legislation. In his discussion on the issue of homosexuality and the Church's treatment of gay people, English theologian John Stott, in his book entitled *Issues Facing Christians Today*, published in 1984, wrote:

We are all human beings. That is to say, there is no such phenomenon as a "homosexual". There are only people, human persons, made in the image and the likeness of God . . . however strongly we might disapprove of homosexual practices, we have no liberty to dehumanise (or to vilify) those who engage in them.

The well-known Christian theologian Derrick Sherwin Bailey was the first Christian theologian to correctly re-evaluate the traditional understanding of biblical references to homosexuality. In his renowned book entitled *Homosexuality and the Western Christian Tradition*, which was published in 1955, he pointed out correctly that there are, in fact, only four main biblical passages which refer or appear to refer to homosexuality. Likewise, there are only a few passages in the New Testament which actually refer to homosexuality. These two must be read in the context within which they are set.

In spite of the petitions presented to this House today, a poll conducted on 5th October by the *Sydney Morning Herald* showed that 50 per cent of people in New South Wales were angry that the bill I

am attempting to restore to the business paper had been dumped. I am determined that it will not be dumped. I am determined that the bill will be debated in this Chamber, and it cannot be delayed if we are to prevent gay murders and gay bashings. Honourable members already know that the issues paper on youth violence released by the Hon. Dr Marlene Goldsmith referred to a study of homophobic violence in inner Sydney which found that more than 80 per cent of perpetrators were aged between 16 years and 25 years. That issues paper stated:

It appears that many youths who commit homophobic violence do not perceive it as unacceptable. Police have commented that many of the youths arrested for gay bashing have been genuinely surprised that their actions are not socially condoned.

It must be remembered that the most recent murder of a homosexual, in Rushcutters Bay, was carried out by three young men all under the age of 18 years - young men who have virtually destroyed their lives by this senseless act. These attitudes make the bill imperative. I beg all members to vote for its restoration to the business paper. The matter is urgent and it is proper that members be given the opportunity to debate the bill.

**The Hon. J. P. HANNAFORD** (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.0]: Members are aware that the Government opposes this move by the Hon. Elisabeth Kirkby to use her contingent notice to bring on her general business notice of motion No. 3 today. For some time this House has had before it matters relating to the administration of business. Over a number of years a program has been developed whereby private members' business is dealt with on Thursdays. Though this Government, during the period of its administration, has in fact facilitated a procedure under which Thursdays are available to be used to deal with Government business, the Government nevertheless has adhered strongly to the practice of making those Thursdays available for private members' business. However, this is the first time that the House has been called upon by a private member to bring on private members' business on a day other than a Thursday.

There have been occasions when urgent private members' legislation which had the support of the Government had been brought on by the Government to allow that to be debated; however the Government on all occasions has held strongly to its position that Government business takes priority on Government business days. There is a very sound reason for that. The Government must be able to administer the business of the House. This is something that was clearly recognised by the Labor Party when it formed the Government. To hold any other view would mean that Government business is not going to be able to be brought on, even business as important as the Budget. If the budget debate is not able to be brought before this House because private members seek to bring on their business, this undermines the control of the House and its direction.

The Hon. Elisabeth Kirkby indicates that her intent in pursuing this matter is to make certain that her contingent notice is dealt with and, when the bill is restored for debate, to adjourn that debate. However, it is clear from paragraph three of her contingent notice that she intends to ensure that no Government business will be dealt with until first there is restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill. She is saying that she wants to have the bill restored; that she is prepared to use her contingent notice to make certain it is restored; and having got that matter restored, she is prepared to ensure that consideration of that bill will take precedence of all other Government and general business until concluded.

The Hon. J. R. Johnson, as a former Presiding Officer, will be well aware what course that treatment sets for the administration of this House. It is a matter upon which he has himself from time to time made comment. It is a matter of relevance for the administration of this House by this Government and by all future governments. Under the system of

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elections for the Legislative Council introduced by the Labor Party when it formed an earlier government, it is likely that the balance of power in this House will be held always by the crossbenchers.

**The Hon. Judith Walker:** It was not so under the Greiner administration.

**The Hon. J. P. HANNAFORD:** I am prepared to recognise that from time to time the crossbenchers will seek to bare their teeth and to exercise their position to try to bring on matters within this Parliament. What the Labor Party is clearly indicating, if it is prepared to support this motion by the Leader of the Australian Democrats, is that where the party considers it propitious so to do this form is appropriate to be used. As this occasion -

**The Hon. Judith Walker:** Is not that what the Federal Opposition is doing now in Canberra?

**The Hon. J. P. HANNAFORD:** That is not germane to this matter. What is proposed here is that a certain procedure will take place, whether or not the use of the forms of the House is appropriate, to transfer the administration of Government business away from the Government. That is certainly not being done in Canberra. The question of amendment of legislation, or whether or not Government business should be allowed to proceed on a private members' day, or whether or not the Opposition, together with the Independents, should exercise their power so as to ensure that on every day that the Parliament sits the business of Government shall not be dealt with, is a totally different matter. That is exactly what is before the House. Clearly, the House is on notice that so far as the Leader of the Australian Democrats is concerned - whether it is Government business or private members' business on a private members' day - no business will be transacted in this House until after that issue which is here supported by the Leader of the Australian Democrats is dealt with. The Leader of the Democrats is calling on the Labor Party to support that position.

**The Hon. Judith Walker:** This House is the master of its own destiny.

**The Hon. J. P. HANNAFORD:** The House is master of itself but there is also the question of the forms of the House. And there is clearly the question of the administration of the business of the House.

**The Hon. Judith Walker:** Perhaps you should have considered that when the House was dealing with the cleaning services bill.

**The Hon. J. P. HANNAFORD:** The issue to be decided is whether or not the Labor Party supports the proposition that the government of the day should not be allowed to have Government business transacted outside of private members' day. The Hon. J. R. Johnson, a former Presiding Officer, had the strong point of view that the Government of the day should be able to ensure that Government business is dealt with on Government business days. If he did not make rulings to that effect, he has made comments along those lines. The Leader of the Opposition must now indicate to the House the position to be taken by the Labor Party on this matter. The Liberal Party and the National Party as a coalition are firmly of the view that Government business and the control of Government business should not be taken away from the Government. The Hon. Judith Walker referred to a motion that was moved on the day that this House last sat relating to a bill that was important to this House. On that occasion a motion was moved to refer the bill to the lower House.

**The Hon. Judith Walker:** Without discussion.

**The Hon. J. P. HANNAFORD:** It related to debate at the first reading stage, and the motion sought that the issue be resolved at the first reading. As a member of this House I recall participating in a debate about whether or not a matter should be dealt with in the first reading. But that is an issue of the forms of the House being dealt with in relation to a particular bill; it is not an issue of whether or not Government business, or control of Government business, should be suspended until a private member's bill is dealt with. That is the proposition that has been put today by the Hon. Elisabeth Kirkby. I have indicated that Government business on a Government business day should be allowed to proceed; that private members' business is dealt with on a private members' day; and that on private members' day the

House is able to use the forms of the House to ensure the reordering of private members' business on that day. That procedure has been consistently observed in this House.

I challenge the Labor Party to state its position on this particular principle. I challenge the Leader of the Opposition to state the principle upon which the Labor Party would seek to administer this House should ever it eventuate that he be the Leader of the Government in this House - which would be highly unlikely. But as the Leader of the Opposition he should at least state the Labor Party's position. The position of previous Labor Party leaders is all too clear. I recall clearly the comments on this matter of the Hon. Barrie Unsworth and the Hon. Paul Landa when they were leaders of the House.

I recall reading in *Hansard* when these types of principles were being debated and the Hon. Paul Landa was Leader of the House and the Opposition had the majority. The principles adopted by the Labor Party on that occasion do not differ from those that I am enunciating today. But if the Labor Party wishes to take the view that the Opposition of the day, in conjunction with the crossbenchers - given that it is unlikely that a government of the day for many years will have a majority in this place -

**The Hon. Judith Walker:** It is not the Opposition of the day, it is the Parliament.

**The Hon. J. P. HANNAFORD:** The Labor Party has clearly indicated that it is the Opposition of the day. The Labor Party is not going to escape responsibility for this.

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**The Hon. Judith Walker:** It is not seeking to escape.

**The Hon. J. P. HANNAFORD:** The Leader of the Labor Party in this House is not going to escape responsibility for a vote that may be taken on this particular issue at some stage. The Leader of the Opposition will have to stand up and be counted on this matter as the Leader of the Labor Party. On a number of occasions in this House the Leader of the Opposition has been without principle other than, on most issues, the principle of opportunism. It is now time for the Leader of the Opposition - the pretender as a leader of the alternative government - to restate the principles that he suggests should be observed in this House in relation to the administration of business in this Chamber.

The principles that we espouse in this Chamber are the principles by which we are judged. They are the principles by which the community is able to determine, with any certainty, the way in which the business of the Parliament is administered. The community wants some certainty about the administration of Parliament. By the Leader of the Labor Party in this Chamber indicating today that he will support members of the crossbenches to pursue his principle of opportunism, he is indicating the direction that the administration of this House and Parliament should take.

It will be a sad day indeed for this Parliament if the Leader of the Labor Party suggests to the community that it will always be uncertain whether or not Government business will be dealt with, or whether or not the Labor Party - indeed any future Opposition - will use its numbers to ensure that the community can no longer expect that Government business will be dealt with on those days that have been traditionally set aside for Government business.

The Leader of the Opposition seems to be suggesting that he will gain comfort from referring to the fact that his colleague the Prime Minister is experiencing difficulty in getting the Federal Budget through. Perhaps that is an indication of the direction in which the New South Wales Labor Party wishes to go. The Labor Party in Canberra cannot get its budget bills through and it does not want to bring those bills to a vote. The New South Wales Labor Party does not want any business to be dealt with in this State. Is that the game the Labor Party is playing?

[Interruption]

That is the inference I draw from interjections opposite. On no occasion, to my knowledge, has there been any suggestion in Canberra that Government business will not be dealt with. The New South Wales Labor Party is seeking to guarantee that Government business will not be dealt with in this Chamber. That is a frightening position for the Leader of the Opposition to be taking. We would not expect anything else from him; we have seen him take non-principled positions on most issues. I ask members of the Labor Party to enunciate clearly to this House what position they will take in relation to the administration of business. If they support this proposal, there is no doubt that the administration of business in this House will reach an all-time political low.

**The Hon. M. R. EGAN** (Leader of the Opposition) [3.22]: I am happy to assure the Leader of the Government that the Opposition will facilitate consideration of, and an expeditious vote on, all Government business. It is not our job to obstruct the work of the Government and the passage of Government business through this House. But, by the same token, we are not about to tolerate a situation where private members' business, whether it originates in this House or in the lower House, is thwarted by a minority Government in this House.

The simple fact of the matter is that this House has antiquated standing orders. This means, in effect, that private members' legislation can reach a vote only with the good will of the government of the day and, in some circumstances, with the good will of all members of the House. That is ludicrous! It effectively means that no private members' business, whether originating in this House or in the other House, will ever be dealt with. That is a thoroughly unsatisfactory state of affairs. My position has been very clear since I have been Leader of the Opposition in this House and it was clear when I was a backbencher. I have always argued that the House is the master of its own destiny and that the Government is answerable to the Parliament. The Parliament is sovereign; the Parliament is supreme; and the Parliament determines the business.

Some time ago I wrote to a number of members of this House - I think to all members on the crossbenches and, if my memory serves me correctly, to the Leader of the Government - proposing a procedure for dealing with private members' legislation that originated in the lower House. I proposed that, when this House received private members' legislation from the other place, it should be taken on by the Government as Government business and its passage through the Parliament should be facilitated by the Government. My proposal was met with silence. Nevertheless, it will be the course which I, as Leader of the Government in this place after the next election, will adopt.

I put on record that when legislation which originates from the lower House reaches this House I, as Leader of the Government, will facilitate its consideration by this House, just as I will facilitate consideration of any piece of Government business. What is more, the Labor Party will also amend standing orders to ensure that business introduced in this House by members of this House not only is expeditiously considered but also is dealt with in a reasonable time. That is the only way a democratic legislature can operate. The standing orders and practices of governments in this House have prevented that from happening. It will be entirely different when I become Leader of the Government in this House. The Opposition will support the motion

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moved by the Hon. Elisabeth Kirkby. We will do so because that is the only way to ensure that this House has an opportunity to consider and to vote on legislation that has been sent to us by the Legislative Assembly.

**The Hon. J. F. RYAN** [3.27]: I have little doubt that the memorable words that have just been uttered by the Leader of the Opposition will be referred to again and again in future Parliaments. It has been an unwritten rule of this House that the Government should be able to control its business. When I used to work for the Hon. E. P. Pickering I remember producing for him speeches which he would use in debates to support the proposition that the Government should have control of the business of this House. I ask the Hon. E. P. Pickering to consider that. I am sure he regards it as an important principle.



Despite his intense desire to deal with this legislation, he should not allow his passion in that regard to overcome a good working principle of this House - that the Government should have control of business, particularly on Government business day.

I want briefly to traverse a few substantive issues, in particular the allegation that the Government has somehow backed down to pressure from Reverend the Hon. F. J. Nile and the Hon. Elaine Nile on this issue. Nothing could be further from the truth. The Government circulated a piece of legislation which, in some respects, was not dissimilar to the legislation which the Hon. Elisabeth Kirkby wants to have debated. Members of the community were able to respond to that legislation and to comment on it. Enormous concern has been expressed by the community, and even by people such as I, who agree with the need for legislation to prevent violence against homosexuals. We need to look at this bill in detail and to pay attention to some of the legal difficulties that might arise from the specific wording in it.

The theme of consultation carried out by the Government was that changes needed to be made to this bill to make it workable and fair and to ensure that it had the support of the majority of the community. There is little doubt that this bill could do with a great deal of improvement. Consideration of this bill should be delayed. It requires changes which are more extensive than the proposed amendment hurriedly put together by Bishop Murphy in an attempt to make it workable.

As it is currently worded, this bill would open a Pandora's box of legal difficulties because of the manner in which some of the terms have been defined. All day could be spent discussing what is meant by the term "public interest", which is one of the defences provided for in the bill. All day could be spent defining the usefulness of a term such as "severe ridicule" in the bill. A long time could be spent discussing what is meant by "severe contempt" or "good faith", both of which are integral parts of the definition of homosexual vilification in the bill.

**The Hon. J. W. Shaw:** Unfortunately, the law uses those terms all the time.

**The Hon. J. F. RYAN:** I understand that from time to time it is necessary to use such terms in framing legislation. However, this legislation is framed not by the use of one or two of those phrases but almost exclusively by an overlay of them, one on top of the other, which makes its legal meaning difficult. I know that some members opposite have a great deal of respect for the Catholic Education Commission, as do I. In a submission to me in the past few days Father Brian Lucas, who has been referred to already in this Chamber, informed me that the Catholic Education Commission would be engaged in almost continuous litigation with the Anti-Discrimination Board and the tribunal if this bill were rushed into law, because of the structure of its education program. It seeks an unequivocal opportunity not to be exempt from inciting violence or hatred towards homosexuals but to teach the -

**The Hon. M. R. Egan:** On a point of order. The Hon. J. F. Ryan is quite clearly speaking to the substance of the bill rather than to the motion for suspension of standing orders. If substantive issues are to be covered each time there is a procedural motion dealing with agreement on the bill, we will be here in four years' time. At the moment we are simply debating whether standing orders should be suspended.

**The PRESIDENT:** Order! I have heard enough on the point of order. I ask the Hon. J. F. Ryan to confine his remarks to the substance of the motion, as to whether the House should suspend standing orders.

**The Hon. J. F. RYAN:** I thank you for your ruling, Mr President, but I need to draw the attention of the House to the fact that some of the issues to which I am responding were raised in the debate by the Hon. Elisabeth Kirkby when she addressed the House on this motion. She argued that this bill was urgent and that its passage would prevent violence towards the homosexual community. In addition, she referred to comments by Father Brian Lucas. However, a number of communities have expressed a great deal of concern about the bill and would be entirely opposed to its passage quickly through the

House without the opportunity being given to members such as me and to the Government to amend the bill so it can be brought before the House in a manner that has far more than 50 per cent -

**The Hon. Elisabeth Kirkby:** On a point of order. I do not think the Hon. J. F. Ryan was listening to my remarks. I pointed out to him that the Hon. E. P. Pickering and I, and the -

**The PRESIDENT:** Order! If the Hon. Elisabeth Kirkby wishes to suggest that she has been misrepresented, a point of order is not the appropriate procedure to use.

**The Hon. J. F. RYAN:** Some people do not want this bill dealt with quickly, but want the opportunity for further amendments to be made to it, which I believe will be a great deal more extensive than those proposed already by Bishop Murphy.

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Whilst I accept that the Hon. Elisabeth Kirkby may be prepared to accept amendments to the bill, I believe that a more extensive rewrite is required. I believe a preferable bill would be one -

**The Hon. Judith Walker:** On a point of order. How can the Hon. J. F. Ryan foreshadow a new piece of legislation when he is supposed to be dealing substantively with a standing order of the House? He is now entering into debate on new legislation.

**The Hon. J. F. Ryan:** On the point of order. The question of amendments was not raised by me; it was raised in the debate which initially introduced this motion. I promise I will be quick, but I need to respond to the matter of amendments and the issue of urgency.

**The PRESIDENT:** Order! I will allow the honourable member to proceed so long as his remarks relate to whether the House should suspend standing orders to permit this matter to be debated.

**The Hon. J. F. RYAN:** As I said, a more preferable way to prevent violence against the homosexual community would be to introduce a bill which defined homosexual vilification in terms of an act of violence rather than a statement or a restriction of speech. That bill might define vilification as any public statement which contains an actual threat of violence or harm to individuals, or damage to property. One of the virtues of the bill before the House, with which the wider community does not disagree, is that it allows for procedures to be taken before the anti-discrimination tribunal. With some common sense exercised on all sides, a bill which allowed homosexual vilification to be defined in terms of an act of violence rather than in terms of speech would meet with wide support, not only of homosexuals but of the community in general. As a test of whether that would be extensive enough -

**The Hon. Judith Walker:** On a point of order. The Hon. J. F. Ryan really is testing the patience of the House. He is canvassing not only amendments but, in his own way, a whole new bill. He is not addressing the motion.

**The Hon. J. F. RYAN:** I am nearly finished. I am dealing with matters which have been raised by this motion.

**The PRESIDENT:** Order! I will allow the honourable member to proceed, provided he can relate his comments to the question before the House. I urge him to do so forthwith.

**The Hon. J. F. RYAN:** The motion is that this matter be dealt with urgently and in preference to any other item of Government business. My response has been that while the legislation is important and generally supportable, there are good reasons to wait. I have attempted to give my reasons. In terms of the objectives I outlined a moment ago, I refer honourable members to a press release by Clover Moore, who initiated this legislation in the first place. In the press release she outlined a number of statements which she sought to prohibit or make illegal, and all those statements would pass the test of the sort of bill I have just described. I ask honourable members to at least give the Government the opportunity to

consider a bill which would achieve the same objectives but be less controversial in the way in which it did so. It is not a case of the Government being incapable of doing this, but it is a good reason why this motion should not be addressed today.

The Hon. Elisabeth Kirkby said that members may have been misled by statements she made when the House last debated this matter. She said she would not seek to bring on debate on this legislation in preference to debate on Government business. That statement has been compromised already. One does not know whether, if the House agrees to this motion, that undertaking would not be broken again and the House would be debating the bill through to the second reading stage and perhaps to the Committee stage. There is good reason not only to wait but not to tamper with the time-honoured understanding - though it may not be part of the standing orders - that the Government should be able to control the business of the House; it should not be subjected to crossbench members bringing forward legislation simply because they have the view that they can cause a Government member to cross the Chamber. Members should not be caught unawares and unable to give legislation due consideration.

**The Hon. E. P. PICKERING** [3.41]: I support the motion, for the reasons that I have explained already in some detail. I do not intend to canvass those reasons again; they are as valid today as they were when I last spoke on this matter. I am probably more mindful and sympathetic towards the Leader of the Government in this House, who spoke of the sanctity of Government business, than are most honourable members, for I have probably made more speeches on the subject than has any other member. However, I have explained to the House comprehensively why on this very special occasion I take the view that the Government must face up to its responsibilities and accept that the Attorney General gave the Parliament a promise that materially influenced my voting patterns at the time. I believe that the Government has a responsibility to honour that promise.

I wish to assist the House by highlighting several facts. I can understand that the blunt instrument nature of the motion that the Hon. Elisabeth Kirkby seeks to bring before the House gives the impression that debate on the Anti-Discrimination (Homosexual Vilification) Amendment Bill would override all other business of the House. That is the way the motion is worded. All honourable members will be aware that the motion had to be worded in that way for there to be any hope of the bill becoming law. That is why that was done. The Hon. Elisabeth Kirkby and I have made it abundantly clear to the House that we will not use that instrument to impede in any way the proper passage through the House of Government legislation.

**Reverend the Hon. F. J. Nile:** That is happening now.

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**The Hon. E. P. PICKERING:** It is not happening now. There is plenty of time. For the benefit of the House I foreshadow that if the House is kind enough to accept the present motion - which would bring on the substantive motion of the Hon. Elisabeth Kirkby - during debate on that substantive motion I will move an amendment to insert in the third paragraph, after the word "business" the words "from Tuesday 16th November, 1993". That amendment would have the practical effect of saying to the House that there will be no debate upon the anti-vilification legislation until 16th November. There would be an unfettered right for debate on Government legislation, including the Budget, to take place.

**The Hon. Franca Arena:** Does the honourable member mean only today?

**The Hon. E. P. PICKERING:** Yes. The amendment signals the intention of the Hon. Elisabeth Kirkby, with my support, that before the House rises for Christmas there will be a determination to bring the bill into law unless, as is my fervent hope, the Government of the day adopts what the Leader of the Government in the House promised, in what I consider to be his finest hour in our party room and in the House: to bring before the Parliament Government legislation that would have the same impact. I hope my foreshadowing of the amendment will assist the House to come to grips with the motion that is now

being debated.

**The Hon. R. S. L. JONES** [3.44]: This is a sovereign House that determines its own order of business. It is not just an arm of government; it is not a rubber stamp, as this House used to be in the days of Paul Landa. I am glad I was not a member of this House during the days of Paul Landa, when legislation was rushed through the House with little debate, at times at 3 a.m.

**The Hon. J. R. Johnson:** There was no restriction on any member.

**The Hon. R. S. L. JONES:** It was a legislative program by exhaustion.

**The Hon. E. P. Pickering:** The House sat around the clock.

**The Hon. R. S. L. JONES:** The House did sit around the clock.

**The Hon. J. R. Johnson:** Who holds the record? A Government member.

**The PRESIDENT:** Order! The Hon. R. S. L. Jones has the call.

**The Hon. R. S. L. JONES:** Thank heavens those days have gone, hopefully for ever. I am glad I was not a member of the House at that time. The motion being debated is exceptional and is moved rarely indeed. We are not trying to take over the business of the Government, but are merely trying to get the legislation passed as quickly as possible. It should have been passed before this. The Government is to blame for this motion being brought before the House today, as it should have kept its promise. I hope that the legislation will pass and will protect people in our community who at present are not adequately protected. The majority of the community clearly wants the legislation to be passed. In the next few hours we will learn whether the bill will become law. This House governs itself; it is not simply an arm of Government.

**Reverend the Hon. F. J. NILE** [3.46]: On behalf of the Call to Australia party I oppose the motion moved by the Hon. Elisabeth Kirkby which is being supported by the Australian Labor Party in this House. The first part of the substantive motion is that:

(1) the Anti-Discrimination (Homosexual Vilification) Amendment Bill be restored to the Business Paper;

We oppose that part of the motion. The second part of the substantive motion is as follows:

(2) so much of the Standing and Sessional Orders be suspended as would preclude the passing of the Bill through all its remaining stages during the present or any one sitting of the House;

We oppose that as a means of ramming legislation through this House. The third part of the honourable member's motion is:

(3) consideration of the Bill take precedence of all other Government and General Business until concluded;

We strongly support the position of the Government, as expressed by the Leader of the Government in the House, that the motion is without precedent. There is no history of similar action having been taken by the House. This is a most serious matter, despite what was said by the Hon. E. P. Pickering, who at least introduced a note of morality to the issue. The fourth part of the motion is:

(4) the Anti-Discrimination (Homosexual Vilification) Amendment Bill be read a second time forthwith.

In her speech the Hon. Elisabeth Kirkby made a number of points when arguing for the urgency of the bill. Undoubtedly the most important principle at stake is the one that the motion overrules the Government's control of the business of the House. As a member of the crossbenches I have sought daily, right up until the commencement of the session at 2.30 p.m. today, to ascertain the agenda for today, and which bills were to be presented. So far as I could tell from the assurances given by both sides of the House, we were to proceed with the printed agenda for the day. No honourable member to whom I spoke - though obviously some must have known - had received any advice from the Hon. Elisabeth Kirkby that she intended to move this motion today. I regard that as gross bad manners, using immoral methods to introduce an immoral piece of legislation. I strongly oppose -

**The Hon. Elisabeth Kirkby:** On a point of order. Reverend the Hon. F. J. Nile has just suggested that I have used immoral methods. In accordance with the standing orders of this House I  
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have moved my motion pursuant to contingent notice, an avenue that is open to any member. That is certainly not an immoral method, and I ask Reverend the Hon. F. J. Nile to withdraw the word immoral.

**Reverend the Hon. F. J. NILE:** I am quite happy to withdraw the word immoral. The House can make its own judgment on that matter. I have been in this House since 1981 and I do not know of any occasion on which this method has been used. If the member feels it is a moral method, obviously she can live with her own conscience on that.

**The Hon. Elisabeth Kirkby:** On a further point of order. I again ask Reverend the Hon. F. J. Nile to withdraw the word. I asked him to withdraw the word immoral and he said he would. Then, in his next statement, he spoke about whether I consider what I have done to be a moral thing to do. He is still harping on what he is calling, however much he may wrap it up, an immoral method; whereas I am working under the standing orders of this Parliament.

**Reverend the Hon. F. J. Nile:** On the point of order. I do not believe there is a point of order. I am simply referring to certain terms. In fact, I did not use the word immoral; I used the word moral.

**The PRESIDENT:** Order! I take the view that it is not parliamentary for one member to accuse another member of being immoral. Accordingly, Reverend the Hon. F. J. Nile has withdrawn the accusation that the Hon. Elisabeth Kirkby has acted in an immoral manner. However, I do not believe it is unparliamentary for a member to say to another member that it is a matter for that member to decide whether his or her actions are moral. There is no point of order.

**Reverend the Hon. F. J. NILE:** A further point made by the Hon. Elisabeth Kirkby in introducing the motion was that there is some urgency about this motion because its intention is to bring on a particular bill. It can be easily shown that the so-called Anti-Discrimination (Homosexual Vilification) Amendment Bill has no direct relevance to violence, and that it will not stop violence occurring. No one is questioning that violence has been perpetrated against a whole range of people in Sydney, including old age pensioners and others, including homosexuals.

**The Hon. P. F. O'Grady:** On a point of order. I invite attention to Standing Order 85, which refers to irrelevant matter. I contend that Reverend the Hon. F. J. Nile is not confining his comments to the motion moved by the Hon. Elisabeth Kirkby.

**The PRESIDENT:** Order! Reverend the Hon. F. J. Nile is going dangerously close to being in breach of Standing Order 85, and I caution him so.

**Reverend the Hon. F. J. NILE:** The Hon. Elisabeth Kirkby said that this matter was urgent because it deals with a particular problem in this State. All honourable members would be sympathetic to the suspension of standing orders and the adoption of legislation if it would provide an immediate solution to a particular problem. The Hon. Elisabeth Kirkby is of the opinion that the motion will have that

effect. I do not believe that it will, and therefore it does not warrant the suspension of standing orders and the overriding of the priority of Government business. The bill will not achieve the result sought. In fact it may incite violence because of community perception that it may gag certain individuals - and I, Bruce Ruxton, and Christians in general have been named as some of those individuals. The honourable member for Bligh stated that the bill would gag Fred Nile and Bruce Ruxton.

**The Hon. Elisabeth Kirkby:** Only if they vilify.

**The Hon. R. S. L. Jones:** Or incite violence.

**Reverend the Hon. F. J. NILE:** No, the statement was that it had been done already.

**The Hon. P. F. O'Grady:** On a point of order. I refer again to Standing Order 85. Mr President, I do not believe that the honourable member has accepted your previous ruling and I ask you to direct him to speak to the subject of the motion.

**Reverend the Hon. F. J. Nile:** On the point of order. I was replying to interjections from members on the crossbench. It is the parliamentary practice of this House that speakers are allowed to reply to interjections from any members.

**The PRESIDENT:** Order! It would greatly assist the debate if there were no interjections. The member with the call would not then be tempted to digress. There is no point of order.

**Reverend the Hon. F. J. NILE:** The Leader of the Opposition surprisingly and sadly has supported a further point made by the Hon. Elisabeth Kirkby that gives some priority to this piece of legislation which, in normal procedures of both Houses of Parliament, would be justified. I am replying to arguments presented by the Hon. Elisabeth Kirkby and the Leader of the Opposition that the bill was passed in another place. Although this is a private member's bill moved by the honourable member for Bligh in the other place - and obviously before it comes to the upper House it must be passed by a majority of members in the lower House - the argument of the Leader of the Opposition would have more validity if the bill had been supported or rejected in the lower House in the normal manner. The situation in the lower House was unusual and therefore makes this a flawed motion by the Hon. Elisabeth Kirkby dealing with a flawed bill. If the Leader of the Opposition were the Leader of the House, and a bill was passed in the lower House with the support of members on the crossbenches and the Opposition -

**The Hon. P. F. O'Grady:** On a point of order. The motion states, "That so much of the Standing and Sessional Orders be suspended as would preclude a motion being moved forthwith that General Business Order of the Day No. 3, relating to the restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill, be called on forthwith". I refer to

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the standing orders and once again make the point that the member is speaking not to the motion but about other issues. I ask you to direct him to the motion.

**The PRESIDENT:** Order! Reverend the Hon. F. J. Nile is dealing with an argument advanced by the Leader of the Opposition as to why, in the words of the Leader of the Opposition, standing orders should be suspended and the bill brought on. I take the view that Reverend the Hon. F. J. Nile is seeking to rebut that argument. Therefore, there is no point of order.

**Reverend the Hon. F. J. NILE:** I was replying to the point made by the Leader of the Opposition, the main thrust of his address. Surely, even the Hon. P. F. O'Grady would think that this House can and should take some notice of a speech made by the Leader of the Opposition - the Labor Party's own leader.

**The Hon. P. F. O'Grady:** Maybe you should stop talking.

**Reverend the Hon. F. J. NILE:** If the Hon. P. F. O'Grady did not agree with the speech, he should have spoken to the Leader of the Opposition. He should have discouraged the Leader of the Opposition from making that particular contribution. He is not happy with his leader's contribution. I am certain that the Leader of the Opposition would be loath to support a bill from the other place.

**The Hon. M. R. Egan:** It is not a question of supporting the bill if the motion is facilitating its consideration by the House.

**Reverend the Hon. F. J. NILE:** The Leader of the Opposition makes a strong point when he says that Government business should be treated as a Government bill.

**The Hon. M. R. Egan:** That is right. It does not mean the government of the day would necessarily support such a bill.

**Reverend the Hon. F. J. NILE:** But if that practice were adopted, obviously it would use up a great deal of Government time for legislation because the bill -

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

#### **QUESTIONS WITHOUT NOTICE**

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#### **TREASURER AND MINISTER FOR THE ARTS DEFAMATION ACTION**

**The Hon. M. R. EGAN:** My question is directed to the Leader of the Government. I ask the Attorney General: Has the Government decided to meet any of the legal costs of the Treasurer, Mr Collins, or any other Government member in the current inquiry of the Independent Commission Against Corruption? If so, what limit has been placed on the amount of the assistance?

**The Hon. J. P. HANNAFORD:** The decision of the Government is that the legal costs of the Treasurer will be met by the Government in accordance with the standard guidelines that were first introduced by the previous Labor Government. Indemnity will be provided for costs involved where a Minister is appearing before an inquiry or court in relation to a matter alleged to have arisen out of his conduct as a Minister. The allegations being made by the Labor Party in relation to this matter clearly fall into that category. The nature of the allegation is that the Minister improperly used his position to influence a member of the public service. Quite clearly, that is a matter for which the Minister is entitled to receive legal support.

Since I became Attorney General I have developed a protocol for providing financial assistance where it is to be given by the Government. That protocol provides for levels of financial assistance whether the person is a member of the Government ministry or a public servant entitled to receive legal assistance. It provides for differing scales of financial assistance, depending upon the nature of the assistance which is given. Arrangements for financial assistance and the level of assistance will accord with that particular protocol. When assistance is provided, the advice which will be given to the solicitors will indicate the financial limit. I am not able to provide that amount at the moment but it will accord with the protocol I have been using in relation to grants of financial assistance. It applies to all areas where financial assistance is being granted.

## STATE WARDS

**The Hon. ELISABETH KIRKBY:** My question without notice is directed to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, representing the Minister for Community Services and Minister for Aboriginal Affairs. Is it a fact that the senior Children's Court Magistrate, Mr Rod Blackmore, yesterday supported Opposition claims that magistrates had been forced to gaol State wards convicted of minor offences because the Department of Community Services refused to accept responsibility for their welfare? Is it also a fact that Mr Blackmore said the problem was exacerbated by the Government's decision to close many of its residential units, with the number of beds for State wards dropping from 740 to 104 since 1988? When will the Government provide low security units for juveniles convicted of minor offences?

**The Hon. VIRGINIA CHADWICK:** I thank the Hon. Elisabeth Kirkby for her question. Given the detail requested in the question, I will refer it to my colleague Mr Longley. I have known Rod Blackmore for many years. I have high regard for his concern for the welfare of young people, which he exhibits not only in a professional sense in his work as a magistrate but, indeed, in the work that has occupied much of his leisure time, particularly for the Homeless Children's Association on the Central  
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Coast. I mean no disrespect to a person whom I hold professionally and personally in high regard when I say quite frankly that I would be astonished if the assertions and fears expressed by him have basis in fact at all. The issue of welfare of young people - whether offenders or persons in need of protection in the community - is a matter which crosses political ideological boundaries and is not a unique concern to Mr Blackmore or other magistrates. Indeed, I am sure Mr Blackmore would have taken the same pleasure and joy as I did in the recent announcement by my colleague the Attorney General and Minister for Justice about some of the child care issues that he is working hard to address.

Initiatives recently announced by my colleague in relation to Yasmar Juvenile Justice Centre and specific programs, particularly those addressed towards the welfare of young women, will be very welcome. On other matters relating specifically to children in care, much of the work by Father John Usher of Centacare, which has been accepted by this Government, is also an indication of the high level of commitment the Government has placed on the needs of children in care. Last night I watched with alarm as a person of the stature of the head of Centacare, Father John Usher, underwent an interrogation on the "7.30 Report", part of the charge being led by our colleague the Hon. Ann Symonds. Considerable work and commitment has been undertaken by the Government on the issues of children in care and children who are young offenders. For more specific detail on this matter, I will refer the question to my colleague Mr Longley, whom I know will welcome the opportunity to allay the fears of Rod Blackmore.

## SYDNEY OLYMPIC GAMES TOURISM BENEFITS

**The Hon. R. T. M. BULL:** My question is to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. Will the Minister inform the House how tourism will benefit from Sydney hosting the Olympic Games in the year 2000?

**The Hon. VIRGINIA CHADWICK:** I thank the Hon. R. T. M. Bull for his most important question.

**The Hon. J. R. Johnson:** No one else does.

**The Hon. VIRGINIA CHADWICK:** I certainly note the interjection of the Hon. J. R. Johnson, that no one will thank us for this. In considering the economic opportunities and the employment training opportunities for the young people of this State offered by the Olympic bid it would be a most unusual citizen of New South Wales who would not think the Games to be of critical importance to the economic prosperity and the employment of all young people in this State. The very positive publicity and the lifting



of the profile of Sydney and Australia associated with the Olympic Games bid itself caused tourism benefits to flow to this State. The number of conventions and conferences to be put through the city centre between now and the year 2000 stands at 101. That is absolutely amazing. The importance of those conferences -

**The PRESIDENT:** Order! There is too much chatter. I am having great difficulty hearing the Minister. If there is less interjection the Minister will finish her answer more quickly.

**The Hon. VIRGINIA CHADWICK:** The Tourism Commission of New South Wales has estimated that the increased flow of international tourists and the very high yield of visitors that attend conventions and conferences in New South Wales will be greater before the Games rather than for the 16 or so days of the Olympics. Already there is a huge flow-on benefit to our State as the result of the successful bid. Within 48 hours of the announcement of Sydney's successful bid we were able to clinch another couple of conventions that had been swaying at the convention bureau. To give one example; the Sydney Regent Hotel had 500 calls by lunchtime seeking information about bookings and accommodation.

The economic benefit to this State and nation between now and the Olympics and post-Olympics should not be underestimated. In terms of the Olympics itself we are expected to gain about 90,000 of the 156,000 full-time and part-time jobs. Many will be in the construction industry but many others will be in the hospitality and services industries. The work that has been done through the New South Wales Tourism Commission indicates an anticipated increase of one and a half million visitors between 1994 and the year 2000. This excludes visitors to the Olympics itself. We believe that there will be a peak of about 297,000 visitors during the two weeks of the Games. This will include 110,000 overseas visitors, 122,000 from interstate and 65,000 from our own home State of New South Wales. We are actively working now to try to develop strategies to try to channel some of those tourists into regional New South Wales by encouraging those who are coming to the Olympics to develop packages that will take them outside Sydney, causing them to stay longer and to spend money in regional New South Wales.

It is expected that during the Olympic Games 160,000 visitors will stay in Sydney accommodation. At least 10 cruise ships, including the QE2, will be docked in our harbour. In the leadup to the Games all 25 Olympic sports will hold an international competition in Sydney to test the facilities and to streamline management. This will be another impetus to tourism. In addition, let us not forget our friends and colleagues in the media. It will be of interest to everyone in the Chamber to know that we expect 15,000 extra journalists during the Games. I know that will be a matter of joy to all members of the House. I thank the Hon. R. T. M. Bull for his most important question. The question highlights the fact that on this side of the Chamber honourable members are highly interested in the economic welfare of this State in job opportunities for our young people and

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unashamedly will continue to pursue that goal of economic well-being for our State - jobs for our young people. That view of priorities appears to be sadly lacking opposite.

#### **HOME AND COMMUNITY CARE PROGRAM FUNDING**

**The Hon. R. D. DYER:** My question is directed to the Minister for Education, Training and Youth Affairs, representing the Minister for Community Services and Minister for the Ageing. Has a growth funding round for the home and community care program been deleted by the Government for the first time in nine years? Has this occurred because the New South Wales Home Care Service has failed to pay almost \$6 million of compulsory superannuation over the past two years? Will the Government review the funding position affecting the home and community care program so that its service delivery to people who are aged and disabled will not suffer?

**The Hon. VIRGINIA CHADWICK:** The honourable member has raised a most serious matter. I am unaware of the details of his assertion. Some time ago I had a fairly close association with both the

Home Care Service and the home and community care programs in general. I had nothing but the highest regard for Beryl Jamieson. She has done an absolutely remarkable job in the Home Care Service of New South Wales. To have such an assertion made against her professional credibility and reputation when she is about to leave that job and take up a position elsewhere is really quite distressing. I find it quite distressing. The provision of home and community care type services is a matter of priority for this State. I will ask my colleague the Minister for Community Services, Minister for Aboriginal Affairs and Minister for the Ageing about the matter raised by the Hon. R. D. Dyer. I know that the Minister will be delighted to give a detailed response.

## **PARENTS AS TEACHERS PROGRAM**

**The Hon. JENNIFER GARDINER:** I address my question without notice to the Minister for Education, Training and Youth Affairs. Can the Minister inform the House about the development and value of the parents as teachers program in New South Wales which is the subject of three pilot programs that are due to conclude next year?

**The Hon. VIRGINIA CHADWICK:** I thank the Hon. Jennifer Gardiner for her interest in this program and in education generally. I also acknowledge the interest shown by the Hon. Dr Marlene Goldsmith in the parents as teachers program. Together with the previous Minister for Education the honourable member was instrumental in lobbying hard to ensure that as part of Government initiatives from 1988 to 1989 the parents as teachers program which started in Missouri and now has worldwide credibility and a high reputation, should be a priority for our Government in New South Wales. Three pilot programs were launched in 1991. If memory serves me correctly I launched it in Manly. The program was to cover three areas of the State. The program launched in Manly is going well. The people of Manly are very grateful indeed.

The program is based on two strengths and two priorities of the Government. One is the power of parents, the role of family and the giving of encouragement and support to families. The second is to ensure that through teaching children confidence and through positive interaction with their parents they develop a greater love, a greater willingness, a greater acceptance of the school environment and become better learners. The program recognises the sad reality that because of change and disruption in society and because of generational difficulties emerging, many young people either as single or dual parents lack parenting skills, lack confidence, want to help their child, but really do not know how. The program endeavours to identify those parents. From birth through to childhood the program highlights the fact that education is a learning and interactive experience.

Three schools are involved in the program: Manly Public School, which I have already mentioned; Sadleir Public School in the Liverpool area; and the Tolland Public School in Wagga Wagga. Those schools were chosen, given that this was a pilot program, because they represent a mix of urban and rural lifestyles. It might be of interest to note that currently the program has approximately 235 enrolments. The pilot program is targeted at first time parents and, hence, those who will be in greatest need of support, encouragement and assistance. Unlike many other States and countries that have introduced the parents as teachers program, the Government has established parent resource centres at the three schools. It has also trained consultants who have been accredited by the parents as teachers program in Missouri, all of which has been a costly and time-consuming exercise.

**The Hon. Jan Burnswoods:** Why is that so?

**The Hon. VIRGINIA CHADWICK:** It is costly and time consuming because many of the States of America and other countries that have adopted the parents as teachers program train only one consultant to head the team and then work with either volunteers, general teachers, or untrained people to support the rest of the program. The people who work in the program in this State are trained and experienced teachers and also are trained consultants. At the moment, from memory, the costs per year are

approximately \$325,000. I could stand corrected, but that is the general order of the cost of the program. The model being followed at the three sites involves monthly home visits to families by the parenting consultant, group meetings and playgroups.

The program provides parents with information regarding child development and activities to support language, social, cognitive and overall development. Parenting consultants have parents recognise everyday learning opportunities within their children's lives,

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beginning from birth. Parents are provided with practical information and guidance to help their children develop skills that are essential for later growing. Each school that has been involved in the project has shown initiative in responding to local community and school needs. The observed benefits of the program so far, which, as I say, must be extensively evaluated, include high retention rates of families on the program, establishment of supportive networks for families who might otherwise have been isolated and stayed isolated and early development of appropriate book behaviour and language.

I look forward to formal evaluation of the program. It has been successful to date in terms of reaching its objectives. One of the matters that has given me particular pleasure is that while these three formal parents as teachers pilot programs have been under way, a number of other schools, in fact clusters of schools in New South Wales, particularly on the South Coast, have developed their own locally grown variation of parents as teachers, so it has acted as something of a catalyst for many other schools and clusters of schools in the State to take early intervention and early support for families seriously in need. If nothing else, the flow-on effect of the parents as teachers catalyst program is something that is shown already to be of huge benefit to schools in New South Wales. I thank the honourable member for her question. This program has been one of the great Government initiatives, something it promised in Opposition and something it has truly delivered.

## **GRANNY FLAT LEVIES**

**Reverend the Hon. F. J. NILE:** I direct my question to the Minister for Planning and Minister for Housing. Is it a fact that certain local councils are seeking to blackmail ratepayers trying to build granny flats by charging outrageous council levies, such as Parramatta Council, \$4,320; Ryde Council, \$5,000; and media reports of even \$8,000 by Sutherland Shire Council? What action will the Government take to stop this exorbitant level of council levies? What action will the Government take to enforce its medium-density planning policy in New South Wales?

**The Hon. R. J. WEBSTER:** I thank Reverend the Hon. F. J. Nile for his appropriate question. It is refreshing to be asked such a question, unlike some of the questions I am asked from members opposite who do not always ask questions for the right reasons. It is true that it has been brought to my attention that a number of councils in Sydney, as a result of what I regarded as a conciliatory gesture to local government, are now charging, or are proposing to charge, outrageous section 94 contribution charges for dual occupancy developments. Honourable members will be aware that dual occupancy is a policy that was originally introduced by the now Leader of the Opposition in another place as a means of encouraging the building of granny flats and other dwellings on large suburban blocks of land.

Last year I refined that policy by introducing some amendments to State Environmental Planning Policy 25 which effectively allowed the strata titling of dual occupancy developments. That refining process was designed to give people separate title and to enable an incentive for dual occupancies to occur. I am pleased to say that that has happened. There have been some problems with dual occupancy; there have been some criticisms of the policy; there have been extensive negotiations between myself and individual councils, as well as the Local Government Association and it is fair to say that, generally speaking, we have reached a situation where we can either agree to disagree or reach a compromise on the policy. The granting of the capacity to levy section 94 contributions on dual occupancies on existing blocks of land, as opposed to dual occupancies that are placed on vacant blocks

of land, was something that I announced quite recently. Subsequent to that announcement in particular, it has been brought to my attention that some councils are proposing to levy what I could only regard as exorbitant section 94 contributions.

I am sure all honourable members of the House are committed to the notion of home ownership and home affordability. One of the ways in which, particularly, young people, young couples, young single people, or older people wanting to move into smaller accommodation, can buy into accommodation in the area in which they have lived or in which their parents have lived is through the dual occupancy plan. It has made housing more affordable right across Sydney, and I think all honourable members would appreciate that. It is with some concern that I view these reports that local government is, apparently in some councils at least, intending to flout the system somewhat and to use excessive section 94 charges to tax dual occupancy out of existence.

In the early 1980s my predecessor the Hon. Bob Carr encountered a similar problem. He threatened to limit the amount of money that councils could levy by way of section 94 contributions. My recollection is that all honourable members in this House supported the legislation to amend section 94 to force councils to have section 94 plans, to enable councils to tell the community what those contributions were being spent on and to ensure that councils spent the money for the purpose it was collected. I am not threatening local government - I am not a person who threatens anyone - but I say quite clearly to councils that I will not stand by and see excessive section 94 levies placed on any block of land - in particular, on dual occupancies - which will increase the cost of housing for people who can ill afford it or prevent dual occupancies occurring. I will monitor this situation closely. If I see abuses such as those that have been reported to me, I assure honourable members that I will take appropriate action.

#### **POOL FENCING ADVISORY COMMITTEE**

**The Hon. J. W. SHAW:** Is the Minister for Planning and Minister for Housing, representing the Minister for Energy and Minister for Local Government and Co-operatives, aware that the Pool Fencing Advisory Committee, established under the Swimming Pools Act over a year ago to consider and  
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analyse data on drownings and near drownings and to advise the Minister on its findings, has not yet produced any advice, comments or results? Has a member of the committee claimed that it was going round in circles? Is the Minister satisfied with this committee's rate of progress? If he is, how long is he prepared to wait for some tangible outcome from it?

**The Hon. R. J. WEBSTER:** I will refer this matter to my colleague in another place and come back to the honourable member with an answer.

#### **JUVENILE JUSTICE FACILITIES FOR YOUNG WOMEN**

**The Hon. Dr MARLENE GOLDSMITH:** Will the Attorney General, Minister for Justice and Vice President of the Executive Council explain to this House whether the Government will be implementing specialised care for girls in custody? If so, what will it involve?

**The Hon. J. P. HANNAFORD:** The Hon. Dr Marlene Goldsmith's obvious interest in this topic manifested itself during her chairmanship of the Standing Committee on Social Issues, which produced a report concerning juvenile justice issues. I am happy to confirm that the Government will be looking after the specialised needs of young women in juvenile justice facilities in New South Wales - an issue to which my colleague the Minister for Education, Training and Youth Affairs adverted in an earlier answer. On Sunday, when I announced a program in relation to Yasmar Juvenile Justice Centre, the Hon. Dr Marlene Goldsmith was present in her capacity as Chairman of the Standing Committee on Social Issues. I announced a comprehensive plan which will involve the creation of a new specialist detention centre for

young women at the Yasmar Juvenile Justice Centre at Haberfield. Planning for that project has been under way since April this year. This project has been the subject of a number of reports.

The unit will be located within Ramsay unit, which will be refurbished for young women. As a result, Yasmar's Dobroyd unit will be reopened and refurbished to allow Yasmar to continue to provide a 13-bed remand centre for boys, who will come mainly from the inner city area of Sydney. This will enable us to cater to the specialised needs of young Aboriginal men during their time on remand, which has been recognised as the time when they are most volatile, most anxious and, therefore, most in need of specialist care. The establishment of the detention centre for young women will enable us to house the majority of young female offenders in New South Wales. This new plan will ensure that young women and their different needs are managed appropriately while they are in detention. The plan will also involve comprehensive programs to ensure that young women are provided with skills to enable them to successfully reintegrate into the community upon their release and to reduce the possibility that they will reoffend - a major aim of the Office of Juvenile Justice.

The report of the Standing Committee on Social Issues and the green paper entitled "Future Directions for Juvenile Justice" made several recommendations regarding young women in detention. These initiatives will go a long way towards meeting most of the proposals from each of those groups. Extensive consultation by the Office of Juvenile Justice with professional service providers and members of the community has also clearly indicated that young women in custody need specific resources and services to influence offending behaviour. This plan has received the support of many community groups, which represent both sides of political opinion, and it has the support of the young women who are currently in custody. I sincerely hope that Opposition members will have a responsible and constructive role in the implementation of this program. I am pleased that the Hon. R. D. Dyer has already given his support for the proposal.

The Yasmar project will focus attention on the provision of specialist staff, differences in the background of individual offenders, health services, drug and alcohol counselling, parenting, living skills, and educational and vocational programs. All juvenile justice centres have undergone a full evaluation to ensure that they are used to optimal advantage. This is the reason Yasmar was chosen for this project. Renovations are about to start in Yasmar's Ramsay unit at an initial cost of \$250,000. The unit is expected to be reopened early next year. It will accommodate 29 young women who will all be on committal or remand. This is almost the total of all young women in custody in New South Wales. At any one time 5 per cent of juveniles in the system are women. The actual number varies between 25 and 29. If we ever have more than 29 young women in the system, the facilities at Reiby Juvenile Justice Centre at Campbelltown will be used to accommodate them.

The Office of Juvenile Justice is investing considerable time and resources to ensure that the young women's program achieves its objectives. An intensive six-week training program will be conducted for approximately 30 staff. Those staff members will be paid at their normal salary rate, including penalty rates, so that no one is discouraged from completing this important course. All Yasmar staff members involved will undergo intensive training to ensure that they have a better understanding of, and can appropriately respond to, the needs of young women in custody. This upgrading of skills will take place from the Yasmar superintendent down to all staff within that unit. Expressions of interest will also be called from people both inside and outside the juvenile justice system who are interested in working with these young women. Because of the interest and support of my colleague the Minister for Education, Training and Youth Affairs, specialist educational and vocational programs will be trialed for the first time at Yasmar, with the Office of Juvenile Justice, TAFE and the Department of School Education working together as a team to develop an approach which will

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maximise young people's potential and better equip them to re-establish themselves in society on release from the detention centre.

A co-ordinated set of programs will meet the needs of young women. Although the Department of

School Education and TAFE have been involved with juvenile justice programs for some time, this will be the first time the three government agencies will have worked together as a team. I sincerely thank the Hon. Virginia Chadwick and the Department of School Education for their dedication in reviewing the curriculum to achieve this project. Young women in our centres will be involved in vocational or educational programs which will stand them in better stead to be able to return to school or TAFE or be skilled enough to find a job on their release.

Training in employment areas will be realistically targeted towards job market demands and the skills of individual women to maximise their opportunities to obtain work when they leave the centres. Additional resources have been allocated by the Office of Juvenile Justice to provide better opportunities for young women to undertake programs outside school hours. Program youth training officers and vocational youth training officers will provide programs seven days a week at the centre, rather than the traditional Monday to Friday programs. The Yasmar clients will also have constant access to full counselling services including, for the first time, employment of a specialist psychotherapist to assist victims of sexual abuse.

As many honourable members would appreciate, most of the young women who are sent to these centres have been the subject of either physical or sexual abuse. Generally that physical or sexual abuse occurred before they became offenders. That significant issue needs to be attended to. As my colleague the Hon. Dr Marlene Goldsmith so eloquently and appropriately pointed out recently, many of these young girls were victims long before they were offenders. The Government will make every resource available to ensure that this matter is addressed appropriately and sympathetically.

#### **LAKE OBERON HARD ROCK QUARRY**

**The Hon. R. S. L. JONES:** I ask the Minister for Planning and Minister for Housing why he is giving approval for a hard rock quarry to be established close to Lake Oberon - a quarry owned by his good friend and former National Party aspirant for preselection for Bathurst, former mayor of Oberon Council, Barry Lang? Is it not a fact that this environmentally damaging development has been opposed by the Public Works Department, the Fish River Water Supply Authority, the Sydney Water Board and the Environment Protection Authority, and that his own Department of Planning expressed grave reservations about it? Did the Minister appoint Kevin Cleland as the commissioner of inquiry because he is known not to oppose developments? Does the Minister not think it is a bit close for comfort for him, as Minister, to approve the development of a personal National Party friend?

**The Hon. R. J. WEBSTER:** I hope the Hon. R. S. L. Jones asked that question with his tongue in his cheek. If he did not, I would ask him to withdraw the question because I find it extremely offensive. The honourable member should know - if he knows anything at all about the Environmental Planning and Assessment Act - that that Act provides for the appointment of commissions of inquiry. I did appoint a commission of inquiry to investigate the Oberon hard rock quarry, and that commission of inquiry made a recommendation to me, as is its statutory responsibility, to approve the quarry development subject to some stringent conditions. That is exactly what I have done. I challenge the Hon. R. S. L. Jones to repeat outside this place the allegation he made against Kevin Cleland. It is a very serious allegation and one which I would ask him, to protect his own reputation, to withdraw in this House.

To cast a slur on a commission of inquiry is tantamount to casting a slur on a judge or a magistrate. The honourable member should be careful, when he does or says such things, that he knows what he is talking about. He obviously does not. I do not care whether Mr Lang was a member of the National Party, the Labor Party or any other party. He is as entitled as any other person in this room or this State to put in a development application for a project on his land. That application was dealt with according to the processes of the law. I challenge the honourable member to apologise for the tone and insinuation in his question. He is quite out of order and quite wrong. The process I adopted followed the letter of the law, and I challenge the honourable member to prove otherwise.

## **SYDNEY INTEGRATED TRANSPORT SYSTEM**

**The Hon. Dr B. P. V. PEZZUTTI:** I address my question without notice to the Minister for Planning and Minister for Housing. With the Olympic Games so close, does the Government have a plan for an integrated transport system for Sydney?

**The Hon. R. J. WEBSTER:** I thank the Hon. Dr B. P. V. Pezzutti for his question without notice. As the Olympic Games are so imminent, it is obvious that the Government has been thinking for some time about integrated planning for Sydney. For some time the Government has been in the process of compiling a review of the metropolitan strategy. That review included an integrated transport study. For the first time the two studies have been carried out in tandem to ensure that when the metropolitan strategy is finally released in the near future by the Premier, the Minister for Transport and myself, the integrated transport strategy will be released at the same time. That procedure is a major improvement on what has occurred in the past.

The previous metropolitan strategy, which was implemented by the Government shortly after coming to office in 1988, was compiled by the former regime, but it did not include integrated transport strategy or a study of the many other services that need to be

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provided in new release areas. For the first time a government in New South Wales is looking at all the facets of planning for the growth of Sydney. I am sure all honourable members are concerned about the sprawl of Sydney and the fact that the city has grown in a somewhat uncontrolled manner. Whether we like it or not, Sydney's population will increase by a further one million people during the next 15 or 20 years. It is important that this growth is planned to ensure that the environment is improved and conserved. It is important also that the Government is aware of the problems associated with pollution of our waterways and the air, as well as the need to provide housing choice and integrated housing, education services, health services, community services of all types, and public transport facilities.

With the exception of a minor extension to the East Hills line and the completion of the Eastern Suburbs rail line, no rail lines have been built in Sydney since the second world war. Therefore, a large area of Sydney that has been developed since the second world war is, effectively, a long way from rail transport. The mistake has been perpetuated by successive governments, Labor and coalition, but it is being addressed by this Government by way of an integrated transport strategy - be it by means of heavy rail, electric rail, light rail or otherwise. I urge all honourable members to take an interest in the launch of the metropolitan strategy and the integrated transport strategy. The Government will provide a briefing for all members of Parliament from both Houses in this regard. I urge them to take an interest in that briefing, because this strategy document has taken a long time to prepare and has involved a great deal of consultation with local government, the community, and all interested parties. It will be released for further public discussion and submission before the final metropolitan strategy is implemented.

## **PRINCE ALFRED HOSPITAL HAEMOPHILIA CENTRE**

**The Hon. FRANCA ARENA:** I ask the Minister for Education, Training and Youth Affairs, and Minister for Tourism, representing the Minister for Health, a question without notice. Is the Minister aware that the haemophilia centre at Prince Alfred Hospital could lose its present location in the near future? Is the Minister aware that the Haemophilia Foundation strongly opposes such a move, as it has spent \$60,000 of its own funds in making the centre comfortable for its own people, even installing air-conditioning units during the year? Will the Minister intervene as a matter of urgency to ensure that the haemophilia centre remains in its present location, as it is situated in the best position to assist patients with this serious condition? Will the Minister please report back to the House as soon as possible on this important issue?

**The Hon. VIRGINIA CHADWICK:** Upon referral of the question to my colleague the Minister for Health for his comment and reply I will comply with the honourable member's request and report back to the House.

#### **NON-ENGLISH SPEAKING INMATES IN CORRECTIONAL FACILITIES**

**The Hon. HELEN SHAM-HO:** My question without notice is addressed to the Attorney General, Minister for Justice and Vice President of the Executive Council. Will the Minister inform the House what is being done to address the specific needs of non-English speaking inmates in New South Wales correctional facilities? Has there been a group established to identify and deal with the special problems of these people?

**The Hon. J. P. HANNAFORD:** I thank the honourable member for her question. It is obvious that she has a strong interest in this issue, which she has manifested on a continuing basis. I am pleased to inform her that the New South Wales Department of Corrective Services has recognised for some time that people from non-English speaking backgrounds have specific problems and needs which must be addressed within the correctional system. The need had been identified over a period of time by the officers within the system, the people at the coalface dealing directly with the inmates. These officers believed that ethnicity was a problem in correctional centres and that treating all inmates as though they had been born and bred in Australia and expecting them to meet a uniform standard created problems and resentment within the system. As a result of this, and following extensive ongoing consultation with other correctional officers and interest groups, the department has established the corrective services ethnic affairs task force.

Honourable members will realise that when there is an element of racial or religious tension in the community, most people are able - and perhaps willing - to walk away from that type of confrontation. However, corrective services facilities are a microcosm of all races and religions, and inmates find it harder to remove themselves from prejudices and insults that can arise in that type of environment. It was essential, therefore, that potential problems based on ethnicity be investigated and that proposals for their prevention be formulated. The Director-General of Corrective Services approved the formation and funding of the ethnic affairs task force and attached it to the operations branch of the department. The rationale for that was that the operations branch deals directly with correctional officers in the field, and it is those men who are best able to identify tensions and potentially violent behaviour based on ethnicity or religion.

The Department of Corrective Services administration has a sound reputation for consultation and co-operation with correctional officers, and that is a practice that I shall continue to encourage. The task force is to be headed by the department's Assistant Commissioner, Operations, who will ensure that all strategies and proposals developed to address the difficulties in having a combination of races and religions within a limited space are consistent with guidelines provided by the Ethnic Affairs Commission. The first meeting of the task force took

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place on 17th September, when it was resolved that regular monthly meetings would be held, the next meeting being on 18th October when members will have an all-day tour of the Long Bay reception and induction centre. In the interests of providing a targeted group, a number of people with a specific interest in the rights and well-being of inmates have been invited to join the task force. Included in those groups is a representative of the Immigrant Women's Speakout Association, which has a powerful voice on the problems of women who are in both a foreign culture and a correctional facility.

The task force has identified already some of the issues they wish to examine. Several of the priorities that have been identified will take longer than others to achieve, but the implementation of each of the recommendations of the group will force a culture change within correctional facilities and will reduce potential conflict between different racial and ethno-religious groups in custody. Some of the



issues will involve the preparation of traditional foods, the observance of cultural rituals, the clustering of inmates of similar nations, the expansion of an interpreter and translator service and, in line with the new property policy that I announced in August, permission for the possession of religious and cultural items in cells. The Department of Corrective Services compiles regular figures on the ethnic composition of the prison population, which has considerable impact on any language strengths that need to be developed.

The task force has been put in place to determine what and how things should be achieved and then to work through practical methods of realising each of the goals. Apart from establishing the task force, the Department of Corrective Services has been busy on a number of other fronts that impact upon the non-English speaking background inmates in our correctional system. At the end of last year the department published a report on the needs of inmates from such a background and the provision of interpreter services within the department. One of the results of that report was the decision to introduce a system of teleconferencing telephones at 10 correctional centres in the State, together with the training of appropriate staff to facilitate access for inmates to the interpreter services. That system is now fully operational. In addition, a deliberate decision was taken to raise the profile of the community language allowance scheme within the Department of Corrective Services, with the result that a further 17 officers have qualified for accreditation under that scheme in the June examinations.

**The Hon. Franca Arena:** How many sat for the examinations?

**The Hon. J. P. HANNAFORD:** I shall ascertain that for the honourable member. Already there has been a strong flow of applications for the next examinations to be held in December. The Department of Corrective Services now has 58 officers providing interpreter services in 27 languages, spread among 21 locations throughout the State. The task force will work closely with the Ethnic Affairs Commission, which is represented on the committee - and I am pleased that one of my colleagues, the Hon. J. M. Samios, is associated with the task force - to ensure that there is the diversity that is necessary to meet the aims of the task force. I compliment Commissioner Smethurst on the work that has been done in regard to this initiative.

#### **McDONALD'S STUDENT SPORTS SPONSORSHIP**

**The Hon. P. F. O'GRADY:** I direct a question without notice to the Minister for Education, Training and Youth Affairs. I refer the Minister to the agreement between the McDonald's company and the Department of School Education regarding sponsorship of sport. Did this agreement follow the guidelines required of government departments entering into commercial arrangements, including the tendering process? If not, why not?

**The Hon. VIRGINIA CHADWICK:** Any number of sponsorship arrangements have been made between McDonald's and the Department of School Education, some of which have been the subject of recent criticism by the honourable member for Riverstone. The sponsorship agreement was signed eight years ago by the former Labor Government and has suddenly been discovered by the honourable member for Riverstone, who is whipping himself up into a public ideological fury about something that was implemented eight years ago by a government of his persuasion. Such is the level of nonsense that has entered into this debate. On the issue of sponsorship in sport I should say that a great deal of interest was shown by the hard-working people in the sports unit of the department, which comes under the direction of Alan Laughlan, the assistant director-general of the metropolitan south-east region. Mr Laughlan is a fine and wonderful educator. He has responsibility for the sports unit, which is headed by another wonderful person, a former Olympian, Helen Brownlee, who has done a magnificent job in the Department of School Education and has given great support to the twinning program and the Olympic movement.

I, for one, take a dim view of the slurs implicit in the question asked by the honourable member - slurs hurled at people of honour and integrity such as Alan Laughlan and Helen Brownlee. Those two

people and others have spoken to me about their dreams and aspirations for the enhancement of school sport in New South Wales. They acknowledge the huge commitment the department has to schools, through mandatory physical exercise and sports programs, and the proud tradition of the department.

**The Hon. P. F. O'Grady:** Not one dollar goes to the schools.

**The Hon. VIRGINIA CHADWICK:** It is State taxpayers' money that goes to our schools for the mandatory physical exercise program and the mandatory sport program. Unlike in most other States of Australia, those programs are mandatory in

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New South Wales right up until the end of year 10. This State has a wonderful history of organised sporting programs through the Combined High Schools Association and the Primary Schools Sporting Association, which go back over many decades. Already a huge financial and resource commitment was being made by the Department of School Education and the taxpayers.

*[Interruption]*

I thank the Hon. R. T. M. Bull for his timely interjection. Clearly the insults hurled at school sport generally by the Hon. Ros Kelly demonstrate that she does not understand this matter. Though I cannot recall every single detail about sponsorship, as it was so long ago, I know that approaches were made to a number of organisations in an endeavour to seek sponsorship for the enhancement of school sport. The reason I know of the widespread search for people to assist with the program is that one of the organisations that showed early interest was a government statutory authority. I was asked to lend my support to bring that sponsorship to fruition, but I was unsuccessful. I can say with some surety that I do know there was a wide search. The details of that I do not know, but I will find out. However, there are a couple of issues relating to the McDonald's sponsorship that are important to note. The director-general of my department and I scrutinised the sponsorship offer that was first made. There was no school involvement in this; it was a statewide initiative organised by the department.

**The Hon. P. F. O'Grady:** That is right, because none of the schools are getting any money.

**The Hon. VIRGINIA CHADWICK:** The schools do not get the money. Statewide schools sport gets the money. Parents benefit by no longer having to pick up the transport costs of bringing their kids from the Far West to participate in regional statewide programs. Children from poor families now receive sweat shirts, and extra statewide competitions have been initiated. Newspaper columns publish results of school sport and these are of huge interest to the students.

**The Hon. P. F. O'Grady:** And at huge cost.

**The Hon. VIRGINIA CHADWICK:** They would have been huge costs, which is why we did not do it before. Those costs are now picked up. The weekly radio program promoting school sport would not have been possible but for this sponsorship, and I am very grateful for it.

**The Hon. P. F. O'Grady:** So you have sold your soul for \$800,000 over three years. You have not even followed the tender guidelines which your Government set down.

**The Hon. VIRGINIA CHADWICK:** It is perfectly clear that the Hon. P. F. O'Grady and those who join the chorus opposite have never worked on school parents and citizens associations, have never made lamingtons and cakes and have never served on stalls to raise a few dollars to enhance programs in their schools. When I have sought a reason for the anxiety about McDonald's being a sponsor, the closest I came to the root cause of the concern was when someone said to me, "It isn't actually to do with hamburgers; it is to do with culinary imperialism". If we can help New South Wales children with dollars for school sport rather than them having to put their hands in their pockets -

**The PRESIDENT:** Order! I cannot hear the answer.

**The Hon. VIRGINIA CHADWICK:** If we can adopt a commonsense approach to help children to be involved in school sport and to reduce costs for families who cannot afford an expensive level of involvement, I will accept that. I reject the ideological, ridiculous notion of culinary imperialism.

**The Hon. J. P. HANNAFORD:** In view of the time, I suggest that if members have further questions they put them on notice.

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## **ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION) AMENDMENT BILL**

### **Suspension of Standing and Sessional Orders**

**The Hon. ELISABETH KIRKBY** [5.3]: Pursuant to contingent notice, I move:

That so much of the Standing and Sessional Orders be suspended as would preclude a motion being moved forthwith that General Business Order of the Day No. 3, relating to the restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill, be called on forthwith.

If honourable members are not aware by now that because of the archaic standing orders of our House it is now necessary for me to move this contingent notice of motion once again, I suggest that they read the standing orders or, if they wish further advice, that they discuss the matter with the Clerk. I realise it may appear to be ridiculous but this procedure is necessary under the standing orders of this House. As I pointed out in my earlier remarks, I am attempting to have the Anti-Discrimination (Homosexual Vilification) Amendment Bill, which was introduced in another place by the honourable member for Bligh and passed there, restored to our notice paper. I made it quite clear in the earlier debate on this motion that it was not my intention to delay Government business any more than is necessary to achieve restoration.

I support the foreshadowed amendment of the Hon. E. P. Pickering that if it is the wish of the House that the bill be restored, I will be perfectly happy for debate to be adjourned until 16th November. This will permit further discussions with the clergy of New South Wales and further discussion with Parliamentary Counsel about the wording of an amendment that will meet the needs of the religious leaders of the community. As has been pointed out, many of those leaders have already explained that

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with a certain amendment they would be very willing to support the legislation introduced in another place by the honourable member for Bligh.

I find it extremely strange that I should be castigated for taking over Government business with a private member's matter. Apparently in this case there is one rule for the Government and another rule for members on the crossbenches. On today's list of speakers, in addition to budget debate, committee estimates and two other pieces of legislation, a private member's bill, the Glenreagh to Dorrigo Railway (Closure) Bill is to be introduced. Apparently if a private member's bill is introduced by a Government member it becomes Government business in this House; but when it is introduced by an Independent member, it does not. It seems to me very unfair to suggest that I am trying to hijack the business of the House with a private member's bill. That is not the case. As has been made crystal clear, I am trying to get the bill restored.

**The Hon. Franca Arena:** I would like to be discussing the cleaners' bill at least; the 7,500 jobs of cleaners -

**The Hon. ELISABETH KIRKBY:** As the Hon. Franca Arena has just pointed out, when it suited the Government to deny an Opposition private member's bill to safeguard the position of Government cleaners, not only was the Government in this House going to oppose it, but we were not even allowed to debate it. We were not even given the opportunity to put on record our views or divide on the matter, even if a division would have been lost on the numbers. That is a total denigration of the role of this House. I beg honourable members to support my motion, knowing full well that if the amendment of the Hon. E. P. Pickering is carried, no further debate on this matter will take place until 16th November. I will support his amendment when it is moved. This is in line with the promise and undertaking given by the Hon. E. P. Pickering and me to leaders of the gay and lesbian community and to church leaders that we would ensure that the bill was fully debated before the House rose for the Christmas recess.

This is necessary because of the broken promises of the Government. At the 1992 election rally the Attorney General promised the gay and lesbian community that he would introduce amendments to the Anti-Discrimination Act in relation to homosexual vilification. He repeated that promise earlier this year. He also repeated that promise to me early in this session. However, we now know that there is no possibility of his legislation being introduced in this session of Parliament, and I believe that the Government has no intention of introducing it in 1994. For that reason I will continue to fight for the restoration of this bill, and I ask for the support of the House.

**Reverend the Hon. F. J. NILE** [5.10]: This suspension motion would allow the Hon. Elisabeth Kirkby to move her substantive motion, which is:

That:

- (1) the Anti-Discrimination (Homosexual Vilification) Amendment Bill be restored to the Business Paper;
- (2) so much of the Standing and Sessional Orders be suspended as would preclude the passing of the Bill through all its remaining stages during the present or any one sitting of the House;
- (3) consideration of the Bill take precedence of all other Government and General Business until concluded; and
- (4) the Anti-Discrimination (Homosexual Vilification) Amendment Bill be read a second time forthwith.

Some emphasis has been made by the Hon. Elisabeth Kirkby and the Leader of the Opposition on the fact that the bill was passed in the other place. It is relevant to look closely at what happened in the other place because it has a bearing on whether this bill has the same merit as other bills that come into this House from the other place. If it does not have that merit, that would certainly undermine the argument for urgency that has been presented in this Chamber. The bill was a private member's bill moved on 13th May in the other place by Ms Clover Moore. At page 2045 of *Hansard* the following motion was moved:

That so much of the standing and sessional orders be suspended as would preclude consideration forthwith of Order of the Day No. 9 of General Business (for Bills).

That allowed Ms Moore to move her motion to debate the Anti-Discrimination (Homosexual Vilification) Amendment Bill. The standing and sessional orders were suspended in the other place by a vote of 50 to 46, with Mr Harrison and Mr Glachan paired.

**The Hon. Elisabeth Kirkby:** On a point of order. Standing Order 76 states that no member shall quote any debate in either House of the same session upon a question or bill not being then under discussion, except by the indulgence of the House. It appears to me that Reverend the Hon. F. J. Nile is about to quote extensively from *Hansard*. That procedure is against the spirit of Standing Order 76.

**Reverend the Hon. F. J. Nile:** On the point of order. The Hon. Elisabeth Kirkby and the Leader of the Opposition both introduced the debate in the other place into their speeches. I am simply responding to those statements. I do not intend to quote extensively from *Hansard*. My point was to refer to the actual voting that took place in the other place. I believe that has a relevance to this motion.

**The Hon. Elisabeth Kirkby:** Further to the point of order. The Leader of the Opposition and I referred to the bill having been passed in the other place. We did not quote from the debate in the other place. Reverend the Hon. F. J. Nile has already opened *Hansard* and was preparing to, and in fact has started to, quote from the debate in the other place. I contend that that is against Standing Order 76.

**The Hon. Judith Walker:** On the point of order. It is my clear understanding that no member is allowed to reflect on the vote of another House.

**The Hon. J. F. Ryan:** He was not reflecting.

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**The Hon. Judith Walker:** He was. They were his own words.

**Reverend the Hon. F. J. Nile:** Further to the point of order. The Hon. Elisabeth Kirkby has forgotten her own speech. I made notes as she was speaking. She made detailed reference to the voting manner in the other place. She made strong reference to the fact that Government members had abstained from the vote. I am simply taking up that point to emphasise it. The Hon. Elisabeth Kirkby introduced the point and I am simply expanding it. I do not intend to quote speeches made by members in the other place.

**The Hon. P. F. O'Grady:** On a point of order. We are debating a procedural motion which seeks to bring on a bill; it has no relevance to debate which occurred in the other place. I urge you to direct the speaker to confine his remarks to the motion before us, which states:

That so much of Standing and Sessional Orders be suspended as would preclude a motion being moved forthwith that the . . . Order of the Day . . . relating to the restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill, be called on forthwith.

I urge you, Madam Deputy-President, to direct the speaker to speak to the motion before the House and to not debate other substantive issues.

**The DEPUTY-PRESIDENT (The Hon. Dr Marlene Goldsmith):** Order! The Hon. P. F. O'Grady is taking a separate point of order. I will deal first with the Hon. Elisabeth Kirkby's point of order. Standing Order 76 provides that no member shall quote any debate of either House in the same session upon a question or bill not being then under discussion, except by the indulgence of the House for personal explanation. Under that standing order Reverend the Hon. F. J. Nile may refer to the debate in the other House on the bill which the Hon. Elisabeth Kirkby is seeking to have restored to this House. As to any other bill, even on a related issue, Reverend the Hon. F. J. Nile should be aware of that standing order. Though the standing order does not apply to voting procedures, provided that Reverend the Hon. F. J. Nile does not quote the debate per se, he may make reference to voting procedures. Does the Hon. P. F. O'Grady wish to proceed with his point of order?

**The Hon. P. F. O'Grady:** Yes.

**Reverend the Hon. F. J. Nile:** On the point of order. I accept that the Hon. P. F. O'Grady is quoting the standing order. The President has already ruled that it is the practice of this House that members have the right to rebut arguments introduced into the debate by other speakers. If the Hon. P.

F. O'Grady or any other member did not want these matters raised, they should not have introduced them into the argument. They were introduced by the mover and I believe it is the right of the members of this House to respond to those arguments and, if possible, as I am endeavouring to do, to rebut them.

**The Hon. P. F. O'Grady:** Further to the point of order. The speaker previously referred to the speech of the Leader of the Opposition. The Leader of the Opposition has not spoken in this debate. He spoke in a previous debate. I urge you, Madam Deputy-President, to direct the speaker to speak only to the motion before the House and to not deal with other issues.

**The DEPUTY-PRESIDENT:** Order! I refer honourable members to the rulings of the President earlier today on this matter. Reverend the Hon. F. J. Nile must adhere to the rulings of the President on this issue.

**Reverend the Hon. F. J. NILE:** The vote was 50 to 46 on that motion. However, the critical vote, about which there has been an attempt to give credibility, was the motion that the bill be read a second time. Page 2050 of *Hansard* of 13th May, 1993, shows that there were 49 ayes and 17 noes. The point I make is that any member who can add will quickly realise that the Government abstained from that vote. For that reason I believe that this bill moved by Ms Moore in the other place is flawed, and should not be treated with urgency by this House. It has not come to this House with the full weight of the other place. Rather, Cabinet and the Premier, for reasons which we understand, abstained from voting on it. I have correspondence to the effect - and I assume that the Hon. Paul O'Grady would support this statement - that the Australian Labor Party totally supports Ms Moore's bill. A number of members in the other place, and a number of Opposition members in this place, have indicated that they do not totally support the bill - all the more so because *Hansard* shows that Mr Clough, the honourable member for Bathurst in another place, voted for the bill in the other place, when in fact he was not present in the Chamber.

**The Hon. Elisabeth Kirkby:** On a point of order. Standing Order 78 provides:

No Member shall reflect upon any vote of the House, except for the purpose of moving that such vote be rescinded.

Reverend the Hon. F. J. Nile is surely reflecting on the vote on this bill in the other place. He is not just quoting the numbers who voted; he is reflecting on the vote. I ask that under Standing Order 78 he be directed to desist.

**The Hon. Judith Walker:** On the point of order. In a previous point of order, which you totally overlooked or did not understand, Madam Deputy-President, I, similarly to the Hon. Elisabeth Kirkby, entreated you to closely consider Standing Order 78.

**The DEPUTY-PRESIDENT:** Order! The Hon. Judith Walker should be careful about reflecting on the Chair.

**Reverend the Hon. F. J. Nile:** On the point of order. I wish to make very clear that I did not in any way, impliedly or otherwise, reflect on the vote of the other place. I simply made the point that the Page 3565

Government had abstained from voting, and that that makes this an exceptional piece of legislation. I was not reflecting on the vote of the other place; I was simply stating a fact which, I would say, is without precedent. I would be interested if any member could suggest any bill upon which a government, be it a Labor or Liberal Party-National Party Government, had abstained from a vote in the lower House so that the bill would come to this House. I was simply making that historical point; I was not reflecting on the other place. I have never done that in the time that I have been a member of this House. However, I repeat that page 2050 of *Hansard* shows that Mr Clough, a Labor member, took part in the vote, although he was absent from the House.

**The Hon. Judith Walker:** Further to the point of order. Might I ask, Madam Deputy-President, what you meant by my reflecting on the Chair. I simply entreated the Chair to consider Standing Order 78 and support the point of order taken by the Hon. Elisabeth Kirkby; I was not disrespectful of the Chair in any way. I object to your suggesting otherwise.

**The DEPUTY-PRESIDENT (The Hon. Dr Marlene Goldsmith):** Order! I accept that the Hon. Judith Walker had no intention of reflecting upon the Chair, and in that spirit I am delighted to withdraw my comments. With regard to the point of order, the difficulty is that the word "reflect" in the standing orders has a wide range of meanings, both connotative and denotative. It seems that the point of order centres on the interpretation of that word. I suggest to Reverend the Hon. F. J. Nile that he is close to transgressing some of the meanings of the word, and ask him to be careful, when referring to votes taken in the other place, not to make connotative implications against those votes.

**Reverend the Hon. F. J. NILE:** It was certainly not my intention to reflect, in any of the meanings of that word, on the other House. It is important to note the role of the Government in this matter, because under the Westminster system a great deal of weight is placed upon governments who receive the mandate of the people and are elected. It is quite possible, of course, for a government to be defeated on a motion in the other place, but it is very unusual for a government to abstain from a vote. As a member of this House of review, and although my position is very clear, I would argue that this House must be in some doubt about the attitude of the Government to this legislation because of that unusual vote in the other place. The Government adopted a certain approach to that vote, as we know, because it was planning related legislation.

The Hon. Elisabeth Kirkby accused me of holding the Government to ransom - and she placed a great deal of emphasis on the word "ransom". As the Government has said, the original bill was a draft that was to be made available to the public for community consultation or feedback. Members of the Government would know better than I or the Opposition that that draft had never been adopted in the party room, that it had never been voted upon. I acknowledge that I have lobbied against that bill, but from information that has been published we are aware that the Government joint party room, by a majority vote, withdrew its homosexual vilification legislation. It would be different if the party room had voted for the legislation, but for whatever reason it decided not to proceed. It is not a matter of my holding the Government to ransom.

**The Hon. P. F. O'Grady:** On a point of order. I refer again to Standing Order 81, which provides:

No Member shall digress from the subject matter of any Question under discussion;

I submit that Reverend the Hon. F. J. Nile, yet again, is not containing his remarks to the motion. I ask that he be directed to confine his comments to it.

**The Hon. Virginia Chadwick:** On the point of order. The honourable member really is toying with the House. You, Mr President, ruled on this matter earlier. The Hon. Dr Marlene Goldsmith, when occupying the Chair, adopted your comments when she ruled on a similar point of order. There has been considerable debate this afternoon about the right that is exercised, and has been exercised, in this Chamber for as long as any of us have been members of it. When an assertion is made in the course of debate, a member who wishes to rebut that assertion has the right to do so. As I say, you ruled on this matter earlier and it has been raised so many times that I suggest that Hon. P. F. O'Grady is simply toying with the House.

**The Hon. P. F. O'Grady:** Further to the point of order. It is not a question of toying with the time of this House; it is a question of the House dealing with the matter before it. I submit that the House is not dealing with the matter before it because the House has before it a motion, which I have read several times, that relates, in effect, to the bringing back of a bill. The member who has spoken in this Chamber for the past 10 minutes or so on this issue has not dealt with any matter relating to the motion that we

have before us, but other matters. I ask you, Mr President, to bring the member to the matter that is before the House and direct him to stop toying with the House.

**The PRESIDENT:** Order! I have heard enough. At this stage I do not believe that there is a transgression of the standing orders. Enough has been said to remind Reverend the Hon. F. J. Nile of his obligations.

**Reverend the Hon. F. J. NILE:** As the Leader of the Government indicated, I believe I would not be fulfilling my duties if I did not respond to charges made against me in the course of the mover moving the motion as a basis for it being a matter of urgency. I believe, therefore, that this matter is relevant. One can say, and I am saying, that the Government in its decision on this particular issue has followed the correct procedures. My attitude and the attitude of Call to Australia is not one that held the Government

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to ransom. Therefore, there is no requirement for this complex procedure to bring on a private member's motion on a Government business day.

This urgency motion also pre-empts the decision of the Government that the Government's legislation, with or without any evaluating of it, was to be referred to the New South Wales Law Reform Commission to conduct an inquiry. That inquiry would cover the ground to which this motion relates in bringing on this particular piece of legislation as a matter of urgency. It will pre-empt an inquiry which, I understand, is under way into the whole issue of violence in our society, particularly against homosexuals. Therefore, that negates the argument that this is a matter of urgency. If nothing was happening, if there was great neglect on the part of this House or on the part of the Government, if the matter was shelved and was not going to be dealt with at all, that would give some validity to the argument by the Hon. Elisabeth Kirkby, but that is not the case. We also know that the Government party room - again, independent of any action of mine - voted to oppose the Clover Moore homosexual anti-vilification bill if an attempt was made to reintroduce it.

In his contribution to the debate the Hon. E. P. Pickering made a big issue of the word "promise". A promise had been made by the Attorney General. This so-called promise was conditional on community consultation and would then be conditional on a decision by the party room. In other words it was not a promise in the dictionary definition of a promise, saying that this particular bill would be passed through the House with these particular terms and requirements. I believe the Hon. E. P. Pickering is mistaken in his support for this urgency motion. He cited the tragedy of a broken promise to justify the bringing on of this urgency motion, stepping on the Government's legislative program and bringing on a private member's bill. That is misreading the situation and does not justify the motion in attempting to treat this as a matter of urgency. He was using a moral argument to justify his position in moving from the Government benches to the Opposition benches, as he has done already on one of the votes. I am very concerned about the word "promise" as the Hon. E. P. Pickering has introduced it. Call to Australia has also had promises made to it.

**The Hon. Elisabeth Kirkby:** On a point of order. I refer to Standing Order 81 which states that no member shall digress from the subject-matter of any question under discussion. The matter under discussion is the contingent notice of motion I moved after question time. The Hon. E. P. Pickering has not spoken since then, and he is not even in the Chamber. Reverend the Hon. F. J. Nile is referring to a statement made by the Hon. E. P. Pickering earlier this afternoon, but it is not the subject of the question under discussion. Therefore, I believe that Standing Order 81 applies. I should like your ruling, Mr President.

**The PRESIDENT:** Order! The statement by the Hon. E. P. Pickering as to why he has taken action in relation to this matter on two occasions is public knowledge and part of the public record. As it is a matter of public record, I believe it is quite in order for the honourable member to rebut that as a reason put forward for the motion.



**Reverend the Hon. F. J. NILE:** I wish only to make this brief reference to the word "promise". The honourable member is now in the Chamber. I assume he heard my interpretation of the word "promise" on which he had placed great emphasis. The urgency of this particular matter will prevent debate of Government legislation and of the private member's bill I have introduced, the Public Hospitals (Conscientious Objection) Bill, which the Government indicated through the Premier it would support not simply as an agreement but because of Call to Australia's support for the Government's industrial legislation. Call to Australia did not support the well-justified amendments moved on that occasion by the Hon. J. R. Johnson. It took the Government's word, the Premier's word, as binding on all members of the Government.

The Hon. E. P. Pickering should examine the meaning of promise in a wider context than that in which he addressed it in this urgency motion. His actions blocked the introduction of debate on the Public Hospitals (Conscientious Objection) Bill, defeated Call to Australia's motion and supported the Clover Moore homosexual bill introduced here by the Hon. Elisabeth Kirkby. The second promise, one which has been referred to in this House, was that the Government would not proceed with its homosexual anti-vilification legislation, but would refer it to the Law Reform Commission, nor would it support the Clover Moore homosexual anti-vilification legislation. Call to Australia assumed that those promises by the Government had some validity in this Chamber, but now we have the urgency motion moved by the Hon. Elisabeth Kirkby. This raises the question of whether, when assurances are given by the current Government, I or any other member of this House who is concerned with a particular issue would have to inquire of each Government member whether they supported the Premier's, or the Government's, promise. That is a serious development. The Hon. E. P. Pickering, by his actions, has brought the whole process into question. It is difficult to deal with matters when one believes that one has certain understandings and that those understandings are supported by members of the Government, only to find that the Hon. E. P. Pickering, by his actions in this House, does not support them.

Another point made by the Hon. Elisabeth Kirkby and other speakers in this debate is that the urgency motion we are discussing has nothing to do with free speech, that it will not infringe free speech. The Hon. Elisabeth Kirkby listed a number of organisations that have strong views on this question of free speech. She referred to the Civil Liberties Council and the Free Speech Committee, but a number of other organisations also have expressed their views. The honourable member did not make it clear that these organisations are totally opposed to this bill and, by implication, to any attempt to bring

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it on as an urgent matter. They believe - and I agree with them - that, if this urgency motion is carried, debate proceeds and the bill is passed, it would gag free speech.

Ms Clover Moore, who introduced the bill in the other place, referred to "gagging Fred Nile and Bruce Ruxton". That was the purpose of the legislation. Even if the legislation does not operate against an individual, it could lead to self censorship. I thought the left-wing members of the Labor Party would have been concerned about a tendency towards political censorship on an emotive issue. They should be concerned also about the introduction of 1984 Orwell-type thought police in this State. As this urgency motion has been moved it would be reasonable for us to assume that there is already similar legislation in other countries. I can find no such precedent in any other nation.

**The Hon. P. F. O'Grady:** On a point of order. Reverend the Hon. F. J. Nile is now talking about legislation in other parts of the world. Mr President, I ask you to instruct Reverend the Hon. F. J. Nile to return to the motion. He has not done so and it is now 5.40 p.m. I ask you to uphold the point of order. Reverend the Hon. F. J. Nile should abide by the rules of this House.

**The PRESIDENT:** Order! I urge Reverend the Hon. F. J. Nile to relate his argument to why standing and sessional orders should not be suspended.

**Reverend the Hon. F. J. NILE:** I was making the point that there is no legislative precedent for such a proposition in any other country. How can it be urgent in our society when all other nations have survived without it? If every other nation had legislation such as this and we did not, we could argue that this matter was urgent. It could be said that we were neglectful, that we were behind the times if, for example, America and New Zealand had legislation such as this. So far as I am aware, no other country has such legislation. The Hon. Elisabeth Kirkby referred to biblical teaching on this matter. She said, as part of her argument, that this matter should be regarded as urgent, and little has been said biblically about it. In a throwaway line she said that only six references had been made -

**The Hon. Elisabeth Kirkby:** On a point of order. I again refer to Standing Order 81 which states, "No member shall digress from the subject-matter of any question under discussion". Since the end of question time the matter that has been under discussion has been my contingent notice of motion. I did not make such a remark after question time. Reverend the Hon. F. J. Nile is referring to a remark I made before question time.

**The PRESIDENT:** Order! I do not need to be constantly reminded of the text of Standing Order 81. I ask Reverend the Hon. F. J. Nile to restrict his remarks to why standing and sessional orders should not be suspended.

**Reverend the Hon. F. J. NILE:** If the *Hansard* record is checked I am sure we would find that the Hon. Elisabeth Kirkby said, "I will not repeat my remarks". Because we had heard her arguments earlier she proceeded in the way she did to save the time of the House. It is obvious to me and to other honourable members that the Hon. Elisabeth Kirkby linked her earlier speech with the speech she made in introducing this motion. She should not have made any reference -

**The Hon. P. F. O'Grady:** Are you flouting the President's ruling?

**Reverend the Hon. F. J. NILE:** I am not; I agree with it. I am just saying that the Hon. Elisabeth Kirkby referred in her statement to remarks she had made earlier.

**The Hon. P. F. O'Grady:** It is called filibustering.

**Reverend the Hon. F. J. NILE:** I learnt that from you.

**The Hon. P. F. O'Grady:** You say that I have filibustered?

**Reverend the Hon. F. J. NILE:** You have, regularly. The Hon. Elisabeth Kirkby, with that throwaway line, made only a few references. I could take the time of the House - I have done so on other occasions - to indicate that the Hon. Elisabeth Kirkby did not make just a passing reference to the issue of homosexuality. Though she did not quote the biblical references, she said that there had been only six brief references to this matter. I draw to the attention of honourable members the detailed explanation in Genesis, chapter 19, which refers to the offence of sodomy which occurred in the city of Sodom. This is not a passing reference. This matter is referred to frequently throughout the Old Testament and the New Testament. Christ referred on a number of occasions to what happened to the people of Sodom, so that his listeners would have no doubt. Men rejected sex with the daughters and wished to have sex with other men.

**The Hon. P. F. O'Grady:** On a point of order. Reverend the Hon. F. J. Nile is now discussing the Bible.

**The PRESIDENT:** Order! Is the Hon. P. F. O'Grady again calling on Standing Order 81?

**The Hon. P. F. O'Grady:** Yes, once again.

**The PRESIDENT:** Order! The honourable member need not burden me with argument. If Reverend the Hon. F. J. Nile is to proceed with this line of argument, I ask him to indicate clearly to the House how this bears on the question of why standing and sessional orders should not be suspended.

**Reverend the Hon. F. J. NILE:** As I said earlier, I am endeavouring to rebut the remarks of the Hon. Elisabeth Kirkby, the mover of this motion.

**The Hon. R. S. L. Jones:** Are you quoting fairytales?

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**Reverend the Hon. F. J. NILE:** She is supported by the Hon. R. S. L. Jones, who has interjected on two occasions to say that what I am reading from the Bible is fairytales. That clearly indicates his attitude.

**The PRESIDENT:** Order! The debate will go on ad nauseam if the Hon. R. S. L. Jones continues to interject. I will have no alternative but to ask him to stop.

**Reverend the Hon. F. J. NILE:** Christians do not regard the Bible as fairytales. The recent statement on homosexuality issued by Pope John Paul II would confirm that. The Hon. Elisabeth Kirkby, when alluding earlier to brief references, said there was nothing relevant in the biblical area. As I have said, this matter is dealt with in Genesis, chapter 19; Leviticus, chapter 20, verse 13; Romans, chapter 1; 2 Peter, chapter 2; and Jude, chapter 1, verse 7. The meaning of those chapters is very clear. No honourable member would be in any doubt as to their meaning. I do not think that the arguments presented by the Hon. Elisabeth Kirkby have been supported by any member of this House. She has not made out a case for urgency. She has not shown why standing orders should be suspended. I will be calling for a division. I hope that the majority of members in this House will follow their consciences and reject the attempt by the Hon. Elisabeth Kirkby to impose her timetable on this sovereign House of Parliament.

**The Hon. ELISABETH KIRKBY [5.49], in reply:** I believe I have established urgency because the Government, for whatever reason, has delayed introducing its own legislation. We have no means of knowing when the Government intends to introduce legislation dealing with this matter. The Attorney General has said that the matter will be referred to the Law Reform Commission. He gave me an undertaking that it will be referred, as a matter of urgency, and he put an early date on its report. However, I have no way of verifying that an early date has been set, and I have no doubt that it is now the Government's intention to delay indefinitely homosexual anti-vilification amendments to the Anti-Discrimination Act. During that time I believe there will be continuing violence. That is why the matter is urgent.

Previously when I have discussed the attitude of some members of the community towards the homosexual community and have referred to offensive car stickers which read, "Stop AIDS - kill a poofter", Reverend the Hon. F. J. Nile said he had never seen any such stickers; he does not believe they exist. I suggest that honourable members obtain the August-September 1993 issue of an offensive magazine, *Lock, Stock and Barrel*, in which such stickers are available for 50¢ each. In fact, the publishers of this magazine suggest, "Stickers - 50 cents each. At this price get one of each and stick 'em everywhere."

**Reverend the Hon. F. J. Nile:** In what country is that available?

**The Hon. ELISABETH KIRKBY:** It is a gun magazine, which is available in Australia, in Sydney.

**Reverend the Hon. F. J. Nile:** Where are they stuck? I have never seen one displayed, neither has any other intelligent person in -

**The PRESIDENT:** Order! The Hon. Elisabeth Kirkby has the call.

**The Hon. ELISABETH KIRKBY:** Two of these stickers are printed as follows: "Gay rights? Under God's law the only 'rights' gays have is the right to die." The other is, "Register poofters - not guns - before they kill us all." These stickers are grossly offensive but they are for sale to anyone who reads this magazine. This extreme right-wing magazine preaches what I believe in many cases to be sedition and it also preaches the free and absolute ownership of as many guns as anyone in the community may wish to have. By writing to Queensland, stickers can be obtained for 50¢ each.

**Reverend the Hon. F. J. Nile:** On a point of order. Standing Order 81 states:

No Member shall digress from the subject matter of any Question under discussion; and all imputations of improper motives, and all personal reflections on Members shall be deemed disorderly.

The Hon. Elisabeth Kirkby has made an allegation that I did not see the sticker, and the sticker she referred to in her original speech was something along the lines of, "Kill a homosexual for Christ". That is almost word for word -

**The Hon. Elisabeth Kirkby:** I have never used those words.

**Reverend the Hon. F. J. Nile:** When the Hon. Elisabeth Kirkby was talking about the sticker, she originally used those kinds of words. I have never seen a sticker like that.

**The Hon. Elisabeth Kirkby:** On the point of order. I am speaking in reply, therefore I believe I have a right to canvass matters that make me believe this matter is urgent. It is because such material is available in the community that I believe the matter is urgent.

**Reverend the Hon. F. J. Nile:** Further to the point of order. The honourable member has sought to make me comply with Standing Order 81, but all honourable members will be aware that I made no reference to car stickers or the wording of car stickers. The honourable member is now raising this in her response, so she is digressing and making personal reflections on me.

**The PRESIDENT:** Order! I am not personally aware whether Reverend the Hon. F. J. Nile has made reference to stickers during this debate, or indeed the previous debate. If it occurred it was  
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perhaps whilst I was out of the Chair. I do not believe that there is a transgression of Standing Order 81, but I ask the Hon. Elisabeth Kirkby to confine herself in reply to matters on the question of the suspension of standing and sessional orders.

**The Hon. ELISABETH KIRKBY:** In his remarks, Reverend the Hon. F. J. Nile talked at some length about what was described as the Attorney General's promise. He suggested that the Attorney General had not broken any promise to the gay and lesbian community. I would dispute that, because at a rally in November 1992 the Attorney General made it clear to the gay and lesbian community that the Government would introduce amendments to the Anti-Discrimination Act outlawing homosexual vilification. He repeated that undertaking - and to me an undertaking is the same as a promise, a solemn undertaking - when the honourable member for Bligh introduced her private member's bill in another place.

The Attorney General gave that undertaking to me when I indicated to him that I was going to sponsor in this House the private member's bill of the honourable member for Bligh. He said that was unnecessary because the Government was going to introduce its own legislation. That has not happened. I believe that 12 months - from November 1992 to October 1993 - is ample time for community consultation. In the last three weeks, when the House has not been sitting, there has been

ample time to discuss the matter with church leaders and to work on an amendment suitable to meet their needs. That undertaking was given in the presence of the honourable member for Bligh, the Hon. E. P. Pickering and members of the gay and lesbian community. So long as people believe it is socially acceptable to vilify, by whatever means, members of the gay and lesbian community -

**Reverend the Hon. F. J. Nile:** On a point of order. The Hon. Elisabeth Kirkby is now discussing the main purpose of the legislation, not the motion before the House, that is, to suspend standing and sessional orders.

**The PRESIDENT:** Order! It is not necessary for the Hon. Elisabeth Kirkby to speak to the point of order. If she can relate the matter she is referring to to the question of whether or not the standing and sessional orders should be suspended, she is in order; otherwise she is not.

**The Hon. ELISABETH KIRKBY:** I believe the standing and sessional orders should be suspended because this matter is urgent. The necessity for the amendments to the Anti-Discrimination Act is to protect members of the gay and lesbian community from continuing violence. This House can do that through these amendments. That must be done as a matter of urgency; it cannot be further delayed. I hope that the House will support the suspension of standing and sessional orders and that, in the division I am sure will now follow, it will support the motion before the House.

**Question - That standing and sessional orders be suspended - put.**

**The House divided.**

**Ayes, 20**

Mrs Arena	Mr Macdonald
Dr Burgmann	Mr Obeid
Ms Burnswoods	Mr Pickering
Mr Dyer	Mr Shaw
Mr Egan	Mrs Symonds
Mr Enderbury	Mr Vaughan
Mrs Isaksen	Mrs Walker
Mr Johnson	
Mr Kaldis	<i>Tellers,</i>
Miss Kirkby	Mr Jones
Mrs Kite	Mr O'Grady

**Noes, 19**

Mr Bull	Mr Mutch
Mrs Chadwick	Rev. F. J. Nile
Mr Coleman	Mr Ryan
Mrs Forsythe	Mr Samios
Miss Gardiner	Mrs Sham-Ho
Mr Gay	Mr Rowland Smith
Dr Goldsmith	Mr Webster
Mr Hannaford	<i>Tellers,</i>
Mr Jobling	Mrs Nile
Mr Moppett	Mr Pezzutti

**Pair**

Mr Manson	Mrs Evans
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**Question so resolved in the affirmative.**

**Motion for the suspension of standing and sessional orders agreed to.**

**Motion**

**The Hon. ELISABETH KIRKBY [6.5]:** I move:

That General Business Order of the Day No. 3, relating to the restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill, be called on forthwith.

I do not need to take up the time of the House to explain why I have to move this motion. It is to meet the requirements of the standing orders of this House. The matter has been debated at great length on a previous occasion and again today. It would not be proper for me to take up the time of the House any further and go into detailed debate. Once the bill is restored to the notice paper all honourable members will have the opportunity to debate it in detail and put forward their points of view. I have given an undertaking to the House that I will accept the amendment the Hon. E. P. Pickering foreshadowed earlier, to adjourn debate on the matter and to amend my motion so that further debate will not take place until 16th November. That will allow the Government to complete the budget debate, for

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honourable members to work on the estimates committees next week, and to debate any necessary urgent Government legislation.

The gay and lesbian community will have further opportunity to consult legal advisers and Parliamentary Counsel to devise a suitable amendment to meet the requirements of the Christian leaders of New South Wales. An opportunity will be given to ensure that the bill will have been widely discussed in the community and will have been suitably amended. I do not intend to take up the time of the House further. All honourable members know the position. The motion should be supported and the Hon. E. P. Pickering should be given the opportunity to move his amendment.

**Reverend the Hon. F. J. NILE [6.8]:** On behalf of the Call to Australia group I strongly oppose the motion for restoration moved by the Hon. Elisabeth Kirkby. All honourable members know that we have debated the bill, which originated in the other place - it having been introduced by the honourable member for Bligh. After considering the bill and all its requirements and implications the House voted and rejected the bill. We should not be going backwards and forwards after the matter has been resolved, and opening up debate on the issue again. When will it end? The support given by the Hon. E. P. Pickering means that the bill can be restored, and it appears that the motion will be passed. We never know until the actual vote takes place whether members will exercise their conscience in this House on a bill relating to homosexuals - a bill which is strongly opposed by the Christian churches of this State.

**The Hon. E. P. Pickering:** That is simply not true.

**Reverend the Hon. F. J. NILE:** It is true. The New South Wales Council of Churches speaks on behalf of the churches and it has opposed this bill.

**The Hon. Dr Meredith Burgmann:** The church does not support you.

**Reverend the Hon. F. J. NILE:** That is understandable.

**The PRESIDENT:** Order! I well appreciate that this is a matter that raises the emotions of some members, but I will not permit the debate to be pursued on the basis of interjection, cross-interjection and more interjection.

**Reverend the Hon. F. J. NILE:** I hold an approved position as an ordained minister of the Uniting Church, and it is clear to me from letters I have received from parishes and individuals that they support me very strongly.

**The Hon. P. F. O'Grady:** On a point of order. Under Standing Order 81 I ask that the honourable member be brought back to the motion.

**The PRESIDENT:** Order! I do not believe the honourable member has transgressed at this time, but I again remind him that he must relate his argument to the motion.

**Reverend the Hon. F. J. NILE:** It has been the practice of this House that members have a right to reply to interjections raised in the hearing of other members of the House and the media. I responded to the interjections, which means that they will appear in *Hansard*. If I do not rebut the interjections, it could be said that I accept them. I am sure even the Hon. P. F. O'Grady would not want me to appear to be dishonest in this debate by seeming to accept something that is not true. I have challenged the Uniting Church moderator to conduct a survey or a poll on this issue of Uniting Church parishes and members. On the basis of letters, statements and petitions I have received, I am confident that the majority of those surveyed will support me. I have a disagreement with the bureaucracy - and that is quite normal in many organisations these days.

This matter is not new. It was discussed extensively on Tuesday, 18th May, and appears in *Hansard* at page 2125. On Thursday, 20th May, votes were taken on the legislation and the matter was debated. This bill has received as much, if not more, examination and fair treatment than the average private member's bill. On 21st May the matter was further debated and voted on. I draw the attention of honourable members to page 2535 of *Hansard*. On that occasion 32 members voted with the ayes and two members of the Call to Australia group consistently opposed all the procedures to bring this bill on at that time. After extensive debate a motion was moved to have the bill read a second time. When the question was put the House divided. Of the 42 members of this Chamber, only 29 voted: 14 members voted with the ayes and 15 members voted with the noes. There were 12 pairs. The matter was resolved in the negative and the bill was defeated.

The Hon. Elisabeth Kirkby is trifling with the House by constantly seeking to tie up the time of this House on a bill that has been debated and defeated. There is no question of urgency to justify the restoration of this issue, particularly as the matter has been referred to the New South Wales Law Reform Commission. I am surprised that the Government did not take objection to statements by the Hon. Elisabeth Kirkby that reflected on the honesty and sincerity of the Attorney General. She said that she did not have much confidence that the procedure would be adopted or, if it were, that it would be adopted with any sincerity. That is not an objective view of this matter, but it suits her argument to imply improper motives to the Attorney General to justify her attempts to bring the bill on to be debated and, God forbid, passed at some future date. The Law Reform Commission may recommend that this approach is not appropriate, thereby provoking more violence against homosexuals. I contend that it will provoke more violence, despite the good intentions of the Hon. P. F. O'Grady and his friends. I hope I am wrong, but this approach is already dividing our society.

*[The President left the chair at 6.17 p.m. The House resumed at 8.30 p.m.]*

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**Reverend the Hon. F. J. NILE** [8.30]: Earlier I was speaking in opposition to this motion. I said that the bill did not warrant urgency and that this motion will interfere with some of the processes that have been put in place for the matter to be discussed and investigated in an inquiry by the Law Reform Commission. Whether I or other members of this House or the community agree with the Law Reform Commission's report or recommendations in due course will be something to consider at that time. The

process that has been set in place by the Government has been derailed by the attempt by the Hon. Elisabeth Kirkby to restore the bill and to have the original Clover Moore bill passed by this House, in spite of it not having been voted for or against by Government members in the other place. That is a process without precedent.

I said that churches were opposed to the bill. The Hon. E. P. Pickering interjected to say that that was not true. Official statements have been sent to me by various church bodies, particularly the New South Wales Council of Churches, in reference to Clover Moore's bill and not the proposed legislation of the Government. The council refers particularly to this matter and the motion to restore the bill. The letter to all members of both Houses of the New South Wales Parliament states:

Re: Anti-Discrimination (Homosexual Vilification) Amendment 1993.

The NSW Council of Churches has reviewed the proposed amendment to the Anti-Discrimination Act 1977 No. 48 and urges most strongly the Members of the NSW Parliament to act upon the resolution of the Council.

Resolved: "That this Council, whilst deploring violence or hatred towards any section of the community, urges the NSW Parliament to reject the Anti-Discrimination (Homosexual Vilification) Amendment Bill, 1993. The Council is concerned that the Bill represents an attack on freedom of expression and may enable homosexual lobby groups to threaten and harass individuals and others in the community who make public statements criticising homosexual behaviour on religious or ethical grounds."

I do not believe that the Hon. E. P. Pickering or anyone else could deny that that statement represents, as clear as day, the views of the Council of Churches, which represents the main denominations in this State. Those churches that are not members, such as the Assemblies of God, the Four Square churches, the Christian Outreach centres and a number of the newer pentecostal charismatic churches, are more strongly opposed and use stronger language than that used by the New South Wales Council of Churches. The Hon. R. S. L. Jones interjected that it appears only Christians are concerned about this proposed legislation and that other religious groups in this State are not, or in fact support it. I was pleased to receive a letter from the Islamic Council of New South Wales signed by its chairman, Ali Roude O.A.M., dated 9th September, 1993, which states:

Dear Rev. Hon. Fred Nile,

On behalf of the Muslim community of New South Wales, the Islamic Council congratulates you and the Call to Australia Group for the tenacity and determination you expressed against the recent push to include Homosexual Vilification as part of the Government's Anti-Discrimination (Amendment) Bill.

Your efforts were justly rewarded this week and there is no doubt that we like the majority of Australians feel highly appreciative of the part you played in the government's decision to drop the proposed inclusion.

May Allah bless you.

I know that the Australian Democrats claim to try to be in touch with the community, but on this issue they are well out of touch. The only community they seem to be representing is the homosexual and lesbian community. I know that the Hon. R. S. L. Jones has said a number of times in this House that he represents them, but the Australian Democrats have been inconsistent in this Chamber tonight. This may be the swan song of the Australian Democrats on this particular issue. They will not get any votes for it. That is the whole point: If they are doing it for votes, they will not get them.



Another interesting indication why yet again this motion should not receive the support of this House and should not have priority over all other legislation, both private and government, is that the many groups who are opposing it are outside the religious realm and are usually on the other side to me in many of these debates. One of these groups is the Free Speech Committee which, in a letter dated 21st June, wrote:

Dear Reverend Nile,

I am writing to advise you that the Free Speech Committee opposes both the existing and proposed vilification laws, and is in the process of developing a discussion paper in response to the Government's legislative package.

The Free Speech Committee is neither racist nor homophobic; we merely oppose restrictions on freedom of expression.

We are delighted to see such strong opposition to the Government's proposal from yourself.

I would be interested in seeking your input to the development of our campaign, and I would welcome any documents you may have in your possession which would help us.

If you need to speak to me, please ring me on ...

Yours sincerely,

Tony Katsigiannis  
President

As I said, normally we have some arguments with Mr Katsigiannis about trying to restrict pornography in this State, but in this issue there is a wide front, you might say, of Christian churches, non-Christian denominations or religions like the Muslims, and secular groups such as the Free Speech Committee and the Council of Civil Liberties. I notice that John Marsden, the president of the council, has spoken strongly in favour of this legislation, but the official council has opposed it. I am wondering why Mr John Marsden is not making it clear that his remarks are personal and do not represent the views of the council.

**The Hon. Elisabeth Kirkby:** He is the president.

**Reverend the Hon. F. J. NILE:** I know, but in speaking as the president he has given a false impression that he represents the council on this

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matter. He has not made that point clear. I have watched his interviews, and the clarification has not been made that he is speaking on a personal basis. The council has issued statements through its secretary that it is opposed to this legislation because it agrees with the point I have been making that it involves an attack on free speech. I was pleasantly surprised by an editorial in the *Sydney Morning Herald* on 1st September, which made some very good points. It is relevant to read it because of how the late Professor Hollows, as I have said on previous occasions, described the *Sydney Morning Herald*. Professor Hollows - whom all people would regard as a great humanitarian, a man who really cared for every section of society, particularly the underdogs, groups in Vietnam and Aboriginal people with whom he worked - also called the *Sydney Morning Herald* the "Sydney Morning Homosexual". So for that newspaper to come out with a very strong editorial whilst again trying to separate itself from my position -

**The Hon. Dr B. P. V. Pezzutti:** Fred Hollows never called it that.

**Reverend the Hon. F. J. NILE:** Yes he did, most publicly, and I have it on record, "The Sydney

Morning Homosexual".

**The Hon. Elisabeth Kirkby:** On a point of order. Under Standing Order 81 the honourable member should not digress from the subject of the motion. I believe that Reverend the Hon. F. J. Nile is digressing from the motion.

**The PRESIDENT:** Order! I have been well instructed on Standing Order 81. I draw the attention of Reverend the Hon. F. J. Nile to the motion, which is whether General Business Order of the Day No.3 should be called on forthwith. I ask the honourable member to confine his arguments to that motion.

**Reverend the Hon. F. J. NILE:** The point I am seeking to make is that it is not valid to argue that the bill should be called on as a matter of urgency. So many organisations which oppose the legislation need time to study it, to consider it and, if there are amendments, to give some thought to them as well. There should be time to allow further discussion among society because this is a most unique piece of legislation which is directed to a particular problem that is advanced against homosexuals. But the more that people study it - lawyers and the wider community - the more the whole issue comes down to free speech. In other words, we have two absolute contradictory positions: those who want the bill, who believe it will cause violence, and those who are opposed to the bill, who believe it interferes with free speech.

If ever there was a time when a bill should not be rammed through this Parliament, if ever there was a time when groups like the Law Reform Commission should conduct public inquiries into this whole issue, that time is now. It is accepted that homosexuals are being bashed - as it is called in the newspapers, so-called "gay bashing". No one is denying that that occurs. I do not deny that it has occurred. The question is how to deal with it; how to take action, if possible, through legislation. That is not always necessarily the way to go, but legislation could assist in reducing the degree of violence. Many people - and I accept the fact that they may be well-meaning - feel that this is the way to go. Many others feel that this is not the way to go, so that there may be some hollow victory for the Democrats and the Hon. P. F. O'Grady if the bill is finally adopted. But then we might find that there are many problems in the courts relating to free speech, harassment and so on, which many people believe will happen, and which I certainly believe will happen.

**The Hon. P. F. O'Grady:** On a point of order. I am reluctant to refer again to Standing Order 81, but I do feel that it is appropriate that the member be brought back to the motion.

**The PRESIDENT:** Order! The member has not sufficiently digressed yet. There is no point of order. He is getting close.

**Reverend the Hon. F. J. NILE:** As I was saying when I was interrupted by the Hon. P. F. O'Grady in his attempt to gag -

*[Interruption]*

**The PRESIDENT:** Order! Reverend the Hon. F. J. Nile does not need the advice of the Hon. P. F. O'Grady.

**Reverend the Hon. F. J. NILE:** Whether these complaints originate from the Hon. P. F. O'Grady I do not know; but I have recently received another letter threatening me and saying that I am guilty under this proposed bill.

**The Hon. P. F. O'Grady:** Fred, do you think I get people to threaten you? Is that what you are saying?

**Reverend the Hon. F. J. NILE:** Yes, I have just been threatened by a number -

**The Hon. P. F. O'Grady:** That is absolutely ludicrous.

**The PRESIDENT:** Order! I call the Hon. P. F. O'Grady to order.

**Reverend the Hon. F. J. NILE:** - of people active in this area who have said that in their opinion my remarks in public on this bill already bring me under the proposed powers of the bill. The person who wrote to me, who is a prominent homosexual spokesperson, said that because I quoted the Bible - and he selected the passage I quoted - as soon as the homosexual vilification legislation goes through I will be guilty of breaking it. I have had sufficient confirmation, through the original complaint laid by the Hon. P. F. O'Grady to the Anti-Discrimination Board and by this recent threat, to know how the supporters of this legislation intend to use it. This may be completely foreign to the Hon. Elisabeth Kirkby, but it certainly is in the minds of these people.

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I am concerned that once this legislation is passed - and she is trying to bring it on forthwith - all the machinery will be available for these people to use this legislation and for the Hon. Elisabeth Kirkby to say in this House, "I am sorry, Mr Nile. I never intended people to do this to you. I never intended it to work this way". She will not have an influence over the legislation and its implementation; it will be for the people in the community as to how they see the bill applying, and it will be for the Anti-Discrimination Board as to how it deals with complaints and so on. The Hon. Elisabeth Kirkby will be a spectator. The difference between her and me is that I and persons similar to me will be the persons against whom the complaints will be laid, and she will merely be a spectator.

**The Hon. Elisabeth Kirkby:** Not when the religious amendments have been included in the bill.

**Reverend the Hon. F. J. NILE:** There is no religious amendment. There is no question of amendments, and that is the whole point.

**The Hon. Elisabeth Kirkby:** There is the question of amendments, as you well know.

**Reverend the Hon. F. J. NILE:** Therefore the bill should not be rammed through the Parliament; the motion should not be moved forthwith. Time should be allowed for the committee to discuss it and assess what is the best process. The honourable member is foreshadowing some amendment that has never been mentioned in this Chamber. There is no amendment to this legislation. We are dealing with the motion to bring it on forthwith. I commend honourable members of the House and particularly the Hon. E. P. Pickering to study the editorial of 1st September, 1993, in the *Sydney Morning Herald* entitled "Free speech in unstable times":

. . . the Anti-Discrimination Act will enjoy public support to the extent that they strengthen existing sanctions against acts of discrimination. But to the extent the proposals attempt, in a new way, to outlaw words they are dangerous and do not deserve to survive.

Here we have the great champions of free speech and liberal attitudes, the Australian Democrats, moving a motion to bring this on forthwith, on a Government business day, breaking all the conventions - we normally deal with private members' business on a Thursday - and overriding the Government's agenda, as printed for today, with which all members were supplied. A strong statement was made by Frank Devine, former editor of *Reader's Digest*, in an article in the *Australian* on 6th September, 1993, entitled "Sinister spectre of censorship".

**The Hon. Judith Walker:** On a point of order. With reference to Standing Order 81, I really cannot understand the relevance of quoting Mr Frank Devine, editor of *Reader's Digest*, and fine editor that he might be.

**The PRESIDENT:** Order! I am sure that Reverend the Hon. F. J. Nile is about to direct us to that issue. I hope he does.

**Reverend the Hon. F. J. NILE:** The motion is an attempt to bring on this bill forthwith, though it has many serious implications that even this House needs time to consider, let alone the religious community, the non-religious community and the media. The media is deeply troubled about the effect this bill will have on its ability to report.

**The Hon. Elisabeth Kirkby:** Two members of the media are deeply troubled.

**Reverend the Hon. F. J. NILE:** The *Sydney Morning Herald*, the *Australian* and so on.

**The Hon. Elisabeth Kirkby:** One editorial by one editorial writer.

**Reverend the Hon. F. J. NILE:** I normally take an editorial as stating the position of the newspaper and representing more than just one editorial writer. I think the honourable member is a bit selective in her comments when it suits her. I believe the article written by Frank Devine makes the whole question of free speech clear. Free speech is something that is so important that I believe one of the roles of this Parliament is to allow free speech in the community and freedom of expression. For us to be harassed, as we are with this motion, is to be condemned. The article by Frank Devine states:

Despite Moore's astonishing lack of discretion, her Bill passed in the Lower House, with the Labor Opposition and three other Independents voting in support of it. Many Coalition members, including the entire Cabinet, abstained. The bill was stopped in the Upper House by 15 votes to 14, Fred Nile and his wife, also a member, providing the pivotal dissent.

Moore's gun-jumping and Nile's Horatius-like defence seem to have slowed the momentum of the Government's anti-vilification Bill, with some Coalition backbenchers demanding a conscience rather than party vote, and some members of both main political groupings declaring their resistance to it.

The Bill's cause has not been helped by a trivial but expansively irritating act of trendy overreach. The wording of the Moore version has been altered to specify that vilification is forbidden of people engaging in "male and female homosexuality", instead of just "homosexuality". *Que?*, as Manuel, the *Fawlty Towers* waiter, says when things get too deep for him. What other kind of homosexuality is there? Feminist assertion seems to have hit no paydirt in this instance.

Now it has gone under the spotlight, the homosexuality section of the Bill is also seen to be laced with attempts at advancement by stealth of the kind and ubiquity that have caused the most tolerant and kindly disposed of men and women to grow weary of the homosexual lobby.

The most pernicious attempt at trickery poses as a "definition" of what it means to vilify a homosexual by reference to an associate or relative.

I will not take that any further, but I believe that point is very clear. Again, for the benefit of the Hon. E. P. Pickering, who is not even in the Chamber, the most recent letter I received was signed by the Archbishop of Sydney, the Most Reverend R. H. Goodhew, who said:

The Standing Committee of the Synod of the Diocese of Sydney has requested that I advise that it is unable to support either of the bills in their present form.

Moore bill. That is a quote from the official letter from the Sydney diocese representing one million Anglicans in the diocese.

**The Hon. Elisabeth Kirkby:** It is as representative of the Anglican church as the Pope has been representative recently of the Catholic church.

**Reverend the Hon. F. J. NILE:** He is speaking on behalf of the Synod of the diocese; they are not his views. He is stating the views of the church through its bodies who have discussed these issues through the standing committee. I have received a number of letters from Liberal Party branches and one, in particular, from the Terry Hills branch -

**The Hon. E. P. Pickering:** You have not received one from my branch.

**Reverend the Hon. F. J. NILE:** I would be interested to know whether the honourable member could give me the names of any branches that support the legislation, and I will be in touch with them.

**The Hon. Elisabeth Kirkby:** The Young Liberals support it.

**Reverend the Hon. F. J. NILE:** I am not surprised that some of the Young Liberals support it, but some Young Liberals do not support it, because there is a split in the Young Liberals, as the honourable member knows. This letter to the Premier from the Liberal Party of Australia, New South Wales Division, signed by Max Wilkinson, Vice-President of the Terry Hills branch, said:

Regarding our Government's expressed intention to legislate with regard to homosexuals in a Bill styled - The Anti-Discrimination Amendment Bill 1993; I formally request that you, as head of our Government, withdraw the Bill from the Table of the House and undertake not to relegislate without full and complete consultation with the grassroots of the Party. Also, please instruct your Ministers not to absent themselves from the House should the Member for Bligh push for her Private Members Bill to be introduced.

A vote in the circumstances should be No!

In the strongest terms I register my complete and utter dissatisfaction with the Government in this matter.

**The Hon. E. P. Pickering:** On a point of order. Mr President, reluctantly, again, I draw your attention to Standing Order 81. This is a procedural motion intended simply to bring order of the day No. 3 before the House. It is abundantly clear to me that the honourable member is fully debating the merits of the bill. Reverend the Hon. F. J. Nile would well understand that debate on the bill will be long and extensive and I am sure he will make a significant contribution to it. However, I ask you, Mr President, to confine present debate to this motion.

**The PRESIDENT:** Order! I ask Reverend the Hon. F. J. Nile to confine his remarks to argument on whether or not the matter should be dealt with forthwith.

**Reverend the Hon. F. J. NILE:** For the benefit of the Hon. E. P. Pickering, I am trying to demonstrate that there is widespread concern in society about the impact of this legislation. Debate on this legislation should not be brought on forthwith; that is the whole point. If there were widespread community support for a piece of legislation it could be argued in this House that debate should be called on forthwith and there would be a degree of urgency. Some honourable members have said that, by not bringing this matter on forthwith, we are somehow going against the wishes of the community. I am stating exactly the opposite. If this bill is proceeded with I believe that the concern that has been expressed in all these letters will become even stronger. It would cause a great deal of dissatisfaction and division in society.

I cannot prove this, but it could actually work against the interests of the minority groups that we are trying to help. It could lead to a strong backlash. In fact, I believe we are witnessing such a backlash. The tactics of the Hon. Elisabeth Kirkby are helping to create that backlash. It is well known that at present there is a strong backlash in America. In state after state in America people are voting in referenda to repeal many of the anti-discrimination bills. We are not involved with anti-discrimination legislation as such; this legislation goes further than that. It could be argued that the Hon. Elisabeth Kirkby is alienating this bill, building up a backlash and taking back whatever gains have been won by homosexuals. They could lose the lot. It is not a matter of just saying: We will ram this bill through Parliament and defeat Fred Nile. I believe the views of the Hon. Elisabeth Kirkby are in conflict with the views of a wide range of religious and non-religious community groups in our State. Those groups will be very concerned when they read in the newspapers tomorrow that a motion has been moved to bring on this matter forthwith. I and the Government had no warning of this and I gather that the Hon. E. P. Pickering gave no warning of it.

**The Hon. Elisabeth Kirkby:** You were aware, were you not, of the adjournment on 16th September?

**Reverend the Hon. F. J. NILE:** Yes. We understood that, in compliance with the conventions of this House, the matter would be debated on Thursday.

**The Hon. Elisabeth Kirkby:** You did not understand the meaning of the motion.

**Reverend the Hon. F. J. NILE:** I understood the meaning of the motion. I discussed this matter with the Whips of both major parties in this House.

**The Hon. Elisabeth Kirkby:** Perhaps you should have discussed it with the Clerks.

**Reverend the Hon. F. J. NILE:** I did. Everyone understood that this matter would be debated on Thursday. Today most honourable members were preparing for their budget contributions. We have witnessed an ambush in this House. I believe it will only further alienate the  
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community. There is not even an impression of justice in the way that matters have been dealt with. This will cause further unrest in society. If the bill works in the way that it has been forecast to work by various supporters, we will have to decide whether to obey God or man. Do we obey this law? I know that the Hon. Elisabeth Kirkby and others have argued - in particular the Hon. R. S. L. Jones in his marijuana campaign - that we should not have a law that the majority of people cannot support.

The Hon. Elisabeth Kirkby, by moving this motion, has broken a cardinal principle of this House. Many people have said that they will not obey this law. If they believe that they should speak strongly about their homosexual lifestyle, they will. Complaints will be made, people will appear before the Anti-Discrimination Tribunal and fines will be paid. The Australian Democrats have been inconsistent on this issue; this motion goes against their philosophy. I oppose the motion moved by the Hon. Elisabeth Kirkby that this matter be dealt with forthwith. The community needs time to consider this matter.

**The Hon. I. M. MACDONALD [9.5]:** It is unusual for the Hon. Elisabeth Kirkby to move such a motion today. It is not often that a motion is moved in this Chamber to ensure that the business of the House is no longer controlled by the Government.

**Reverend the Hon. F. J. Nile:** It has happened to this Government and it will happen to you.

**The Hon. I. M. MACDONALD:** Reverend the Hon. F. J. Nile has just made a threat. Over the years a series of motions have been moved relating to the House taking charge of its own business. I will not deal with the motions which have been moved which have dealt with this matter. However, these

motions, which go back well over a century, include: the Cobar to Wilcannia Railway Bill, the Early Closing (Amendment) Bill, the Greyhound Racing Taxation Bill, the Industrial Conciliation and Arbitration Bill and a number of other pieces of legislation. Many statements have been made by members in both Chambers and former members have also dealt with this issue. As recently as 13th June, 1990, the Hon. E. P. Pickering, who was then Minister for Police and Emergency Services and Vice-President of the Executive Council, when debating a motion dealing with the business of the House, took umbrage because the Leader of the Opposition moved a motion on the adjournment. The Hon. E. P. Pickering said:

A longstanding practice of this Chamber is that the Government shall determine the course of business. That is a simple matter of fact. Historically, we are the oldest Chamber in this country, and we ought to lead rather than follow other Chambers. There has been a longstanding and proud practice that the Government has control over the sitting times of the House.

He then went on to elaborate how that applied to the business of the House. I remember in detail the lengthy contribution of the Hon. E. P. Pickering because on 13th June, 1990, we were dealing with some rather contentious matters. At that stage, the Hon. E. P. Pickering, as Leader of the Government, made a detailed statement in support of his proposition that the Government should determine the business of the House. I could quote word for word what was said in relation to that matter.

**The Hon. D. J. Gay:** Please do.

**The Hon. I. M. MACDONALD:** The Hon. D. J. Gay wishes me to elaborate, but it is there in black and white for all to see.

**The Hon. D. J. Gay:** At what page?

**The Hon. I. M. MACDONALD:** It is on page 5544 of the *Hansard* of that year. When similar debates have occurred in this Chamber members of my party have adopted the same position. For example, on 2nd December, 1970, the Hon. D. P. Landa, when debating a special adjournment issue following the Workmen's Compensation Bill, said:

. . . the Government has not taken part and will not take part - the Government regards the select committee -

He was debating an issue which the Hon. Elisabeth Kirkby may be acquainted with:

- as part and parcel of a political exercise by the Opposition parties. As such, it should not interfere with the normal course of business of this House and it should not truncate the Government's long-recognised traditional role of determining the course of business of the Chamber.

The longstanding practice is that the Government shall determine the course of business in the Chamber. Of course, if the Opposition attempts to take over that role, and attempts to take from the Government the determination of when business shall be brought before the House, without consultation, without any agreement of the Government, and without any notice -

The Hon. Sir John Fuller: We never thought you would be adjourning the House without giving the select committee an opportunity to report.

The Hon. D.P. LANDA: I say that if, without any notice to the Government, the Opposition does this, we have now reached new heights in political banditry, which breaks a long-established convention and the orderly running of administration in New South Wales, for the benefit of the people of New South Wales. The people must be certain that those to whom they have given a mandate - that is, the Government - shall determine in the Houses of Parliament the order and placement of business. This

select committee had a very dubious history.

He then relates why the Government opposed, at that time, this particular action of the then Opposition in determining the business of the House. However, having looked carefully at a number of the various statements made by very learned members of this Chamber over many years on many different bills concerning the issue of Government business, there are exceptions to this course. It is natural, in my view, that there should be exceptions to the overriding rule that the Government shall determine the business of the House, a position which the Hon. E. P. Pickering argued for so strenuously in 1990 and on other occasions when he was Leader of the Government.

**The Hon. Dr B. P. V. Pezzutti:** And Mr Landa did the same.

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**The Hon. I. M. MACDONALD:** And Mr Landa, Mr Wran and Mr Unsworth. However, the issue is not as black and white as members opposite endeavour to paint it and as indeed the Leader of the Government, the Attorney General, endeavoured to paint it earlier this afternoon. There is possibly a higher authority in the fact that on occasions this general rule can be put aside to ensure that issues of major public importance are discussed. I refer to that person debating that issue on 23rd August, 1978, in detail, when the Government endeavoured to adjourn the House. At that stage the Opposition endeavoured to ensure that there be debate on an issue of public importance that the Government endeavoured to close down by way of adjournment. It is a cogent reason why, on certain matters of public importance, a debate can be proceeded with on these issues despite the general convention which has been referred to in this Chamber and which the Hon. E. P. Pickering has pointed out in great detail. On 23rd August, 1978, the then Leader of the Opposition, the Hon. M. F. Willis, said:

I cannot agree that the House should adjourn at this stage -

A particular resolution was being discussed as to whether a committee should be discussed at that stage. The Government said it should not, that the Government runs the House. The Leader of the Government said the House would be adjourned, but the Leader of the Opposition said the Opposition wanted to take over the business of the House to discuss the matter of great public importance.

**The Hon. Dr B. P. V. Pezzutti:** And the Labor Party said no.

**The Hon. I. M. MACDONALD:** The Hon. Dr B. P. V. Pezzutti said the Labor Party said no. Labor was obviously in Government at that stage. The Hon. M. F. Willis, as Leader of the Opposition, said:

I cannot agree that the House should adjourn at this stage, for the reason that as the Minister is aware -

That is the Hon. D. P. Landa:

- there is a great deal of private members' business on the business paper. Should the House meet tomorrow at the time suggested by the Minister and proceed to Government House, going on past practice it will resume at approximately 4.30 p.m. The Minister has already made privy to me that he would then propose that the House should adjourn. I can only presume that tomorrow the House should adjourn for at least a week, or perhaps two weeks or three weeks - I know not what. I have not been made privy to that.

The honourable member then discussed a number of important matters that were on the notice paper. I will not go into any detail about them. Suffice it to say that one of them was by the Hon. D. D. Freeman, relating to crime control services. The then Leader of the Opposition continued:



These are all important matters and it is the duty of this House to debate them at the earliest opportunity.

That being debate at that point of time and not at a later date. He continued:

I noted that on the first day of the session the Minister complained that the business paper was filling up with Opposition business. What a dreadful thing. As if there is a distinction between Opposition business and private members' business. In fact, it is the business of private members. In reality, except for the matter raised by the Hon. J. R. Hallam - though the Opposition is most interested in that subject too - they are matters which Opposition members in this House consider to be of critical importance to the people of this State.

He then rendered further argument and concluded with a rather apposite quotation for the predicament in which we find ourselves these days:

There seems to be an attitude by the Government that the only matters that this Chamber should put itself out to consider are matters of Government business. I suggest that that is not the whole intent and purpose of any chamber of any parliament operating under the Westminster system. A proper, facilitated and not frustrated opportunity should be available for the business of members of this House. They are matters of public importance which they see fit to bring forward and wish to have dealt with expeditiously. They should be properly aired in the public interest and the expressions of the House made known on those matters for the benefit of the public.

I know that the Hon. E. P. Pickering has, on a number of occasions, pointed out to this House that it is the right and role of this Government to determine the general business of this Chamber. He has argued on a number of occasions for this, but on a number of occasions matters reach a frustrating point within the political process where they have not been dealt with to their finality. There are situations in which these matters can be dealt with further. Mr President, you argued in 1978 for such a situation to be debated against the motion of the government of that day. In fact, some of those motions at that time were carried against the wishes of the Government of the day.

**The Hon. Dr B. P. V. Pezzutti:** How could they?

**The Hon. I. M. MACDONALD:** I am sorry, they did. You, Mr President, used the word frustrating, which was apt to describe the situation where the Government had promised a resolution to the problem and you believed the matter was in the public interest but was being frustrated by the political process. At certain points of time one must look beyond the particular interests of the government of the day. I have said clearly that it is the right of the Government to determine the business of the House. That is undoubtedly so. The Hon. E. P. Pickering has made similar statements on several occasions, to one of which I have referred already. Previous leaders of the House, including the Hon. D. P. Landa, made that clear in debate on various issues. A look through the record of this Chamber will show that on a number of occasions the House chose to set aside that generalisation and deal with matters of public importance that were being frustrated by the political process.

In 1978 you, Mr President, put a cogent case for taking a course similar to that being proposed in this debate. If honourable members care to look at the record, they will find a number of other occasions on which the House saw fit to take a similar approach.

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The Hon. E. P. Pickering has led the charge on numerous occasions to ensure that Government business has taken precedence of other business; but there have been exceptions. Over a period of years a number of bills have been subjected to that approach. In the end, Mr President, you have given the House the finest argument that on occasions it is necessary for the House to go beyond that convention.

**The Hon. Dr B. P. V. Pezzutti:** That is rubbish, and you know it.

**The Hon. I. M. MACDONALD:** Does the honourable member want me to refer to that quotation again? I shall do so.

**The Hon. Dr B. P. V. Pezzutti:** You did not get it right the first time.

**The PRESIDENT:** Order! I would not like to have to call the Hon. I. M. Macdonald to order for being tediously repetitious.

**The Hon. I. M. MACDONALD:** How could I be tediously repetitious when quoting you, Mr President? There are exceptions to the grand rule. Although the Hon. E. P. Pickering has been a great fighter for upholding the rule over the years, especially when he was the Leader of the Government in this House, there have been exceptions to the rule. No greater authority than your good self, Mr President, was the author of one of those exceptions.

**The Hon. D. J. GAY** [9.23]: I speak against the motion for the bill to take precedence of other business and be called on forthwith. There is nothing like members of the Labor left; they are unbelievable. They have that refreshing honesty about them, but they do not know where they are going, unlike the members of the right of the Labor Party who at least know where they are heading. I am sure that the Hon. E. P. Pickering was pleased to hear the Hon. I. M. Macdonald quote his words when he told the House that it is a longstanding tradition that the Government has control of the business of the House. If the Hon. E. P. Pickering was not pleased to hear those words, I shall repeat what he said: in this House there is a longstanding tradition that the Government has control of business.

The Hon. I. M. Macdonald proceeded to quote our illustrious President. The President was talking at that time about the restoration of private members' day. He was not talking about a private member's bill taking precedence of Government business. I do not know what the Hon. I. M. Macdonald was on about, but I was pleased with his contribution. It added to the debate. If it was one of his better contributions, it reinforced what this debate is about. Reverend the Hon. F. J. Nile raised a significant point: that bringing the bill before the House so quickly, without there having been a full public debate, gave the perception that it was an ambush. All honourable members have received a great volume of correspondence and will be aware of the community concern about this issue. No honourable member - and I use that term in its widest sense rather than as a title, though I am sure all members are honourable - would want one section of the community to be vilified. But there is a wider concern about this bill.

I shall not reiterate the concerns I expressed when the bill was before the House on a previous occasion and was defeated. The Government has legislation that it intends to introduce and about which I have concerns also. I am not worried about what this proposed legislation will do, nor do I have concerns about the intention of the Government's proposed legislation. The community needs time to consider those concerns. I ask the Hon. E. P. Pickering, who has taken a particularly public stance on this matter, why he was not in the party room when this issue was debated fully. He was not present when the debate took place in the Chamber; admittedly he was away at that time. He did not participate in the debate in the Parliament when the bill was fully discussed, and he then went to the party room where consideration was given to another bill. Yet he wants to have this bill brought back to the House.

They are my concerns about this motion. The Hon. Elisabeth Kirkby was a party to the dissenting statement in the report by the Joint Select Committee upon Police Administration that expressed concern about a perception that a member of the State Crime Commission interviewed another member of that commission. Apart from the real concerns that have been expressed in the wide-ranging community debate, which is continuing, other issues need to be addressed to make sure that one group is not disadvantaged and that vilification is not allowed to continue. I ask the Hon. Elisabeth Kirkby to consider what was said by Reverend the Hon. F. J. Nile: that there is a perception that this is an ambush.

**The Hon. Dr B. P. V. PEZZUTTI** [9.29]: I also oppose this motion. It is perfectly obvious to me

what this motion is all about. As the Hon. I. M. Macdonald said, it is about frustrating the Government and the longstanding tradition that Government business take precedence. I acknowledge the argument that the House is its own master and it therefore has the ability to determine what it should do. The people of Australia have been sitting back watching with some alarm what is going on in Canberra with a Federal budget that is going nowhere. But this State's Budget has not been passed by this House. I know this House does not have the power not to pass money bills -

**The Hon. J. R. Johnson:** Who told you that? That has never been tested.

**The Hon. Dr B. P. V. PEZZUTTI:** As I understand it, this House does not have the power to reject money bills in this House. If it did have that power, the situation would be even worse because at present the House is denying the passing of the Budget for the people of New South Wales to allow for the general management of this State. The Hon. Elisabeth Kirkby is seeking to bring on a bill which was shown to be flawed and was rejected by this House in the last session.

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**The Hon. R. S. L. Jones:** Under false pretences.

**The Hon. Dr B. P. V. PEZZUTTI:** No, not under false pretences. There was an absolute guarantee that we would proceed with a bill from the Attorney General, which was laid on the table. That bill has been withdrawn, but it will be further discussed and reintroduced, as I understand it.

**The Hon. Elisabeth Kirkby:** When?

**The Hon. Dr B. P. V. PEZZUTTI:** In the near future. If honourable members wish to paint me as a person who seeks to deny the principles of the Government's previous bill, they have mistaken my position. One of the functions of Parliament is to serve the people. That requires the Government to have legislation and measures debated, discussed and implemented. Our Olympic bid would have been treated as a joke had the world known of this situation - that of both Houses of the New South Wales Parliament frustrating the Government's ability to govern. Independent members in the other House have achieved a certain notoriety by chopping and changing in an almost capricious fashion. The Hon. E. P. Pickering and other honourable members have spoken of the capriciousness of a number of members, including the sponsor of this particular bill, Ms Clover Moore, who has taken this populist, but not necessarily responsible, action.

The Hon. Elisabeth Kirkby has sat back and watched the position of considerable power and influence she enjoyed in the last Parliament eroded to such an extent that the Democrats were fast becoming irrelevant in this Chamber. I do not blame the Hon. Elisabeth Kirkby for bringing forward this bill because from previous meetings with her at important functions held in January she confirmed her commitment to this cause of protecting the gay community from vicious attacks. I do not doubt her commitment, but I object to her seeking to manipulate this Chamber to display that commitment without a hope of this bill receiving support from anyone and passing into law. It will create great difficulties for the Government to govern the State by reducing the time that this House will have to debate legislation through until Christmas.

**The Hon. Elisabeth Kirkby:** The Government should not have reneged on its first undertaking.

**The Hon. Dr B. P. V. PEZZUTTI:** The Government withdrew the legislation because it was unacceptable to a wide range of people in the community, and the former bill was an improvement on this bill. The measure will be broadened and the Government will introduce further legislation to overcome the problem. The bill referred to by the Hon. Elisabeth Kirkby is narrow, unworkable and divisive. It will have precisely the opposite effect to that intended. The Hon. Elisabeth Kirkby will recall a meeting at the Labor Club in Bourke Street attended by myself, the Hon. P. F. O'Grady and Ms Moore. At that meeting,

over a Chinese meal, the honourable member for Bligh, Ms Moore, intimated that she might introduce a bill along the lines of the Anti-Discrimination (Racial Vilification) Bill. At that time the Hon. Elisabeth Kirkby did not show much enthusiasm for that approach. It was a narrow, unworkable bill, not supported by the broader community and therefore I believe -

**The Hon. Elisabeth Kirkby:** Fifty per cent, according to the *Sydney Morning Herald* poll.

**The Hon. Dr B. P. V. PEZZUTTI:** Polls have been known to be wrong. If one does not believe that, one should ask Dr Hewson, and one should ask the Hon. Nick Greiner about the 1991 election when it was predicted that the coalition would romp in. I urge the Hon. Elisabeth Kirkby to reconsider her position. She is asking this House to set a precedent and to follow the inappropriate, irresponsible actions of the Independents in the other Chamber, who are seeking to make the Parliament and the Government unworkable. The Hon. I. M. Macdonald said that every government should have control of the business of Parliament. The Government introduced private members' days, made them work, and made them sacrosanct, but the Hon. Elisabeth Kirkby has used those private members' days -

**The Hon. Elisabeth Kirkby:** And made it impossible for any private member's bill to ever get through.

**The Hon. Dr B. P. V. PEZZUTTI:** That is a matter for the House to determine.

**Reverend the Hon. F. J. Nile:** The Tobacco Advertising Prohibition Bill went through.

**The Hon. Dr B. P. V. PEZZUTTI:** It did go through. It is a matter for the House to vote on any individual matter.

**The Hon. Elisabeth Kirkby:** It never gets to the vote.

**The Hon. Dr B. P. V. PEZZUTTI:** They have indeed got to the vote.

**The PRESIDENT:** Order! I would be obliged if the Hon. Dr B. P. V. Pezzutti addressed the Chair and did not engage in a private conversation with the Hon. Elisabeth Kirkby.

**The Hon. Dr B. P. V. PEZZUTTI:** It is perfectly clear to any astute observer of this place that this bill was defeated. Attempts have been made in, I suggest, a fairly tortuous way to have it restored. I do not blame the Hon. Elisabeth Kirkby for that because the forms of the House allow for that to be done, but the difficulty that arises with the reintroduction of such issues is that we keep going over the same ground. It is a shame that the level of instability that we have come to expect from the lower House is starting to exhibit itself in the upper House. It is a matter of considerable reflection on this House that it is following the somewhat trendy nature of behaviour of the lower House. The Hon. Elisabeth Kirkby should rethink her position. Private members' days should be reserved for the purpose for which they were designed - to ensure that matters are

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discussed properly with a view to arriving at legislation that is more likely to be successful. I ask her to be a bit more patient.

**The Hon. J. P. HANNAFORD** (Attorney General, Minister for Justice, and Vice President of the Executive Council) [9.40]: I have expressed earnestly the position of the Government in relation to this particular issue on approximately three occasions and I shall do so again at length. The Government is opposed to the restoration of this matter to the business paper at this time. The Government adheres to the position I have outlined - a commitment to the release of a package of legislation. The Government's intention is that the matter be dealt with in a package of reforms to the anti-discrimination legislation, not piecemeal. I made the Government's position clear to the Parliament when I said that there would be community consultation on that package of legislation. The House rose before I was able to introduce

the legislation. Shortly after the House rose I released that package of legislation, from memory with the explanatory memorandum. There was considerable public comment on the proposed legislation.

The Government clearly deplores and is opposed to hate-inspired comment or hate-inspired violence. The clear indication to the Government, particularly members of the Legislative Assembly, was that if the Government wished to pursue legislation relating to hate-inspired violence, it should seek to do so in a more comprehensive way. As I have said, these reforms should not be dealt with piecemeal. The message to the Government was that it was wrong to deal with homosexual vilification piecemeal as the package sought to do. The Government does not deny that hate-inspired violence has a significant impact on the homosexual community. However, other sections of the community are equally confronted by hate-inspired violence. Certainly there is not the level of malevolence, and therefore deaths, in other parts of the community that are clearly identifiable within the homosexual community, but violence and malevolence are present.

**The Hon. Elisabeth Kirkby:** But they are protected by legislation.

**The Hon. J. P. HANNAFORD:** Everyone is protected by legislation at present.

**The Hon. Elisabeth Kirkby:** The existing legislation relates to racial vilification legislation.

**The Hon. J. P. HANNAFORD:** Yes, but the community says that lessons are to be learned from the way we deal with matters; that we should deal with them generally. When the Government accepted that position I issued a press release to the effect that the Government continued to adhere to its opposition to hate-inspired violence, would seek to address that problem in a comprehensive way, and would make certain a package of legislation was available that would be of more general or generic application to the community. I said that the matter before the Law Reform Commission should be dealt with by the commission with greater expedition, and that a package of legislation dealing with the general issue should be introduced before the Parliament.

The procedure I have outlined may be followed in a variety of ways. The Government is committed to that process. Therefore, I do not resile from repeating that it is the Government's desire to make certain that a package of legislation is available that is as workable and efficacious as is possible, but it is not convinced, as a result of community comments, that this is the best package. It may be that after the Law Reform Commission has given the matter more detailed consideration and has reported to the Government this will be the most appropriate way in which to deal with the legislation and these issues. That is a matter that the Government believes requires more detailed examination and consideration by the community.

In the Government's view to restore this bill to the business paper today would not reflect community concern. It certainly would meet the aspirations of a section of the community. Undoubtedly the Hon. Elisabeth Kirkby is pursuing this matter in the interests of that section of the community. But that does not detract from the fact that the Government is as concerned as she is - or as other members of the community are, for that matter - about the issue of hate-inspired violence. I say with confidence that those groups in the community which have expressed concern about the nature and style of this legislation are as strongly concerned about the issue of hate-inspired violence as I am. It is inappropriate to restore the bill to the notice paper at this time.

For the purpose of the record it is appropriate to restate in debate on this motion comments I made at length on other occasions. Paragraph 3 of the motion states that consideration of the bill take precedence of all other Government and general business until concluded. The Opposition and crossbench members are prepared to use the forms of the House. Those forms are available to be taken advantage of, particularly through paragraph 3 or even the amendment which is proposed to it, to ensure that the Government is unable to pursue the conduct of Government business when the trigger is pulled. As paragraph 3 stands, the Government will not be able to pursue any business until this

legislation is dealt with.

This motion will not be carried unless the Australian Labor Party votes for it. The ALP must accept responsibility, as a responsible Opposition that is holding itself out to be the alternative government. The Leader of the Opposition has to accept responsibility for his leadership - leadership which I understand from comments made to me by members of the Labor Party he has taken off his own bat and not in consultation with his colleagues. He is answerable because he must provide leadership and be prepared to stand by his decisions. The business of the House can proceed in a proper and orderly manner only with the good will of all members to ensure the orderly functioning of government.

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If the Opposition is prepared to take from the Government control of business on Government business days, it will have to be accountable for its actions because, to the best of my understanding, it will be the first occasion that this form has been taken in the Chamber. This form will register itself as part of the history of the precedents of this Chamber, and for that the Opposition and the Leader of the Opposition will be held responsible. I do not challenge the Leader of the Democrats - as a member of a minority party she no doubt wishes to take advantage of opportunities as they arise.

**The Hon. Elisabeth Kirkby:** Under the standing orders of the House.

**The Hon. J. P. HANNAFORD:** I do not quibble with that - members can use the standing orders of the House, but the responsibility for ensuring orderly government rests equally with the Government and the Opposition. The Leader of the Opposition must accept responsibility for seeking to undermine the principles of the House that ensure the orderly processes of government and for seeking to have such behaviour set as a precedent for an Opposition when it finds it is opportunistic to act in such a way. His message about what he will do and what he will expect of others is clear. His position is now on the record. I am sure that the Hon. J. R. Johnson, a former Presiding Officer, is squirming about the attitude adopted in this Chamber today by his leader.

The proposal by the Leader of the Democrats and others in the House to amend paragraph (3) of the motion to provide that consideration of the bill take precedence of all other Government and general business from Tuesday, 16th November, 1993, does not depart from the principles I am espousing. However, what is proposed by the Leader of the Democrats is that if this bill is not passed by 16th November, 1993, the Government can assume that the trigger could be pulled at any time by members of the Opposition and the crossbenches to ensure that no Government business is dealt with until the issue is resolved. That is the gun that has been loaded quite happily by the Leader of the Opposition. As honourable members know only too well, so far as the precedents of this House are concerned the Leader of the Opposition is willing to load the gun and pass it to others to fire. He adopts and adheres to only one principle, that of opportunism. And he has shown his preparedness to adhere to it again today.

I state strongly on behalf of the Government that principles of orderly government demand that the Government be able to ensure that its business is dealt with on those days that are traditionally set aside for Government business, and that if other business is to be dealt with on those days then it will be with the support of the Government. For that reason for quite some time the Government has sought to have Thursdays set aside for private members' business. Similarly, in the Legislative Assembly Thursdays are also set aside for private members' business.

One can only assume that the principles being espoused by the Leader of the Opposition in this House are those of the Opposition in this State. One can only assume also that the Leader of the Opposition in this Chamber is speaking for the Leader of the Opposition in another Chamber. Therefore, it seems that the Labor Party as an entity is prepared to take the approach that on Government business day the Government can be precluded from dealing with Government business. Such a principle, if accepted, would be an all time low for this Parliament.

**The Hon. ELISABETH KIRKBY** [9.55], in reply: Though I thank all honourable members who contributed to this debate, I did not agree with all that was said by them. I am particularly grateful to the Hon. I. M. Macdonald for bringing to the attention of the House the occasion on which you, Mr President, as Leader of the Opposition in this House, took charge of Government business at a time when a Labor government under leadership in this House of the Hon. Paul Landa attempted to adjourn the House. It was suggested that there is no precedent in this House for the reintroduction of a bill that has been defeated. Obviously, most honourable members did not listen to what I said on 16th September when I quoted at length from the advising given to me by the Deputy Clerk on the restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill. On that occasion I quoted the precedents when an attempt had been made to restore a bill to the business paper after it had been defeated at the second reading stage. As I said on that occasion, there is precedent for this. I was following the precedent and it was accepted by you, Mr President.

**The Hon. Dr B. P. V. Pezzutti:** We are not saying you did anything illegal.

**The Hon. ELISABETH KIRKBY:** It was suggested that there was no precedent for what I was doing. There is precedent. Reverend the Hon. F. J. Nile claimed that I have sought to ambush the House. In my opening remarks earlier this afternoon, about eight hours ago, I said that there could be no possibility of ambush if members had read what I had said when I sought to have this motion adjourned on 16th September. On that occasion I said that the matter would be adjourned until the next sitting day. Honourable members have had three weeks to work out what that meant. If they have not taken the trouble to work it out, that is not my fault. I made it crystal clear. The motion stated that the matter would take precedence of Government business. The Leader of the Government was obviously upset about that, and he sought clarification of my intention - whether that was what I wanted. I explained to him that that was my intention. So this motion is certainly not an ambush in any sense of the word.

I stand by my position. This bill has been rightfully reintroduced in accordance with the standing orders of the House. There is no ambush. It has been reintroduced after consultation with the Anglican Church, the Catholic Church, the Uniting Church and the Metropolitan Church, and with the honourable  
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member for Bligh and members of the gay and lesbian community so that suitable amendments could be prepared to meet their needs, and particularly the needs of the Catholic Church, so that if they exercise their right to preach or to instruct against homosexuality, that would be perfectly admissible and would not leave them open to any suggestion of being reported to the Anti-Discrimination Board under the provisions of the bill.

The Leader of the House has said that he still intends to move his expanded legislation. He first made that promise 12 months ago, but that promise has not been honoured. Unfortunately, I am well aware that probably another 12 months will pass before he is in any position to reintroduce his wide package of anti-discrimination legislation and, frankly, I do not think that is good enough. During that period there could be more hate-inspired bashings and, possibly, murders of members of the gay and lesbian community. He has said in the House tonight that the Government is opposed to hate-inspired violence; but it will do nothing urgently to prevent it, which is why I was forced to take the action I took today. I should like to place on record the remarks of the Federal Race Discrimination Commissioner, Irene Moss, regarding legislation passed in another place after it had been introduced by the honourable member for Bligh. She said:

The proposed legislation does not restrict freedom of speech, fair reporting or genuine social or political debate.

The legislation simply says that there will be no open slather against the gay and lesbian community either verbally or physically because it has serious consequences.

A society where gays and lesbians are allowed to be held up to ridicule or contempt is a society where gays and lesbians get bashed.

The bottom line is that the homosexual vilification legislation is a key part of the strategy to reduce violence against the gay and lesbian community. In the past the New South Wales Government persisted in its fight to introduce racial vilification legislation, which was passed in this Chamber with the support of Reverend the Hon. F. J. Nile and the Hon. Elaine Nile. It is now known that the incidence of racial vilification has decreased since that legislation became law. I believe that if legislation prohibiting homosexual vilification is introduced, a similar decrease in vilification that leads to physical assault and, in many cases, death of members of the gay and lesbian community will result. At the time of the racial vilification legislation the Government did not accept any arguments that gave special rights or privileges to a sectional group, but considered it necessary to protect a particularly vulnerable group and allowed that group to live without fear.

Commissioner Moss said, "Exactly the same arguments must apply to the homosexual vilification legislation". I concur, and that is why I took the action I took today. Unlike the Government, I am not prepared to sit back while members of the community are bashed on a regular basis, while they live in fear, and while in many cases, unfortunately all too many cases, the bashings result in death. I do not wish to have that on my conscience. That is why I believe it is urgent that the bill be restored to the notice paper and that is why I have been fighting for the past eight hours. I beg all honourable members to think of that and to vote to support the restoration of the bill to the notice paper.

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

**The House divided.**

**Ayes, 20**

Mrs Arena	Mr Obeid
Mr Dyer	Mr O'Grady
Mr Egan	Mr Pickering
Mr Enderbury	Mr Shaw
Mrs Isaksen	Mrs Symonds
Mr Johnson	Mr Vaughan
Mr Jones	Mrs Walker
Mr Kaldis	
Miss Kirkby	<i>Tellers,</i>
Mrs Kite	Dr Burgmann
Mr Macdonald	Ms Burnswoods

**Noes, 19**

Mr Bull	Mrs Nile
Mr Coleman	Revd F. J. Nile
Mrs Evans	Dr Pezzutti
Mrs Forsythe	Mr Samios
Mr Gay	Mrs Sham-Ho
Dr Goldsmith	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	<i>Tellers,</i>
Mr Moppett	Miss Gardiner
Mr Mutch	Mr Ryan

**Pair**



Mr Manson

Mrs Chadwick

**Question so resolved in the affirmative.**

**Motion agreed to.**

### **Restoration**

**Debate resumed from 16th September.**

**The Hon. E. P. PICKERING** [10.15]: I support the motion, but I move:

That the question be amended by inserting in paragraph (3) after the word "Business", the words "from Tuesday 16 November 1993".

As I said earlier this evening, this amendment demonstrates that there is no intention to bring this matter before the House before Tuesday, 16th November, 1993. There can be no suggestion that the House has been ambushed in any way. I think that would prove to Reverend the Hon. F. J. Nile that there has been no ambush and that there can be no ambush in this House. I would also like to make it very clear that that automatically means there will be no discussion of this bill on any private members' day between now and 16th November. I hope Reverend the Hon. F. J. Nile is able to bring forward his

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nurses' bill, or whatever it is called, on Thursday. As the architect of that bill I would be grateful to see it before the House. I will do all I can to facilitate it. Once again I would like to make it abundantly clear - and this is an important matter - that neither I nor the Hon. Elisabeth Kirkby have any intention of saying to the Government on 16th November, "Forget all about your legislation. This bill is sacrosanct and is the only matter that will be dealt with".

**The Hon. D. J. Gay:** That is what it says. That is what you are supporting.

**The Hon. E. P. PICKERING:** My colleague the Hon. D. J. Gay ought to understand that in order to deal with this matter, that is all the motion can say. I have given an assurance to the House - and my word is my bond - that Government business will be facilitated in this House. At the end of this session no-one will be able to say that anything stood in the way of the Government dealing with its business. Before the Parliament rises for Christmas we want one piece of legislation passed. I, as someone who has managed the affairs of this House for many years, assure all honourable members that a bill can be dealt with in this House without causing the end of the world and without Government business in any way being threatened. With that assurance I have moved my amendment in the hope that the rest of the debate can be treated as procedural.

**Reverend the Hon. F. J. NILE** [10.18]: The Call to Australia group made its position very clear about the restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill. We oppose it for the reasons that I have already stated in the debate. We are now dealing in particular with paragraph (1) of the motion which states, "the Anti-Discrimination (Homosexual Vilification) Amendment Bill be restored to the business paper". The Hon. Elisabeth Kirkby said that she is considering some kind of religious exemption and that this will pacify the churches. She has completely misunderstood the strong feelings of the churches on this issue. More seriously, she has completely misunderstood the feelings of the homosexual community.

Homosexuals regard the statements made by the church and by Christian schools as the most dangerous area of homosexual vilification. Gay student and teacher groups will strongly attack any proposal for an exemption, so tomorrow the Hon. Elisabeth Kirkby should expect the proposition she put forward today to be attacked. ACT UP Sydney, the Aids Coalition to Unleash Power, issued a statement

dated 14th September, of which I was sent a copy. I have received others. I have received letters from ACT UP threatening me that if I were to maintain my opposition to the homosexual offensive that has been launched in our city, questioning their demands, they would take action against me. They did not specify what the action would be but they have said in this statement:

ACT UP Sydney have a clear message to the Fahey Government. We will not accept anything less than the proposed bill. In particular, a religious exemption is TOTALLY AND ABSOLUTELY unacceptable.

This is the group which is driving this whole campaign. It will not accept the attempt of the Hon. Elisabeth Kirkby to encourage support for the bill by misleading the House and talking about an amendment that -

**The Hon. Elisabeth Kirkby:** On a point of order. Reverend the Hon. F. J. Nile has accused me of misleading the House. I have not misled the House. I ask that he withdraw his statement.

**Reverend the Hon. F. J. Nile:** On the point of order. The intent of my remarks was to refute the impression given by the Hon. Elisabeth Kirkby that the homosexual groups are happy with her proposal of some kind of religious exemption. I have been quoting statements by the homosexual groups. They do not accept that. Unless the Hon. Elisabeth Kirkby includes those in her remarks she is misleading members of the House. She has left out valuable information unless she is not aware of it. Is she not aware that the homosexual groups do not want the exemption?

**The Hon. Elisabeth Kirkby:** Further to the point of order. Although I have put it fully in my previous remarks, Reverend the Hon. F. J. Nile is absolutely ignoring the discussions that have been held between leaders of the churches, the gay and lesbian community and the honourable member for Bligh.

**The PRESIDENT:** Order! What words of Reverend the Hon. F. J. Nile are being objected to?

**The Hon. Elisabeth Kirkby:** He said that I was misleading the House, when he has no knowledge of the consultation that has occurred. Therefore, I know I have not misled the House.

**The PRESIDENT:** Order! I do not believe that what Reverend the Hon. F. J. Nile has said was intended to mean that the Hon. Elisabeth Kirkby was purposefully misleading the House and therefore transgressing. I take his remarks to have meant that she either had unwittingly, or was in danger of, misleading the House. No point of order is involved.

**Reverend the Hon. F. J. NILE:** I accept that the Hon. Elisabeth Kirkby is unaware of the statements that I have just quoted from ACT UP and other groups. They were not at her meeting, apparently.

**The Hon. Elisabeth Kirkby:** They do not represent the gay and lesbian community.

**Reverend the Hon. F. J. NILE:** That is debatable. I do not know if the Hon. P. F. O'Grady can clarify that for us. They certainly are at the cutting edge - and I use cutting edge advisedly - of the homosexual community in this city. The Hon. Franca Arena will remember that they broke into our standing committee meetings and have wrought havoc in many situations. They claim to represent the homosexual community of this city in these matters in regard to the current legislation. The Call to Australia group opposes all parts of this motion.

I have indicated in my earlier remarks the strong opposition by the New South Wales Council of Churches, the Islamic Council of New South Wales,

the many sections of the community, such as the Free Speech Committee, which are not involved with

religious questions. I would expect that the Australian Democrats are supporters of that committee, perhaps even members of it, so it seems strange that that committee has come out so strongly in opposing the legislation, as has the Council for Civil Liberties in New South Wales. The council has opposed it but the President, Mr John Marsden, has not opposed it. He has not made it clear that his statements are his own personal views.

Mr John Marsden has been consistent in this matter. When the Government appeared to be hesitating, he made statements that he would take action to see that the bill was restored. I wonder how much influence John Marsden has had in this matter behind the scenes. He said he would have the bill restored, and that is happening in the House tonight. In the *Illawarra Mercury* of 31st August, 1993 - a paper which often has a shot at me; the editor is quite critical of many things that I say - the editorial states:

We would suggest that laws that would award \$40,000 to homosexuals for incidents of vilification will only alienate further other members of the community.

That is the point I have been making. The editorial continues:

There is a danger, as Fred Nile puts it, of giving one group greater rights than other citizens.

Bigotry is a generational notion. A community grows out of its bigotry as people mature to accept that different races come together in the melting pot that is now Australia.

General acceptance of homosexuals is not that far away. Stricter laws will not make it happen any sooner.

That is the point I am making. I believe this legislation will cause, and has already caused, a massive backlash right across the State of New South Wales and in other parts of Australia. As I said earlier, in the United States that backlash has led to the repeal of anti-discrimination legislation in a number of states, resulting in a winding back of some of the advances that homosexual groups thought they had made.

The public will not accept them and certainly will not accept the next item on the agenda which has been foreshadowed by some homosexual leaders - legal same-sex marriages. If this legislation is intended to stifle criticism of same-sex marriages, legal homosexual marriages, the wider community will be very angry and will cause a backlash against the homosexual groups. They will be forced back into the closet by the attitude of people in the community. Statements of strong support have been received by many churches. The Lutheran Church of Australia made its view clear in a letter sent to the Attorney General, which stated:

I write to express my concern at recent allegations that this Bill seeks to deny Christian churches the right to express their opinion to homosexual behaviour, and to deny Christian schools the right to refuse teachers who seek to promote homosexual behaviour.

In brief, Lutheran teaching is that homosexual behaviour is sinful in that it is clearly contrary to God's will. This means that the Christian who has a homosexual orientation must strive to abstain from homosexual behaviour. In November 1975 this Commission adopted a statement on homosexuality and the summary reads - "The Church, while rejecting on the one hand the movement which claims tolerance of homosexual behaviour in the name of freedom of the individual and of moral progress, must also resist the popular reaction of persecution and ostracism. The Church must exhibit understanding and sympathy for the homosexual, show love and pastoral concern, being ready to give help and encouragement in whatever way possible. It must proclaim to homosexuals, as it does to all men, the judgement of God against sin, above all the forgiveness of sin, for Christ's sake, and the possibility of a new life through the power of the Holy Spirit, and must assure them of complete

acceptance into the people of God."

Can you please keep me informed of the progress of this Bill.

That is signed by the Chairman of the Lutheran Church of Australia's Commission on Social and Bioethical Questions. There has been an indication that not only are the churches happy to accept the bill - which they are not - but that the ethnic communities are also happy to accept it. I have had a number of letters from Moslem groups and others, including the Polish Christian Church whose letter dated 3rd September is in the following terms:

Our local Christian community is deeply concerned by the proposed Government Homosexual Vilification legislation due to be presented in September. Existing Crimes Prevention Act already provides the penalties for summary offences of incitement to violence, and everyone is protected by this Act. Especially any attempt to remove existing in the Anti-Discrimination Act exemption for churches and non-Government school could have devastating consequences because homosexual lobby groups can threaten and harass the people criticising homosexual behaviour on religious or ethical grounds.

Also the Bill is a limitation of the fundamental individual right of freedom of expression. Homosexuals like all other citizens are under existing protection of the Law against any violent threats or violent acts. Please consider this issue carefully and drop the proposed homosexual vilification legislation.

That letter is signed by the leaders of the Polish Christian Church. Many groups have written to me. I do not believe that I have ever had such a wide range of correspondence on any single issue, from Christian and non-Christian organisations - including groups such as the Free Speech Committee, which is not religious but opposes the proposed legislation. The Seventh-day Adventist Church has advised me as follows:

The Seventh-day Adventist Church in New South Wales opposes the introduction of the Anti-Discrimination (Amendment) Bill 1993 at a time when the NSW Law Reform Commission has not completed its review of the Anti-Discrimination Act 1977. The draft Bill introduces significant changes and amendments to the Act concerning homosexuality and vilification which will seriously limit the freedom of expression.

The letter proceeds to raise some other matters and concludes:

We therefore urge all members to reject this Bill and permit the Law Reform Commission to complete its work before introducing major additions and amendments.

That statement sums up the earlier points I have made. The Law Reform Commission is conducting an inquiry and we are pre-empting that inquiry by

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moving further along the track with this bill, which will only confuse the situation. It may mean that the bill will be passed, but it can be repealed. I put on notice that I will do all I can, at every chance I get, to have the bill repealed. The representation in this House may change to permit that to occur. The whole exercise will have been a waste of time. It will be more difficult to introduce this type of legislation in the future. The Catholic Church, through the Catholic Education Commission, has expressed its concerns. As it does at times, it has said that it would rather have the exemption included. Bishop P. L. Murphy has written to me saying that the Catholic Church wants the clause dealing with exemptions to be expanded. At present the exemption clause 49ZT(2)(c) of the Anti-Discrimination (Homosexual Vilification Amendment) Bill reads:

(c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research

purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

Bishop Murphy requests that the clause "be amended to protect the expression and exposition of sexual values and morals based on and related to religious belief". Bishop Murphy continues:

To this end we advise that:

- \* the words "Religious Instruction including Schooling" be inserted after "Academic" and before "Artistic".

I am sure that is the kind of thing to which the Hon. Elisabeth Kirkby referred, but it is simply a compromise. The Catholic Church is opposed in principle to the legislation but, as it has done in respect of other matters when it has considered that it could not prevent legislation, it has put forward a fall-back position: "Let us at least save our Catholic churches and Catholic schools". I have a greater responsibility in this House than does Bishop Murphy, who seeks to protect Catholic schools and Catholic churches. My responsibility is to represent the people of this State. Many people not involved with Catholic schools in Catholic parishes are opposed to the bill and wish to express their views freely about the issue of homosexuality, though in no way wishing to incite violence against homosexuals or to use violent language.

As I have said to the media previously, I do not think the attitude of the Catholic Church is right. I could seek a compromise to have me exempted or to have church members and the clergy exempted from the provisions of the bill. That would be a betrayal of the 6.5 million people who live in New South Wales. They also have rights and there should be protection not only for Christians, the churches and Catholic priests or Catholic schools. I know the church has taken a fall-back position, but it is not one that appeals to me as being sound, when members are elected to this House to represent the people of the State.

I must be equally concerned for members of the Returned Services League who may not be Christians but who have strong views on this issue - people such as Bruce Ruxton. He is from another State. He has been criticised by Clover Moore, as I have been. Other RSL spokesmen in the State have strong views on this subject and should have the right to express those views without having their right of free speech in any way suppressed. Members of this House usually argue in favour of free speech. However, in this instance, apparently, that right of free speech is to be taken away and a 1 per cent minority of society is to be given special legal privileges that are not available to others. Therefore, we oppose the motion moved by the honourable member.

**The Hon. J. P. HANNAFORD** (Attorney General, Minister for Justice, and Vice President of the Executive Council) [10.35]: On a number of occasions I have outlined the Government's position on this subject. I have done so in detail and it will serve no purpose to reiterate my comments. The Government continues to be opposed to the proposals.

**The Hon. ELISABETH KIRKBY** [10.35], in reply: Obviously, I support the amendment moved by the Hon. E. P. Pickering and would reiterate his comment that in order to allow the Government to continue with its business, in particular to allow all honourable members to make their contributions to the budget debate so that the Budget can pass through this House, 16th November is the date decided upon for resumption of debate on this legislation. A few moments ago Reverend the Hon. F. J. Nile quoted at length from a series of letters he had received. Those letters were received before the Hon. E. P. Pickering, the honourable member for Bligh and I had fairly lengthy consultation with church leaders.

**Reverend the Hon. F. J. Nile:** Which church leaders?

**The Hon. ELISABETH KIRKBY:** It was after a letter we received from Bishop Murphy.

**Reverend the Hon. F. J. Nile:** Which church leaders?

**The Hon. ELISABETH KIRKBY:** By way of interjection Reverend the Hon. F. J. Nile asks: Which church leaders? On three occasions today I have detailed those church leaders. Obviously Reverend the Hon. F. J. Nile does not listen to anything that is said in this House.

**Reverend the Hon. F. J. Nile:** The honourable member said she met with the church leaders. Who are the ones she met?

**The Hon. ELISABETH KIRKBY:** We consulted with Father Brian Lucas, who is the public relations spokesperson for the Catholic Church; we consulted with a lawyer representing the Catholic Education Commission.

**Reverend the Hon. F. J. Nile:** Did you meet them?

**The Hon. ELISABETH KIRKBY:** We met them personally, as I repeat for the fourth time.

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**Reverend the Hon. F. J. Nile:** Who else?

**The Hon. ELISABETH KIRKBY:** We met with the Reverend Harry Herbert of the Uniting Church.

**Reverend the Hon. F. J. Nile:** He is nobody.

**The Hon. ELISABETH KIRKBY:** He is from your church, and you do not follow its precepts. We also met with the Bishop of South Sydney, Bishop Watson, representing the Anglican Church.

**The PRESIDENT:** Order! The level of chatter is far too great.

**The Hon. ELISABETH KIRKBY:** If the honourable member wants it spelled out, we met them within the precincts of this Parliament.

**Reverend the Hon. F. J. Nile:** The Council of Churches?

**The Hon. ELISABETH KIRKBY:** We met them in room 812-813, at a meeting that lasted for approximately three hours; it was not a brief meeting.

**Reverend the Hon. F. J. Nile:** The Council of Churches?

**The Hon. ELISABETH KIRKBY:** Those were the church people we met.

**Reverend the Hon. F. J. Nile:** The Council of Churches?

**The Hon. ELISABETH KIRKBY:** Not the Council of Churches.

**Reverend the Hon. F. J. Nile:** That is the official spokesperson for the church?

**The PRESIDENT:** Order! I will not allow debate to continue with interrogatories between the Hon. Elisabeth Kirkby and Reverend the Hon. F. J. Nile.

**The Hon. ELISABETH KIRKBY:** The letters quoted by Reverend the Hon. F. J. Nile were written long before those consultations took place.

**Reverend the Hon. F. J. Nile:** And have not been withdrawn.

**The Hon. ELISABETH KIRKBY:** Reverend the Hon. F. J. Nile said also that he believes that the cutting edge of the gay and lesbian community is the group known as ACT UP. It will be obvious to all honourable members of this House, and I think to members of the public, that ACT UP is an extremist group within the gay and lesbian community. It does not represent the mainstream of thought in that community.

**Reverend the Hon. F. J. Nile:** I said they were at the cutting edge.

**The Hon. ELISABETH KIRKBY:** The meeting with the church leaders was attended also by representatives chosen by the gay and lesbian community, including its legal adviser. Reverend the Hon. F. J. Nile also spoke about the Free Speech Committee. The Free Speech Committee does not make the same statements about the defamation laws which exist in this State and which are, in fact, going to be amended. I am a member of the Council for Civil Liberties, of which Mr John Marsden is the president. I assure all honourable members that the Council for Civil Liberties in New South Wales has not, as a council, made any pronouncement on this piece of legislation.

**Reverend the Hon. F. J. Nile:** The secretary has made statements.

**The Hon. ELISABETH KIRKBY:** When Mr Marsden was overseas, one member of the council made a personal statement. That statement does not represent the views of the Council for Civil Liberties, and Mr Marsden was at pains to point that out when he returned from his trip overseas. There is nothing in free speech that allows any person to vilify, to defame or to incite. It is a false statement to suggest that anything in this bill will deny people free speech. It will not deny free speech. I have been informed by some members of a particular church - and I do not intend to name the church - that members of the gay and lesbian community have been incited and vilified from the pulpit. One of the members of that church decided to change allegiances and not attend that church again.

**Reverend the Hon. F. J. Nile:** What church was that?

**The Hon. ELISABETH KIRKBY:** I do not intend to name the church. Reverend the Hon. F. J. Nile quoted selectively from the *Illawarra Mercury*. This has given me an opportunity to quote from an editorial by Peter Cullen, editor of the *Illawarra Mercury*, which states:

The NSW Government, under the leadership of John Fahey, has been finally exposed as the most gutless organisation we've encountered for many years. That pathetic, spineless backdown to Fred Nile was the last straw. Fred, the bloke who plays God and rides around the nation on his high moral horse, has bludgeoned Fahey and his team of jellyfish into surrendering on the homosexual hate Bill . . . The Government's disgraceful cave-in is a green light to all those red necks in the community to continue their vilifications and bashings of gays . . . In one incredible moment of gutlessness, the State Government . . . abandoned a law promoting tolerance and understanding. It took NSW from the '90s back to the dark old age of colonial tyranny . . . Some 600,000 people in NSW are abandoned and exposed once again to hillbillies, red necks, homophobics and lunatics. Is that Christianity Fred? Some Christianity.

I should also like to quote from what is not known as a very liberal newspaper, even though it is named the *Daily Liberal*. The editorial of that Dubbo newspaper stated:

Mr Nile's homophobic attitude is shared by many in the community, but few people would deny a person's right to a life free of ridicule regardless of their sexual preference. Even fewer would respect a premier who allows a minority view to hold the State to ransom.

As Reverend the Hon. F. J. Nile quotes at length from articles that suit his side of the debate, it is proper that I be able to do the same and that debate on this bill be delayed until November. This will provide time for further consultation with the churches and the community. The Government will be able to proceed with its own legislative program. I support the amendment moved by the Hon. E. P. Pickering and I trust it will gain the support of all honourable members in this Chamber.

**The Hon. J. P. HANNAFORD:** Pursuant to Standing Order 106, I desire that the resolutions be put seriatim.

**The PRESIDENT:** Order! Pursuant to the request of the Leader of the Government, under Standing Order 106 I shall put the resolutions seriatim. The question is in four parts. The first question is, That the Anti-Discrimination (Homosexual Vilification) Amendment Bill be restored to the Business Paper.

**The House divided.**

**Ayes, 20**

Mrs Arena	Mr Macdonald
Dr Burgmann	Mr O'Grady
Ms Burnswoods	Mr Pickering
Mr Dyer	Mr Shaw
Mr Egan	Mrs Symonds
Mr Enderbury	Mr Vaughan
Mr Johnson	Mrs Walker
Mr Jones	
Mr Kaldis	<i>Tellers,</i>
Miss Kirkby	Mrs Isaksen
Mrs Kite	Mr Obeid

**Noes, 19**

Mr Bull	Mrs Nile
Mr Coleman	Revd F. J. Nile
Mrs Evans	Dr Pezzutti
Mrs Forsythe	Mr Ryan
Miss Gardiner	Mr Samios
Mr Gay	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	<i>Tellers,</i>
Mr Moppett	Dr Goldsmith
Mr Mutch	Mrs Sham-Ho

**Pair**

Mr Manson	Mrs Chadwick
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**Question so resolved in the affirmative.**

**The PRESIDENT:** Order! The question is, second, That so much of the standing and sessional orders be suspended as would preclude the passing of the bill through all its remaining stages during the present or any one sitting of the House.



**The House divided.**

**Ayes, 20**

Mrs Arena	Mr Obeid
Dr Burgmann	Mr O'Grady
Ms Burnswoods	Mr Pickering
Mr Dyer	Mr Shaw
Mr Egan	Mrs Symonds
Mr Enderbury	Mr Vaughan
Mrs Isaksen	Mrs Walker
Mr Johnson	
Miss Kirkby	<i>Tellers,</i>
Mrs Kite	Mr Jones
Mr Macdonald	Mr Kaldis

**Noes, 19**

Mr Bull	Mrs Nile
Mr Coleman	Revd F. J. Nile
Mrs Evans	Dr Pezzutti
Mrs Forsythe	Mr Ryan
Miss Gardiner	Mrs Sham-Ho
Mr Gay	Mr Rowland Smith
Dr Goldsmith	Mr Webster
Mr Hannaford	<i>Tellers,</i>
Mr Jobling	Mr Mutch
Mr Moppett	Mr Samios

**Pair**

Mr Manson	Mrs Chadwick
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**Question so resolved in the affirmative.**

**The PRESIDENT:** Order! Paragraph three of the motion seeks that consideration of the bill take precedence of all other Government and general business until concluded. To this motion the Hon. E. P. Pickering moved an amendment that after the word "Business" the words "from Tuesday, 16th November, 1993," be inserted. The question now is, That the amendment of the Hon. E. P. Pickering be agreed to.

**Amendment agreed to.**

**The PRESIDENT:** Order! The question is, therefore, that paragraph three of the motion as amended be agreed to.

**The House divided.**

**Ayes, 20**

Mrs Arena	Mrs Kite
Dr Burgmann	Mr Obeid
Ms Burnswoods	Mr O'Grady
Mr Dyer	Mr Pickering
Mr Egan	Mr Shaw

Mr Enderbury	Mr Vaughan
Mrs Isaksen	Mrs Walker
Mr Johnson	
Mr Jones	<i>Tellers,</i>
Mr Kaldis	Mr Macdonald
Miss Kirkby	Mrs Symonds

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#### Noes, 19

Mr Bull	Revd F. J. Nile
Mrs Evans	Dr Pezzutti
Mrs Forsythe	Mr Ryan
Miss Gardiner	Mr Samios
Mr Gay	Mrs Sham-Ho
Dr Goldsmith	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	<i>Tellers,</i>
Mr Mutch	Mr Coleman
Mrs Nile	Mr Moppett

#### Pair

Mr Manson	Mrs Chadwick
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**Question so resolved in the affirmative.**

**The PRESIDENT:** Order! The question is, fourth, That the Anti-Discrimination (Homosexual Vilification) Amendment Bill be read a second time forthwith.

**The House divided.**

#### Ayes, 20

Dr Burgmann	Mr Macdonald
Ms Burnswoods	Mr Obeid
Mr Dyer	Mr O'Grady
Mr Egan	Mr Pickering
Mr Enderbury	Mr Shaw
Mrs Isaksen	Mrs Symonds
Mr Johnson	Mr Vaughan
Mr Jones	
Mr Kaldis	<i>Tellers,</i>
Miss Kirkby	Mrs Arena
Mrs Kite	Mrs Walker

#### Noes, 19

Mr Bull	Mrs Nile
Mr Coleman	Dr Pezzutti
Mrs Evans	Mr Ryan
Mrs Forsyth	Mr Samios
Mr Gay	Mrs Sham-Ho

Dr Goldsmith	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	<i>Tellers,</i>
Mr Moppett	Miss Gardiner
Mr Mutch	Revd F. J. Nile

**Pair**

Mr Manson	Mrs Chadwick
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**Question so resolved in the affirmative.**

**Motion as amended agreed to.**

**Second Reading**

**The Hon. ELISABETH KIRKBY** [11.8]: I move:

That this bill be now read a second time.

**Debate adjourned on motion by the Hon. Elisabeth Kirkby.**

**BUSINESS OF THE HOUSE**

**Orders of the Day: Removal**

**The PRESIDENT:** Order! As the House has now agreed to the restoration of the Anti-Discrimination (Homosexual Vilification) Amendment Bill to the business paper, I direct the Clerk to remove the two orders of the day standing in the name of the Hon. Elisabeth Kirkby on the business paper for today, which have a similar purpose to the motion agreed to by the House.

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN**

**Message**

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

Mr President -

The Legislative Assembly desires to acquaint the Legislative Council that it has agreed to the following resolution -

That John Harcourt Turner be discharged from attendance upon the Committee on the Office of the Ombudsman and that Andrew Raymond Gordon Fraser be appointed to serve on such Committee.

Legislative Assembly  
**R Rozzoli**  
 12  
 Speaker

October

**K**  
  
 1993

**REGULATION REVIEW COMMITTEE**

## Message

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

Mr President -

The Legislative Assembly desires to acquaint the Legislative Council that it has agreed to the following resolution -

That Jeremy Stirton Prevost Kinross be appointed to serve upon the Regulation Review Committee in place of Anthony Charles Packard, resigned.

Legislative Assembly

**K**

**R Rozzoli**

12

October

1993

Speaker

## ESTIMATES COMMITTEES Message

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

Mr President -

The Legislative Assembly requests that the Legislative Council take this message in consideration together with the Assembly message, dated 16 September 1993, concerning the appointment of the Estimates Committees and concurs with the following amendments:

- \* in paragraph (12) omitting the word "five" and inserting instead "three"; and
- \* omitting paragraph (14) and consequentially renumbering the remaining paragraphs.

Legislative Assembly

**K**

**R Rozzoli**

12

October

1993

Speaker

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

That the Legislative Assembly's message be set down for consideration for the next sitting day together with the Assembly's message dated 16 September, 1993.

## ADJOURNMENT

**The Hon. J. P. HANNAFORD** (Attorney General, Minister for Justice, and Vice President of the Executive Council) [11.15]: I move:

That this House do now adjourn.

## ASTHMA AWARENESS WEEK

**The Hon. D. F. MOPPETT** [11.15]: This morning in the Parliament the Asthma Foundation launched its annual Asthma Awareness Week. The focus of this year's Asthma Awareness Week is asthma in the very young. This is a most appropriate subject to focus on this year because it has become apparent over the past decade that asthma has developed in young people at an almost epidemic rate. At this stage the incidence amongst young people is truly alarming. Asthma has been described as the most serious chronic health problem in our society. It affects about 1.4 million adults and children. I note with great sadness that it results in the death of approximately 800 people in Australia each year. Sometimes those who are not sufferers and those not connected with sufferers are not sufficiently aware of this disease.

From a purely medical sense the cost of the care of asthma sufferers amounts to between \$300 million and \$400 million each year. Work-related costs due to absenteeism and other factors associated with assessing that cost amount to an additional \$400 million. This total of about \$700 million annually compares with costs of the order of \$650 million annually for coronary heart disease. Asthma is an extremely serious disease. As I have said, this year's focus is on young people and the incidence of the disease in the young. I have mentioned also that over the past 10 years there has been a dramatic increase in the incidence of asthma. The condition known as recent wheeze has doubled, the formal diagnosis of asthma has trebled, and the use of approved medicines for the control of the condition has quadrupled in that period.

In today's launch representatives of the old Kindergarten Union mentioned that - because of the difficulty of diagnosing asthma in its early stages among the very young, who have not developed the verbal skills to enable them to describe the conditions from which they are suffering - this condition is still often underdiagnosed, particularly in kindergarten children and infants generally. The Asthma Foundation is a remarkable organisation which commenced operations in the 1950s. It is remarkable that in such a short time the message it has conveyed has resulted in research and other activities. We owe a great deal to the Asthma Foundation for its work. Today's launch had an air of distinction because of the presence of two of its joint founders, Mrs Micky Hardie - formerly Mrs Micky Halliday when she founded the Asthma Foundation - and Mrs Leila Schmidt. That was a high point of this morning's launch.

The organisation addresses research matters, education and awareness in the community and the welfare of sufferers. It raises about \$300,000 each year to spend on those various aspects. I believe asthma is so serious that it warrants the attention of members in the Chamber tonight. In due course the Government should find within the budget of the Department of Health a special allocation to help the Asthma Foundation with its work. I hope to be able to speak at length in the debate on a matter of public importance on Thursday, but I am pleased to bring this matter to the attention of the House tonight.

## **WOOLLOOMOOLOO FINGER WHARF REDEVELOPMENT**

**The Hon. Dr MEREDITH BURGMANN** [11.18]: In March this year the Minister for Transport and Minister for Roads, Mr Baird, announced the results of a lengthy process which was meant to resolve the future of the magnificent old finger wharf at Woolloomooloo. The Maritime Services Board, for which Mr Baird was responsible at the time, had initially been instructed to call for expressions of interest and invite proposals for the redevelopment of the wharf. Three expressions of interest were received and the MSB then called for tenders. The MSB ruled that only two tenders would be received. One was from an organisation called the Woolloomooloo foundation headed by Sydney businessman Ian Yates. Mr Yates proposed to convert the wharf into a retail market-place, along with a community-oriented arts and entertainment centre. Mr Yates first presented the scheme to the Government in April 1991.

The other tender was from a company called Wedderlight Delmo. It proposed a luxury Sheraton Hotel and a million dollar apartment development. Minister Baird announced in March that this development had won the tender. Many observers were astonished by this decision, including local

residents and people concerned with Sydney's heritage and with the public's access to the foreshore. Those people who have been trying to find answers to a number of significant questions have been met with a stony wall of silence from the MSB, from the Minister responsible at the time, Mr Baird, from the Minister now responsible, Mr Armstrong, and from the Premier. This week Mr Yates' lawyers lodged a complaint with the Independent Commission Against Corruption. On the evidence he has an excellent case against Bruce Baird and Clover Moore for corrupt conduct. This view is supported by hundreds of Woolloomooloo residents and others around Sydney who believe that the Yates' proposal for the wharf - the rejected proposal - would have given their neighbourhood and the city of Sydney a world-class facility and a major tourist attraction.

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! I ask the Hon. Dr Meredith Burgmann to deliver her statement in a manner that Hansard and members in this Chamber can understand.

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**The Hon. Dr MEREDITH BURGMANN:** Residents suspect that they have been deprived of this public amenity because the decision-making process was perverted by politics in the first instance and brought about by an act of gross impropriety. The ICAC should inquire into allegations that the details of Mr Yates' proposal were revealed to the opposing bidder, the Sheraton team, so that the Sheraton bid could match certain aspects of the Yates' bid and thereby stay in the running for the job of redeveloping the wharf. The ICAC should inquire into allegations that a representative of the Minister, Mr Baird, attended a meeting in the office of the honourable member for Bligh, Ms Clover Moore, in July last year and sought to win support for the Sheraton proposal by informing those present that the Sheraton bid had been amended to match the Yates' bid. Information submitted to ICAC shows that Clover Moore tried to stop the tendering process and have the Sheraton bid win without opposition. If those allegations are true, it would naturally confirm suspicions that Minister Baird went out of his way to have the Sheraton bid accommodated because it had the support of the person in whose electorate the wharf is located - the electorate of Bligh represented by Ms Clover Moore, one of the three Independents who hold the balance of power in this Parliament.

The allegation is that Ms Moore interfered in the tender process. The conduct of both Mr Baird and Ms Moore is reprehensible. So keen was Mr Baird to do Ms Moore's bidding, presumably to win Ms Moore's favour and support, that he as Minister also allowed himself to be convinced that the Sheraton Hotel proposal was not only commercially viable but had the support of local residents, none of which is true. In fact, the chairman of the Friends of the Finger Wharf and well known environmentalist, Jack Munday, totally opposes the five star hotel development. Whether by accident or design, the Minister has been led into endorsing an elitist development of dubious value on grounds which are spurious, using methods which were dishonest and at odds with the spirit in which tenders ought to be conducted.

Indeed, there are many puzzling aspects to this case - questions which not only Mr Yates but the public at large are entitled to have answered. In March, for instance, Mr Yates asked the Maritime Services Board if they could explain to him why his tender was unsuccessful. The MSB said they could not give him any reasons for the decision. In fact, the MSB wrote that his proposal was not an alternative, even if the hotel project could not be financed, despite Mr Yates not changing the basic use as proposed to the Government in April 1991. As to the MSB refusal to give Mr Yates reasons, less than a week later Ms Moore issued a letter to her constituency explaining in detail the reasons, according to her, for the MSB's decision. How was she in a position to speak to the public on behalf of the MSB when it was not prepared to speak on its own behalf to Mr Yates.

Perhaps Ms Moore's account of events is incorrect, because only last month another version appeared from the Minister now responsible for the MSB, Mr Armstrong. In a letter to my colleague the Hon. Ann Symonds, the Deputy Premier gave reasons for the decision that bore no relation to those published six months earlier by the honourable member for Bligh. Meanwhile, Mr Yates still has not received any direct explanation from the Minister or the MSB despite attempts under the Freedom of

Information Act. This sequence of events serves to confirm suggestions that the people controlling the tender process were Clover Moore and Minister Baird in a preconceived effort to give Ms Moore precisely what she asked for in order to secure her continued support for the Government. Is this indeed an example of dealing corruptly with an Independent to secure an advantage for the Government? [*Time expired.*]

## CONDOM EFFECTIVENESS

**Reverend the Hon. F. J. NILE** [11.22]: I wish to speak about a serious matter, the Canberra condom conspiracy - the CCC. The new Federal Government primary school kit entitled "Friends for Life" again introduces primary school children from seven to 12 years of age to the Canberra condom conspiracy. The question could be asked tonight: If condoms are so safe, why are so many women pregnant? Condoms have a failure rate of 15.7 per cent. This statistic comes from Planned Parenthood, an associated affiliate organisation to the Family Planning Association. It represents the percentage of women whose partner uses a condom but will become pregnant during the course of a year.

It is a standardised failure rate calculated to show a number that applies to all condom users, not just specific demographic groups. However, group-specific failure rates show shockingly high numbers. Among young, unmarried, minority women the rate is 36.3 per cent, and among unmarried Hispanic women it is as high as 44.5 per cent. Since 1972 the non-marital pregnancy rate of women aged from 15 to 19 years has increased 87 per cent and among women aged from 18 to 19 years it has nearly doubled. Since 1970 the United States Federal Government has spent nearly \$3 billion on Title X, the federal family planning program. Meanwhile, non-marital teen births have increased in the United States by 61 per cent. Because 40 per cent of teen pregnancies end in abortion, births are fewer than pregnancies. The same percentages apply to Australia.

If condoms are so safe, why are so many people HIV positive? The HIV virus that causes AIDS is 100 per cent fatal and has no known cure. Use of a condom is being equated with safer sex to reduce the risk of contracting HIV-AIDS, but what is safer sex? In a new study by the University of Texas medical branch at Galveston, 11 studies on the use of condoms to prevent HIV transmission were analysed. The researchers concluded that:

Exposed condom users will be about a third as likely to become infected as exposed individuals practising "unprotected" sex. Thus, condom effectiveness or the risk reduction due to condom use can [at best] be estimated at 69 per cent.

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The Journal of the American Medical Association reported the results of a study of married couples in which one was infected with HIV. Of the partners using condoms as protection for 18 months, 10 per cent became infected with the HIV virus. Another later study published in the Journal of the American Medical Association reported that even after a person had used a condom for protection, after 500 sexual encounters with an HIV-infected partner, there was still a one in 11 risk of infection. "Saying that the use of condoms is safe sex is in fact playing Russian roulette. A lot of people will die in this dangerous game", said Dr Theresa Crenshaw, past President of the American Association of Sex Education, Counsellors and Therapists, and a member of the National AIDS Commission in testimony before the United States House Subcommittee on Health and the Environment. Dr Bruce Voeller, gay activist and President of the Mariposa Research Foundation agrees, "You're still playing a kind of Russian roulette. Instead of having six bullets in the chamber, you have one".

One factor in the failure rate of condoms is the problem of incorrect usage. Since the condom is a barrier method, it must be used correctly every time to be effective. It also requires an interruption in

sexual activity that can be daunting for unmarried or less mature partners. This combination of requirements makes it a difficult contraceptive to use. On 18th June, 1987, before the Select Committee on Children, Youth and Families, Dr Crenshaw testified:

The two most common lubricants used for sexual activity in America today among teenagers and adults are saliva and Vaseline. Saliva can contain the virus in an infected person and petroleum products dissolve latex. Teenagers are more likely to buy unlubricated condoms and supply their own lubrication because unlubricated condoms are cheaper.

Dr Nicholas Fiumara, of the Massachusetts Department of Public Health, described the conditions necessary to ensure condom protection against sexually transmitted diseases:

. . . provided there is no preliminary sex play, the condom is intact before use, the condom is put on correctly and the condom is taken off correctly. However, the male population has never been able to fulfil the very first requirement.

Why are we hearing that rectal intercourse is still too risky? [*Time expired.*]

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! I place on record my concern about a trend among some members contributing to the adjournment debate who read a prepared speech as if they were in a speed reading competition, such that no one in the Chamber can understand what they are saying. Surely members should be able to understand what is being said in an adjournment debate in this Chamber. I believe that it is against the philosophy of this Chamber for members to make a speed reading contribution and say as much as possible in the time available to them, merely to have it published in *Hansard*. When appropriate, I shall certainly interrupt those members and suggest that they slow down their delivery, which will result in a loss of their debating time. I suggest that honourable members adhere to the traditional spirit of the adjournment debate.

#### **DEATH OF BEVAN PRESTON BRADBURY A.O.**

**The Hon. J. P. HANNAFORD** (Attorney General, Minister for Justice, and Vice President of the Executive Council) [11.28]: I would like to refer to the sad passing of the President of the New South Wales division of the Liberal Party, the late Bevan Preston Bradbury, A.O. Mr Bradbury died suddenly at his home last Thursday week, 30th September, 1993. Mr Bradbury had been President of the New South Wales division of the Liberal Party since 1991, and had served as party finance vice-president for two years before that. Mr Bradbury also had a distinguished business career. He held the positions of board chairman of G. J. Coles and Company Limited and the Coles Myer group between 1982 and 1985, after serving as the Managing Director of the Coles company during the 1970s until 1982. He had also been the Chairman of the Bank of America, Australia Limited and he also served on the boards of several other significant companies.

Bevan was a popular and constructive leader of the New South Wales Liberal Party. He was a friend of all members of this Chamber and of the Parliament, and of many others in the Liberal Party. He was noted for his straightforward commitment to the best interests of the party. He had also just been re-elected to serve another term of office, and his contribution will be greatly missed. I am sure all honourable members of this House, particularly members of the Government - Liberal Party and National Party members - would want me to convey their sincere condolences to Bevan's wife, Clarice, and to all members of his family. I shall take the opportunity of conveying to Clarice the comments that I have put on the record, as a sign of the sympathy of all honourable members on the passing of Bevan Bradbury.

**Motion agreed to.**



**House adjourned at 11.30 p.m.**

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