LEGISLATIVE COUNCIL

Thursday, 11th November, 1993

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The Temporary Chairman of Committees (The Hon. R. T. M. Bull) took the chair as Deputy-President at 10.30 a.m.

The Deputy-President offered the Prayers.

BOOKMAKERS (TAXATION) (BET BACK) AMENDMENT BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

HOMEFUND COMMISSIONER (AMENDMENT) BILL

Bill received and read a first time.

PETITIONS

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**.

Abortion

Petition praying that because of community support for the continued availability of abortions and a woman's right to choose abortion and the continued availability of counselling services for abortion clinics, the House not support any restriction of existing abortion services, received from the **Hon. Ann Symonds**.

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**.

STANDING COMMITTEE ON STATE DEVELOPMENT

Discussion Paper: Regional Business Development in New South Wales - Trends, Policies and Issues

Debate resumed from 28th October.

The Hon. JENNIFER GARDINER [10.37]: It gives me great pleasure to continue my remarks on the discussion paper from the Standing Committee on State Development, looking into regional business in New South Wales. While I am about that task, I should like to reflect upon Letona cannery at Leeton. As the Standing Committee on State Development has gone about its business with community discussion groups throughout New South Wales, one of the common themes to emerge is that community leaders and people generally who have taken a definite interest in this issue, not only in the past few months but also for a period of years, are quite clear in saying to this Government that bailing out of an organisation like Letona is not the way to approach regional development in New South Wales.

It has been very interesting that those comments have emerged spontaneously at a number of meetings throughout the State that the standing committee has attended. The last time I was speaking on this debate I mentioned that two members of the standing committee had been on a study trip to Europe, which was particularly timely because of the debate over the finalisation of the Maastricht Treaty, which has given formal status to regional development in the European community. In the treaty of Maastricht, which in recent weeks -

The DEPUTY-PRESIDENT: Order! Pursuant to the resolution of 10th November, 1993, standing and sessional orders are suspended to allow the moving of a motion forthwith concerning the commemoration of the Seventy-fifth anniversary of Armistice Day.

ARMISTICE DAY SEVENTY-FIFTH ANNIVERSARY

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [10.40]: I move:

> That this House commemorates the Seventy-fifth anniversary of Armistice Day; and
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> That Members and Officers of the House stand in silence for two minutes in remembrance of those who have made the supreme sacrifice.

In 1918, at the eleventh hour of the eleventh day of the eleventh month, an armistice was signed by the imperial German army and allied forces, which had waged war for four years. This marked the end of the first world war. World War I lasted for four years. Almost 10 million service men and women lost their lives in the war to end all wars. Hostilities did not end officially until just before the document was signed. We can only wonder how many people died tragically on the early morning of that last day. Armistice marked a day of victory for the allies and a day of rejoicing, but for the first time there was peace on the battlefield. For the first time in four years people were able to put aside the horror of war and experience the joy and relief of peace. An

Australian journalist, George Edward Honey, writing in the *London Evening News* of 8th May, 1919, suggested a very simple observance of Armistice Day. He said:

> Can we not spare some fragment of these hours of peace rejoicing for a silent tribute to these mighty dead?

Later, King George V, in an address to the nation, said:

> At the hour when the armistice came into force . . . there may be, for a brief space of two minutes, a complete suspension of all our normal activities.

This tradition was established and continued as Armistice Day until 1946 when the Commonwealth Government agreed to the proposal of the United Kingdom Government that Remembrance Day should be established to commemorate those who fell in the 1939 to 1945 war and the 1914 to 1918 war. In this House we observe the tradition of two minutes' silence as we reflect upon the horror of war and remember all the people who died in that cause in World War I, World War II, Korea and Vietnam.

The year 1993 marks the seventh-fifth anniversary of the signing of the armistice. Today the Premier is representing the people of New South Wales at a ceremony at the War Memorial in Canberra where the remains of an unknown soldier will be entombed in the hall of memories. No community was left untouched by the horrors of the world's first war. Memorabilia, which depicts the soldiers going off to war, is hung in every museum and library. We can still see the fresh faces of those soldiers. They were young, ready, afraid of the unknown and afraid of death. In every part of Australia and in every town in Australia we will find a war memorial. The names for ever inscribed on these memorials are familiar. Among them we will find Smiths, Jones and a multitude of other names which attest to the multicultural origins of Australia.

This is the significance of Remembrance Day. Everyone who died did so fighting for his or her country, fighting for freedom and fighting for peace. In death everyone is equal. It did not matter what rank people were or whether they were rich or poor; all had a common goal. Of all things this equality of cause is their most valuable lesson to us. When we reflect on this we understand that it is at our peril that we forget these men and women, what they did and what they sacrificed so that we could have equality, democracy and individual freedom. The Unknown Soldier whose remains will be interred in Canberra today was a man, or perhaps a boy, who could have been anyone's son, brother, husband or father. No doubt, on the battle field, he was certainly someone's mate.

Everyone who lost someone during the first world war may get some comfort, all these years later, from the fact that perhaps the lost member of their family has finally come home. Every other person in Australia whose family sacrificed a loved one during any of the other wars can believe that this soldier symbolically represents the one that they lost. As for the rest of our unknown soldiers, they will remain in the poppy fields of Flanders, with unnamed and unnumbered crosses - Australian men and women still thinking of home.

The Hon. M. R. EGAN (Leader of the Opposition) [10.45]: The last occasion upon which this House sat on Armistice Day was 11th November, 1982. That was the last occasion upon which honourable members stood in silence for two minutes to remember the lives lost in the Great War. Eleven years on, as we approach the eleventh hour of the eleventh day of the eleventh month, 75 years from 1918, it is appropriate to mark this special occasion by echoing those circumstances. This time, however, we join with the whole nation to remember the lives lost and the sacrifices made for peace. It is a sad duty, but it is an honour for me to pay tribute today to the 60,000 Australians who did not come home to their families and friends and to Australia as it was then - a fledgling nation.

I, on behalf of the Opposition, remember with sadness the loss of the many individuals who were savagely denied the opportunity to rejoin their families, to contribute in all spheres to our growing nationhood, and to remember those who were denied the opportunity to see the war finally end. As with all history, it is incumbent upon all of us to make sure that future generations learn about the reasons and consequences of war and understand the sacrifices made by Australians in the past. And by doing so we should help the young people of Australia to understand that, as momentous and devastating as the Great War was, out of the conflict, death and destruction a national cohesion and sense of identity has evolved.

The horror and bloodshed experienced by young Australian men and women in the trenches and on the fields of Europe, to the final offensive in northern France, have left many lasting effects on all spheres of Australian life - in employment, economics, political life, and, among the arts, in literature, drama and poetry. It is ironic and it is astounding that from human suffering of such magnitude can come inspiration

and hope. These are the legacies to which we must cling. Armistice Day is a day of true international significance. Throughout the world millions of people in Canada, Britain, Italy, Germany, Greece, the United States of America and in many other countries are paying similar tribute to those who died serving their countries. They are remembered in solemn accord. In remembrance of their courage, in tribute to their lives and their service, and with respect for their families, the Opposition joins with all honourable members in commemorating the fallen. Lest we forget.

The Hon. R. B. ROWLAND SMITH [10.48]: I join wholeheartedly in supporting the motion moved by the Leader of the Government. On Thursday, 5th April, 1990, we gathered in Parliament to commemorate the seventy-fifth anniversary of the landing at dawn on 25th April, 1915, of the Australian and New Zealand Army Corps on the beaches of Gallipoli. Today we are gathered to

commemorate and remember the end of that war with the return to Australia of an Unknown Soldier who will shortly be interred in the War Memorial in Canberra. The identity of this soldier is unknown, but he represents all those gallant men who gave their lives on the fields of France during the first world war. This Unknown Soldier may have been a lad of 16 years of age, spurred on by his belief in freedom and the love for his motherland. He, along with thousands of his comrades, left this country by ship.

I remember vividly standing on the hill above Princess Elizabeth Harbour at Albany in Western Australia and looking out to sea. This was the last glimpse that those gallant men had of Australia before they sailed overseas. This Unknown Soldier knew little about what was ahead of him - mud and slush in the trenches but, worst of all, the killing of thousands upon thousands of his fellow comrades. I thought that the journalist, Mike Gibson, in the *Daily Telegraph Mirror* recently summed up the situation very well. He said of the Unknown Soldier:

> No one was sure if it was really young Billy or another bloke who was coming home. Besides those who knew him best had all died but I knew him because he is my conscience. He is there to remind us of things that happened. He is there so we never forget all those young Aussie blokes who paid the ultimate price for things that must never happen again. I felt both pride and gratitude, for this sensation that overwhelmed me was a feeling of great warmth. The feeling you get when someone important comes home.

He will always remind us of those thousands upon thousands of young Australian men in all wars who paid the supreme sacrifice so that we might remain free. I wholeheartedly support the motion.

The Hon. ELISABETH KIRKBY [10.51]: Today we commemorate the seventy-fifth anniversary of the armistice - the ending of World War I on the eleventh hour of the eleventh day of the eleventh month. A day that as a child I used to dread because, without understanding why, I saw my mother in tears, mourning the loss of her brother. Later I watched my father with compassion as he mourned the loss of my brother - his only son - killed in action. Before I came to Australia I would visit villages in Austria and Bavaria and see the honour rolls in the village square, the lists of all the young men who gave up their lives in war. Only a few months ago, in the hill villages of Tuscany, there were similar honour rolls.

After I came to live in Australia the memorials in the small country towns of New South Wales never failed to remind me of the enormous sacrifice made by a small nation, thousands of miles away from the conflict; rolls of honour that made it crystal clear to me that here parents mourned the loss of two, three, and sometimes four sons. Of all the great disasters faced by our nation, the overwhelming loss of life - the loss of young Australians - in the first world war must be the greatest. How much stronger a nation would we be if their strength and courage had been devoted to the peaceful development of Australia? What progress could we have made if we had been able to rely upon their energy and determination, and the energy and determination of their sons and daughters - never born?

It is fashionable in Australia today to criticise British commanders, to blame them for the loss of so many young Australians. In his autobiography *Memory Hold the Door*, John Buchan wrote of Sir

Douglas Haig. On the seventy-fifth anniversary of the armistice I believe something should be said to put the record straight, for I am as jealous of my birthright as is anyone in this Chamber with Irish or Scots blood. John Buchan wrote:

> He was first and foremost a highly competent professional soldier.
>
> Now a soldier's professionalism differs from that of other crafts.
>
> He acquires a body of knowledge which may be varied and enlarged by new conditions, such as new weapons and new modes of transport, but which in essence is a closed technique.
>
> But in a soldier, character is at least as vital as intellect, and there can be no question about the quality of his character . . .
>
> He had repeated bitter disappointments. He did not revise his plans until the old ones had been fully tested, and a new one had emerged of which his reason could approve . . .
>
> He broke through the Hindenburg Line in spite of the doubts of the British Cabinet, because he believed that only thus could the war be ended in time to save civilisation. He made the decision alone - one of the finest proofs of moral courage in the history of war.
>
> It may be argued that in the special circumstances of the campaign, his special qualities were the ones most needed - patience, sobriety, balance of temper, unshakeable fortitude.

According to John Buchan, Haig's epitaph should have been: "He was a steady man and with a great firmness of soul." Perhaps that same steadiness was displayed by our own Unknown Soldier who, as we speak, is being laid to rest at the War Memorial in Canberra. But, of course, we shall never know. However, I found a poem by Ernest Rhys that I thought might describe our Unknown Soldier. It was written of a Jo Vellacot, killed in action in 1915, but I think it describes very aptly the many young Australians who fought and died in Flanders. And for me it describes our Unknown Soldier:

> He had the plowman's strength in the grasp of his hand.
> He could see a crow three miles away and the trout beneath the stone.
> He could hear the green oats growing, and the south-west wind making rain.
> He could hear the wheel upon the hill when it left the level road.
> He could make a gate, and dig a pit,
> And plow as straight as stone can fall.
> And he is dead.

I have met many men like that since I became an Australian, and I honour them all. Too many others died in war. We honour them today.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [10.56]: I join with other honourable members in remembering what

the gallant Australians, New Zealanders and indeed soldiers of all nationalities did for the cause of peace so many years ago. Like many of us in this House I had at least five uncles or great uncles who went to the first world war, and miraculously they all returned, though at least three of them died subsequently from injuries they received in the war. That has brought home to me personally what an enormous sacrifice all of those people made. The significance of today's ceremony in Canberra of interring the Unknown Soldier at the Australian War Memorial will once again draw the focus of young Australians to those events that occurred so many years ago.

I fervently hope that the lessons learned from the horrors of the first world war, the second world war

and subsequent wars will ensure that such horrors never will occur again. Modern communications would not have allowed the first world war to have continued for so long as it did. I join with other honourable members in remembering those people and in supporting our Premier, the Prime Minister and other dignitaries in Canberra today as they perform their very important task.

The Hon. Judith Walker: With the leave of the House I ask that the names of Reverend the Hon. F. J. Nile and the Hon. Elaine Nile be included in today's proceedings as they cannot attend personally. I am sure they would support this motion.

The DEPUTY-PRESIDENT (The Hon. R. T. M. Bull): Order! I advise the Hon. Judith Walker that whatever logistics are involved in putting the names of Reverend the Hon. F. J. Nile and the Hon. Elaine Nile on the roll for today will be investigated. I am sure they would have wanted to be present, but circumstances have prevented them from attending.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [10.59], in reply: I thank honourable members for their support for the motion and for their comments on this day and the occasion that it marks. I am sure no honourable member has been left unmarked by the effect of war, even in the same way as my colleague the Hon. Robert Webster, who has experienced that through his family. It is appropriate for honourable members to note that two honourable members who have spoken to the motion themselves experienced the trauma of war and participated in it. Their comments will be appreciated by all honourable members, for they have experienced the trauma that most of us, blessedly, have been able to avoid - trauma that all of us wish to avoid and hope that our children will be able to avoid. On the seventy-fifth anniversary of the armistice I ask all honourable members to stand in their places to mark the occasion.

Members and officers of the House standing in their places,

Motion agreed to.

STANDING COMMITTEE ON STATE DEVELOPMENT

Discussion Paper: Regional Business Development in New South Wales - Trends, Policies and Issues

Debate resumed from an earlier hour.

The Hon. JENNIFER GARDINER [11.2]: My contribution to this debate was interrupted for the observance of the seventy-fifth anniversary of the end of the first world war. I joined with other honourable members in solemn remembrance of those Australians who served in that conflict, particularly in Europe - people such as my grandfather - the returned servicemen and, more important, those who did not return. I was referring honourable members to the recent ratification of the Maastricht Treaty. During a recent study tour of regional development in Europe, which I undertook with the Hon. R. S. L. Jones, one of the cities often mentioned as a leader in regional development in the establishment of technology parks was the city of Lille, near the border between France and Belgium. We can learn much from the activities of the community leaders of that city.

The Maastricht Treaty is relevant to this issue because for the first time regional development was formalised during the European union. The Maastricht Treaty was ratified following several years of debate throughout the European Community. It marks a new stage in the process of creating an ever closer union between the peoples of Europe, where citizens have a close association with decisions taken. That will be achieved through the creation of an era without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union - the objectives that the 12 signatories to this treaty have undertaken to meet.

The treaty states that the task of the European Community will be to promote a harmonious and

balanced development of economic activities, sustainable and non-inflationary growth respecting the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity. That particular clause of the Maastricht Treaty is important because it refers to balanced development, words that are in vogue so far as regional development in Australia, particularly in New South Wales, is concerned. I refer specifically to a recent submission to governments by the Country Mayors Association entitled "Balanced Development".

The Maastricht Treaty has given greater prominence to the regions of Europe by setting up a committee of the regions within the formal structure of the European Community. That is seen by many European people working in regional development - as the national borders take on a less definite nature - as being extremely important to try to rectify the imbalance between various parts of the European Community. Of course, Australia has to compete

directly with that in the global market. The Maastricht Treaty established a committee of the regions, which has an advisory status and is completely independent. Where that committee considers its specific regional interests are involved, the committee of the regions may issue an opinion on the matter. It may also issue an opinion on its own initiative. That is important because Australia, in developing its own regions, must compete with huge European Community markets and budgets.

Though the budgets in Europe are beyond the scale which we could contemplate in terms of regional development in New South Wales, similar themes to the theme used in Europe may be encountered in New South Wales as one examines regional development throughout this State. The language in many cases is the same. There is an interesting tendency to look at bottom-up type localised initiatives rather than massive subsidies from the top. The European Community recognises the economic and social disparities between the regions. Most of the 12 European member nations have been implementing a regional policy at national level since the end of the second world war. The aim in each case is the same: to reduce gaps in living standards and to ensure the balance of development in regions to allow as many citizens as possible to benefit from economic progress.

Similar disparities occur at the community level as a whole, and they are larger at that level than at State level. The issue of regional development is all the more crucial given that the single market can be successful only if it is achieved through community involvement. The European Community sees itself as having a particular responsibility in that regard. Although that has undoubtedly contributed to reducing inequalities between regions, the task by far exceeds their own resources, particularly in regions where economies are less developed.

Therefore, aware of the need to promote balanced and coherent development, in 1975 the community set up the European Regional Development Fund. During its first 14 years the fund granted 24 billion ECUs - the European Community's economic unit, which equates to approximately 0.6 of an Australian dollar - in subsidies to promote least-developed regions, notably in Italy, Ireland, Greece and the United Kingdom. That fund has helped to create or preserve almost one million jobs and has contributed to the implementation of more than 40,000 projects in every sector - infrastructure, services, industry and crafts.

Nevertheless, despite considerable funds committed in the past, the Community's regional policy was confined to providing financial assistance for the implementation of national policies. In the single European market capital and labour will settle where the physical and economic environment is most attractive. Some regions will benefit more than others from the frontier-free market. For the Community, the indispensable complement to the completion of the internal market is economic and social cohesion. The cohesion has more than a Community dimension; it is the real driving force behind Community measures in the field of regional policy.

The Community believes that its efforts will have to be sustained over many years. Therefore, it is a

constant task for the member States and the Community to give to regions disadvantaged by their history, geography and economy the boost they require to meet the challenge of the next century. Once the Single European Act was adopted in 1986 the Community overhauled its regional policy, increased substantially the resources available and concentrated its efforts on better geographical targeting and improved economic identification of priorities. That revision was part and parcel of the reform of the European Community's structural funds, which comprise the European Regional Development Fund to which I have referred, the social fund, and - of particular interest to our primary producers - the infamous Agricultural Guidance and Guarantee Fund. Those restructured funds came into force in January 1989.

To ensure that the effort would focus on a limited number of key tasks, the Community set five priority objectives for the structural funds. Three are specifically regional in nature since they concern regions whose development is lagging behind. They have a number of designations as to particular parts of the EC, and are described variously as objective 1 regions, which concerns development that is lagging behind, for example, steel and coal regions; objective 2, industrial regions in decline; and objective 5b, disadvantaged areas that are rural areas. Regions coming under objective 1 are those whose per capita gross domestic product is 25 per cent inferior or less than the Community average. That relates to Greece, Ireland and Portugal, large parts of Spain and Italy, as well as Northern Ireland, Corsica and the French overseas departments.

Approximately 80 per cent of the European Regional Development Fund resources are devoted to those regions. Regions that fall within the objective 2 category are those whose rate of unemployment and share of industrial employment are above the Community average, that is, regions experiencing industrial decline and with contracting industries experiencing heavy industrial job losses. Objective 5b concerns regions with severe problems of rural development. Objectives 3 and 4 concentrate on serious issues and long-term structural adjustment. With respect to what the EC is doing in particular regions, funding for objective 1 regions emphasises bringing up to date communications and telecommunications infrastructures to reduce the effects of isolation; energy and water supplies, to reduce external dependence and to improve the quality of life; research and development, to increase competitiveness of businesses; and focus on vocational training and business services, to create a favourable climate for new investment.

Objective 2 priorities focus on creating and preserving jobs in unattractive environments with the promotion of new productive activities; conversion of

industrial sites and disused land and buildings, restructuring and upgrading the region's image; research and development and strengthening links between universities and industries - something the Standing Committee on State Development is looking closely at for New South Wales; and providing vocational training facilities in order to compensate for lack of skills with local labour. Objective 5b efforts concentrate on diversification of activities with the aim of creating as many non-agricultural jobs as possible, notably in tourism and the small-size to medium-size enterprises.

The DEPUTY-PRESIDENT (The Hon. R. T. M. Bull): Order! There is far too much conversation in the Chamber. I am sure Hansard is experiencing difficulty recording the honourable member's speech. If members wish to converse, they should leave the Chamber.

The Hon. JENNIFER GARDINER: The EC develops its regional strategies in three stages. First, development plans that contain the priority requirements identified at national and regional levels are submitted by member States to the European Commission. Second, the commission provides the response that is negotiated in partnership with the relevant national and regional authorities. This takes the form of what is known as the community support framework, an agreement between the member States and the commission, which comprises three sections jointly defined as follows: the priorities of the policy to be implemented; the forms of assistance to be used, whether operational programs or large-scale projects; and the financial allocation that the commission undertakes to make available for given multiannual periods. Third, member States submit to the commission operational programs for

each of the priorities laid down in the community support framework.

Once a program is adopted by the commission, the national and regional authorities put into effect the proposed measures or projects. The implementation of the operational development program calls for close co-ordination to ensure that the various components are consistent with the whole. The commission contributes to that process by combining a case-by-case basis for the actions of the three structural funds. The contribution of the three funds is adjusted to take into account private and public funds from other national and Community sources. All programs are co-financed, which means that they have national governments playing their part and providing their share. According to the type of program and project, other Community resources may also be tapped, notably those of the European Investment Bank, which can intervene if projects are income-generating. The European coal and steel community can also grant loans. The Community claims that its aid to regions is not just a matter of writing cheques. In contrast to the past, support is no longer given only in the form of funding for one-off projects, but mainly in the form of funding for stable and predictable programs that allow reasonable forward planning.

Community help is, therefore, programmed into the whole project targeted over a period of five years. Other forms of assistance are given - for example, co-financing of support systems, large-scale projects and global interventions. The reducing of disparities is not seen as a short-term objective. To improve the chances of success of any of the programs, the commission has set up various monitoring committees for the Community support frameworks and for each program. These committees are made up of representatives at national and regional levels and of commission officials who watch over the development and implementation of the particular projects.

The jargon of the European Commission is inescapable. A number of words have been added to the language with special meaning for regional development in Europe. They are partnership, subsidiarity and additionality. They say that partnership applies to the effective participation of all factors, regional and national, at the different stages of the process and is one of the major innovations of the reform of the funds. Local and regional authorities are now closely involved in the drafting of development plans submitted by a member State in the preparation of the Community's support frameworks and forms of assistance, and in the implementation and monitoring of measures taken. Subsidiarity is a word used formally in the Maastricht Treaty and means that responsibilities must be exercised at the level closest to practical realities, in line with competence - another word that is used frequently in discussions in Europe. The competence of the various authorities and the need for efficiency are referred to.

The programs that are approved in Brussels are not only drawn up by regional or national authorities, they are also managed in practice by them. The European Community's official view is that the more the action is decentralised, the better its chances of being adapted to work situations. The additionality term in the jargon is the principle that Community assistance should complement the financial efforts of the regions or countries involved and not replace them. It is a matter of ensuring that member States are not tempted to slacken their efforts on regional development simply because the Community is putting more means at their disposal.

The reason I mention those specific aspects of the European Commission's regional development program is that there are themes that emerge in the overall program as well as from various parts of Europe that can be or are directly encountered by the Standing Committee on State Development as it moves about New South Wales inquiring into this subject. The idea of decentralised decision-making and bottom-up decision-making is popular not only in Europe. The concept is very strongly emphasised in Australia in a lot of literature produced in the past couple of years on the best way to reduce disparities between metropolitan and non-metropolitan living in this country.

One of the countries that the Hon. R. S. L. Jones and I visited was Denmark, which has some interesting similarities to New South Wales. It

has roughly the same population as Australia has. It has some similar themes in that it considers itself to be a peripheral country in Europe, outside the mainstream in terms of the big markets, having to fight hard in the European context and internationally, in much the same way as people in our region have to fight on the global market. It was interesting to learn from the Danish Government and particularly from the Danish Ministry for the Environment about the bipartisan approach taken towards a vision for Denmark in the year 2018. This idea of a vision for a country, region or State has been taken up in New South Wales, with many communities having a vision for the future, trying to get local people together to plan for their community's future. For instance, Coffs Harbour has its 20-20 vision program under way.

The Hon. Dr B. P. V. Pezzutti: The committee recommended a vision for the whole of the coast of New South Wales.

The Hon. JENNIFER GARDINER: Indeed it did. I must confess that vision was a word about which I had some scepticism some years ago. As one travels with the Standing Committee on State Development, it is interesting to hear community leaders in New South Wales talk of the concept of a government with vision or a local government with vision. It is very much in the minds of community leaders, who like to have clear objectives to work to.

The Hon. Dr B. P. V. Pezzutti: Without vision people perish.

The Hon. JENNIFER GARDINER: Without vision people perish and go blind. Denmark has a vision towards the year 2018. That vision has bipartisan support, with Denmark being seen as part of the European context. The Danes want their country to perform optimally in Europe and they set out to formulate how they wanted Denmark to develop spatially with respect to population and other issues during the next 20 to 30 years. The numerous decisions that will collectively shape the future of Denmark had to be placed in a context that would inspire people and serve as a reference framework for the people, their leaders, and managerial executives. As is the case in Australia, the Danish people live mainly in the largest centres. In fact, 85 per cent of that nation's population lives in Copenhagen and three other large cities. The population distribution is another reason that it is interesting to look at Denmark's vision for the future. The geography works across the traditional disciplines, and as a starting point the Danes needed to work out how to enrich economically, environmentally, culturally and in other ways the Denmark that otherwise would be, were it left to look after itself.

The Danish Government, with bipartisan support, has chosen to direct attention towards the potential of cities and towns, the overall transport system, landscape development and tourism. Investment in cities, buildings, transport facilities, new summer cottages, and tourism facilities, as well as changes in landscapes, have long-term effects. Just as the infrastructure and landscape of today's cities are the result of decisions made by previous generations, the Danes believe that the decisions they make today will determine what Denmark will look like in the year 2018. As they say, coming generations will find it difficult to get rid of what the current generation imposes upon the landscape.

The Danes have also recognised the need to reinforce less favoured areas, that is, those that lag behind in terms of development and growth and need special attention. They have decided that if options, goals and proposals for action are not discussed, transformation occurs imperceptibly and haphazardly. The Hon. Dr B. P. V. Pezzutti often refers to the tyranny of small decisions. The Danes have decided to try to avoid some of the dangers of that tyranny. They have set their spatial development perspective on four viewpoints that are basic to this overall vision, to determine the content, and to mutually stimulate and reinforce it.

There was some large-scale community participation in arriving at these four viewpoints across the country. First, they aim to protect the environment for future generations; second, to ensure economic growth and increasing prosperity; third, to strive to emphasise quality in development; and, fourth, to locate decision-making as close to the individual as possible. That gets back to the principle of

subsidiarity that I mentioned earlier, which is common across Europe. The Danes define Denmark as a small, well-developed country on the Community's periphery. By European standards it is a relatively small country but it offers a network of highly developed urban regions, open and diverse landscapes, a long and open coastline, and many small islands. As I mentioned, about 85 per cent of its population lives in cities and towns. It has a higher population density than other Nordic countries and the Baltic region, but a lower population density than countries in central Europe.

Like New South Wales, it has a network of small and medium-size towns and cities, but only one urban region, Greater Copenhagen, has more than one million inhabitants. There are three other cities - Arhus, Odense and Aalborg - which have more than 100,000 people. The Danes are extremely concerned, as are the Europeans and Australians, that rural areas are declining. The ability of rural areas to solve their own problems has been weakened because per capita incomes are usually lower than incomes in adjacent urban areas. The ongoing negotiations in the context of the General Agreement on Tariffs and Trade talks are expected to lead to declining agricultural prices in Europe. Together with the restructuring of the Community to support agriculture, the amount of land cultivated will also be reduced significantly. The European Community is trying to reduce migration away from agricultural areas. The methods used include supporting small and medium-size enterprises in rural areas and encouraging the development of tourism.

Changes in agriculture will substantially affect not only Denmark's economy and foreign trade, but also its environments and its landscapes. Two trends will continue to characterise agriculture in Denmark. First, production is being concentrated in fewer and larger, more technically advanced units; and, second, small to medium-size farms will continue to augment farming income by other economic activities in rural areas, such as tourism and handicrafts, or by employment in nearby towns. Those themes are identical to the themes that emerge in Europe and regional New South Wales and other parts of Australia. Furthermore, taking land out of production, reducing farming intensity and adopting environmentally sensitive methods of cultivation will also change landscape patterns. Some of the abandoned fields will be used for State or private afforestation. Reducing the intensity of agriculture and carrying out projects that restore natural areas will also contribute to sustaining wild flora and fauna.

Meanwhile, tourism in Denmark is growing - as it is in Australia - at the rate of approximately 5 per cent per annum. The Danes know that increasingly tourists prefer a clean environment and an active holiday, which has meant that tourism has grown strongly in Denmark in recent years. The vision that Denmark has for the year 2018 is basically to ensure that it continues to be a dynamic area of Northern Europe, that its cities will be reinforced in Europe and that the Oresund region will be the leading urban region in the Nordic countries. That region is to be connected by way of a bridge linking Denmark with Sweden, a very controversial and very exciting project. Danish cities will be linked to the international transport axes. The Government wants to vary the landscapes and wants the coasts and the cities to be attractive tourist destinations. As a people they have produced the vision of a beautiful city with architectural quality, a clean city. They believe they have to find new ways of managing the environmental problems of cities.

It is interesting that both Sweden and Denmark, which had reputations as leaders in the environmental movement throughout the world, feel they have lost some of their edge to other countries, such as Germany, and they see that diminishing their attractiveness to tourism in the future. Both countries are determined to catch up and lead the world. They recognise the need for well-functioning cities, flourishing rural areas and small islands. They envisage that landscapes will probably become more varied from place to place and they believe that what happens will depend largely on future agricultural policies, municipal interest in urban development and interest in afforestation. In Denmark, local government is strongly entrenched in the Constitution, so that municipalities and local authorities play a strong role in all aspects of Danish life - more so than in Australia.

The Danish Government believes that many small towns and settlements in rural areas will be able to attract, as residents, people who commute to larger cities. Better information technology and telecommunications provide better opportunities for people working in the service sector to live and work in the countryside. When the committee members were in Sweden, for example, they had the opportunity to talk with people who had networks for telecottaging throughout the country, enabling country people in their work environment to better link with people in larger metropolitan areas. The Danes believe that agricultural areas near towns and cities and public plans for recreational amenities for the population will effect changes in the landscape. Taking agricultural land out of use and shifting to extensive cultivation will also lead to great changes. So they anticipate the creation of larger meadows, more forests and more woodlands.

They believe also that information technology will enable farmers to rationalise agricultural practices, which will in turn reduce the strain on the environment. To work towards the first steps in bringing the vision to reality, the Danish Government has a simple objective: to become the cleanest country in Europe by broadly integrating environmental considerations with its policies. In terms of advancing its process of spatial development and restructuring, it has six overall goals. As I said, it wants to reinforce the Danish cities in the minds of the whole of Europe, to make the Oresund region the leading urban region in the north of Europe and the Nordic countries, to ensure that the cities of Denmark will be beautifully clean and will function properly, to ensure that they are efficiently linked to the international transport axes in an environmentally sound manner, to ensure that the landscapes are varied, that the rural areas will flourish and that the coasts and cities will keep their distinctive qualities and will be attractive tourist destinations.

To move towards its objective the Danish Government set up demonstration projects throughout the country. The desire by local authorities to be involved in the setting up of demonstration projects and the interest of the community engendered such massive competition that the Government simply could not cope. It is anticipated that demonstration projects will provide solutions that emphasise quality in specific geographic areas in accordance with the goals of the spatial development perspective. Several demonstration project areas are offered that should be implemented in specific geographical areas in which there is local motivation. Demonstration projects will serve as an inspiration and support for similar local initiatives in other parts of the country. As a new aspect of national planning, the Government wants to take advantage of the synergy that can be released by co-operation between municipalities, counties, the relevant State authorities, and perhaps the private sector. Perhaps to the Danes the private sector indicates a different sort of culture, but nevertheless the emphasis is on co-operation and synergy.

Again, that links back to the New South Wales experience. As we move around our community, discussions reveal increasing evidence of regions in New South Wales co-operating not just within themselves but also across regions with the

development of groupings of local government authorities, such as, NOROC, Northern Region of Councils; CEZ, Central Economic Zone - which stretches from Broken Hill to Lithgow and includes dozens, literally, of local government authorities in the inland part of the State; and other organisations that cross normal boundaries that have been set up over the years by people in authority. This theme of co-operation across traditional boundaries is the theme that emerges throughout Europe and in specific countries.

In addition to demonstration projects Denmark has investigation areas. More extensive investigation, such as environmental assessment, is needed before political decisions can be made on new development projects. Geographical analysis of several topics will provide more knowledge and develop new ideas. This analytical activity is primarily connected with the future European co-operation in the committee on spatial development. Denmark also provides information on its business environment and tourist attractions to attract foreign investors as well as visitors. It uses economic instruments and other initiatives as a means of ensuring that Demark's population is more environmentally responsible. It

is interesting to draw attention to the similarities of some of the themes that are emerging in Denmark - a country with a population similar to that of New South Wales.

[*Interruption*]

The Hon. R. S. L. Jones referred to the planning of Copenhagen. Communities in Copenhagen were developed like the outstretched fingers of a hand. That development has served the city fairly well, although at times some of the green spaces were taken over by large enterprises, and that has somewhat disturbed the pattern. Copenhagen's finger planning has to be cross-linked to make transport more effective. But the basic structure, which is there, is being revised at the moment.

The Hon. R. S. L. Jones: Country to city. They are actually living together.

The Hon. JENNIFER GARDINER: Yes. The more open environment is integrated as part of the amenity that is the beautiful city of Copenhagen. The National Association of Local Authorities in Denmark saw co-operation between municipalities as one of the best traditions of the Danish Government. Trade and industry are promoted within that co-operative focus. That association believes that no individual local authority can fulfil its goals on its own. The association has as its objective the strengthening, rationalising and promotion of trade and industry. Local authorities all over Denmark are joining together in an effort to establish common development policies and to set them in motion by using joint regional business promotion programs.

We have looked at an example of such a policy on the mid North coast of New South Wales, where local government authorities in New England have joined with authorities such as the Coffs Harbour Council to market coastal produce and produce from the hinterland to the people of New Zealand. Community leaders have actually flown across to New Zealand to attend a trade fair in order to market their products. In turn, New Zealand community leaders have been flown to Australia - they landed at Coffs Harbour Airport which I hope one day will become an international airport - to promote tourism in Australia. So it is a two-way process. The traditional rivalry between the hinterland of New England and the coast is starting to be broken down through this interregional process as people realise that they have to synergise their comparative advantages and use them to greatest effect.

In Denmark - and this is the case in Australia - co-operation between regions has gained even more interest. Only last year new legislation established that local authorities should play a role in industrial policy and that the Government's regional policy and parts of the additional industrial promotional policy must, to a wide degree, be realised within the framework of the co-operation project established by local authorities. These new ways of thinking are in line with the regional and structural policy of the European Community as a whole. That policy is also based on regional programs designed by local politicians rather than by super national politicians.

Local authority co-operation on joint regional programs has targeted various strategies and efforts because development opportunities vary from region to region. In some parts of the country local politicians aim at maintaining favourable development of industry and entrepreneurial businesses. Some regions believe that the growth potential is found in tourist attractions and the tourist service sector, while others in turn concentrate on export-oriented industry and special research and development environments for major cities. Because of the many similarities between Denmark and New South Wales it was interesting to talk to people in the National Association of Local Authorities in Denmark to obtain some idea of how regional authorities will bring into fruition the vision for Denmark in the year 2018.

It was wonderful to be there and to hear some of their ideas. There is an international movement toward regional development. As Denmark is one of the peripheral countries it was interesting also to talk to the Irish and Scottish people, who, like the people of rural and regional New South Wales, believe they have been left out. They have to fight harder for their fair share of resources.

The Hon. R. S. L. Jones: They feel marginalised.

The Hon. JENNIFER GARDINER: Yes, they feel marginalised. They speak often about remote areas, which we might not consider remote when compared with similar areas in New South Wales. Nevertheless, the psychology of the debate is very much the same. As one moves further west in New South Wales one hears the same sorts of comments. Honourable members would be aware that there has been an increasing focus on regional development in
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the past few years which has pervaded all levels of government. During the last Keating reshuffle the Federal Government set up a department of regional development. In the middle of this year the New South Wales Government created a ministry of regional development.

The New South Wales Government obtains some of its funding for local government, regional development and local initiatives from the Federal Government. The committee is looking at the question of regional development in order to determine how to stimulate it in New South Wales. It has noted that in New South Wales and in every other State job creation is a critical factor. Experience shows that care has to be taken to ensure that mechanisms adopted to foster regional development are effective.

There is some evidence, which is not terribly strong, that direct subsidies are effective in attracting businesses to country locations. The Country Mayors Association, in its report entitled "Factors Influencing Locations in New South Wales in 1989" placed government assistance programs at the bottom of the list in the "other factors" category, that is, the list of reasons why particular enterprises locate in non-metropolitan regions of the State. According to that study, the factors that are critical in location decisions are: the availability of cheap land, labour, and access to markets and suppliers. It is reasonable to suggest that the businesses that are likely to seek a rural location are those that would benefit from being in a rural location because of the type of product they are producing or because the market they are aiming at is not nearby or easily accessible. The existence of the government subsidy will not necessarily be central to the location decision.

So far as the Liberal Party-National Party Government is concerned, the underlying principle of facilitating regionally based strategies for regional development will continue. The central foundation of that policy is that the Government does not contemplate counteracting large-scale economic, social and demographic trends. The aim is not to induce business enterprises to locate huge facilities in regions if there is no underlying rationale for them to be there. Rather, it is to support and encourage locally based initiatives for developments which are based on comparative advantages and economic strengths of each particular region.

The Hon. R. S. L. Jones: Gardening versus hunting.

The Hon. JENNIFER GARDINER: As the Hon. R. S. L. Jones says, gardening versus hunting. As is happening in Europe, a lot of jargon has crept into this debate. Community and business leaders in New South Wales have the idea that there is great merit in ensuring that enterprises which have thrived in a particular location for some time are looked after, and that they continue to be healthy - rather than always looking to the huge enterprise that will relocate in a Borg-Warner fashion from a metropolitan area to an area such as Albury. Those things will occasionally happen and can be encouraged to happen. More recently, at an international level the Ansett British Aerospace flying college facility at Tamworth is a classic example of Government assistance and private enterprise co-operation. Other large-scale developments will take place, such as the transfer out of Sydney of New South Wales Agriculture, which makes a big difference to the economy of the city of Orange.

There will be a great deal of emphasis on locally based initiatives for development, which, as I mentioned, is one of the major themes around the world. The Hon. Patricia Forsythe, in relaying to the Parliament the thoughts of the Hon. I. M. Macdonald and herself as part of their debriefing on their trip to

the United States and Canada, noted the importance of local leadership in promoting regional development, a theme which was evident wherever they went. It is certainly true here. Also, across-the-board subsidies, a scattergun approach, have some effect on business population migration within New South Wales. Development may not necessarily be directed to those areas of the State that have spare capacity if such scattergun policies are implemented. That may not apply to areas west of the Great Dividing Range - referred to by a number of people as the sandstone curtain - but it may well influence the views of people west of the Great Dividing Range about regional development. That term was used by Mr Bruce Treloar of Tamworth at the regional standing committee meeting in Armidale, and was also encountered in the south of the State. That line is being used to convey the message that the State does not stop at Katoomba.

In fostering regional development, it may be better to emphasise an approach of identifying and building on the competitive strengths and natural attributes of each region and the provision of non-financial assistance as well as financial assistance at the initial stage of establishing small and medium-size businesses in country regions to help new firms become self-sufficient quickly. The committee looked at interesting studies in regard to incubators for small to medium-size enterprises. The Hon. R. S. L. Jones would agree that perhaps one of the most interesting parts of our trip was the Pirelli incubator in Milan. It will be interesting to revisit Milan in five years to see how the large multinational corporations have meshed in with the small enterprises which are being subsidised in their establishment by the Pirelli philosophy of putting something back into the city of Milan, their headquarters for so many years.

The Hon. R. S. L. Jones: There has been a very high success rate with incubators.

The Hon. JENNIFER GARDINER: Yes. That has also been shown in France, where there is a developed system of incubators. I mentioned at the beginning of my contribution the city of Lille, which is famous for incubators, and also the success rate claimed in France in reversing the phenomenon which seems to occur around the world that two-thirds of small to medium-size businesses seem not to survive

after the first three years. In France that ratio has been turned around so that two-thirds of businesses survive. Again, large-scale subsidies are required from the European Community budget and from the national budget, which cannot be emulated in New South Wales. However, we can adopt ideas to achieve a success ratio in New South Wales. The standing committee benefited from the study tours, and learned from those statistics. In Europe there is a comprehension that growth in the labour market will probably occur in the longer term with development and success of small to medium-size enterprises rather than huge-scale businesses. It is important to have the right resources to keep small enterprises surviving.

That probably sums up the current approach of the Government. The standing committee will follow up with many of its own studies and will try to incorporate in one document much of the work that has been done at all levels of government. The discussion paper has been well received by the literate people of non-metropolitan areas of New South Wales, who have taken a particular interest in this important subject. As the committee has travelled the State, it has criss-crossed with the Federal task force on regional development which was established recently, of which Mr Bill Kelty is chairman. The Federal task force is trying to identify key economic and industry development issues from a regional perspective, examine factors affecting private sector investment and regional development, and examine whether any adjustment should be made to Commonwealth policies and programs or whether any new programs are required to enhance the adjustment process and regional development for Australia.

As was pointed out by the Hon. Patricia Forsythe, the regional development task force has a metropolitan regional approach as well as a non-metropolitan regional approach compared with our standing committee, which is focusing specifically on places outside Sydney, Newcastle and Wollongong. The committee is interested in interregional links, such as the very popular link - supported in the Central West of the State, though not supported enthusiastically by the people of Dubbo and the hinterland areas

- improving the Dubbo to Newcastle railway, and road links. However, the Newcastle Council and people in suburban Newcastle comprehend the importance to their enterprises of the improvement of such link.

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

QUESTIONS WITHOUT NOTICE

IMPRISONMENT OF FINE DEFAULTERS

The Hon. M. R. EGAN: My question is directed to the Attorney General, Minister for Justice and Vice President of the Executive Council. Is it a fact that more than 3,500 fine defaulters were sentenced to prison last year? Can the Minister confirm that the number of fine defaulters going to prison has risen more than 440 prisoners a month? Do these most minor of offenders now make up nearly half of the offenders sentenced to gaol?

The Hon. J. P. HANNAFORD: Approximately 6,500 persons are in prison at the present time. I am not in a position to provide the Leader of the Opposition with the actual number of fine defaulters in prison, though the numbers have been falling. For instance, in 1982-83 the number was 4,305, and for the 1992-93 period up to 30th June the number was 3,920.

The Hon. M. R. Egan: That is more than half.

The Hon. J. P. HANNAFORD: That is the total number in one year.

The Hon. M. R. Egan: More than half of the total.

The Hon. J. P. HANNAFORD: That is approximately right. The time such offenders spend in prison varies from a couple of days to a month, as was the case with a man I met last Sunday week. I understand that imprisonment for one day cuts out $100 in fines. If a person is in gaol for 30 days, the person has cut out $3,000 in fines. I have asked for a program to be developed in accordance with the Government's policy of keeping fine defaulters out of gaol. It is acknowledged that some people are in gaol as fine defaulters because they have refused to pursue other options. I am endeavouring to increase the range of available options. I have a group working on that task. I hope that when Parliament resumes in the new year I will be able to put in place a legislative program to achieve the broadest possible range of options.

One option addressed in a question asked in the House the week before last related to the use of community service orders, a system that was introduced as a sentencing alternative to imprisonment. It was not intended to be a sentencing alternative to the payment of fines. That is a clearly targeted program. If the choice were one of going to gaol or performing community service, offenders would be encouraged to do community service. If a fine had been imposed for an offence, community service orders did not become an alternative. I am examining ways of introducing a debt recovery program, which until now has been resisted. A similar program was tried in Victoria with limited success. It is a far more expensive option.

I am considering other ways of introducing debt recovery, using different mechanisms. The alternative to that would be community service orders, or the use of periodic detention centres. A number of periodic detention centres operate, mainly at weekends. When I inquired about why such centres could not be used as an alternative I was informed that the legislative program would not permit

that to happen. I have requested that investigations be carried out to ascertain why fine defaulters should not use periodic detention centres during the week and embark on the working projects associated with those centres.

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If a person continues to breach the periodic detention centre requirements, I suspect that, as a last resort, imprisonment must be used. One of the problems with using periodic detention centres has been the lack of community acceptance of that program. If the Government pursues that course, I hope that the Opposition will support it as an alternative enforcement mechanism. Another option that might be examined is the use of periodic detention centres for the five working days in a week so that people could cut out their sentences in that way. We must be prepared to consider various programs in this respect. However, there are those in the community who would be opposed to such a scheme, as they regard it as a lenient option. When dealing with fine defaulters we must be prepared to grasp the nettle by using these programs. I hope to be able to put in place a working model in time for the resumption of Parliament next year.

CONVEYANCERS LICENSING COMMITTEE MEMBERSHIP

The Hon. S. B. MUTCH: I ask the Attorney General, Minister for Justice and Vice President of the Executive council a question without notice. Is it true that since 8th October the Conveyancers Licensing Committee has had no members representing the interests of the Association of Property Conveyancers? How has this come about and does it impart a disadvantage to non-lawyer conveyancers?

The Hon. J. P. HANNAFORD: I should inform the House briefly of the relevant history of this matter. When the Conveyancers Licensing Act 1992 passed through Parliament it established the Conveyancers Licensing Committee as an independent statutory committee to oversee the introduction of licensed conveyancers. The committee was established with an independent chairman, two members from the Law Society, two community representatives and two ex officio members, being the director-general of my department and the Director of the Land Titles Office. They were to be replaced in time by representatives of licensed conveyancers, once licensed conveyancers became available for appointment.

The committee met for the first time in March this year. Since then either it or one of its subcommittees has met on at least 14 occasions, a frequency of at least one meeting a fortnight. The establishment of a completely new legislative regime has been an enormous task for the committee to complete. To date the committee has had three main functions: first, to determine the appropriate educational qualifications necessary for persons to obtain a licence; second, in conjunction with the Association of Property Conveyancers, to set the appropriate level of insurance; and third, to arrange for the issue of certificates of eligibility for persons already qualified to obtain a licence.

In relation to educational standards, the committee has undertaken extensive consultation with educators and course providers. The committee has devised a conveyancing course specification, which has been submitted to all universities in New South Wales and TAFE, as an indication of the nature and level of content sought for accreditation purposes. The committee expects to receive course proposals shortly and is hopeful of courses commencing in 1994. The level of insurance has been set having regard to the need to provide appropriate consumer protection. The required level of coverage was determined with the assistance of data from an analysis of claims relating to residential property made on Law Cover since its commencement.

There is no justification for any suggestion that conveyancers should have a lower standard than that required of solicitors. The Association of Property Conveyancers has negotiated an insurance policy for both indemnity and fidelity insurance that has been approved by the conveyancers committee. The

premium payable by conveyancers is in the same range as that payable by solicitors for indemnity cover and by way of fidelity fund contribution. The committee is already calling for applications from persons wishing to obtain a certificate of eligibility for a licence. It is correct that the term of the ex officio members expired on 8th October. Those positions were established on the committee as part of the transitional provisions of the Act.

The role of ex officio members has been to participate in the statutory functions of the committee. They were included pending appointment of licensed conveyancers as representatives of the Association of Property Conveyancers. I note that the 12 months limit on the ex officio appointments was the result of an Opposition amendment and has contributed to the current situation whereby the membership terminates at a time when no licensed conveyancers are eligible for appointment. However, this will be for a short period only. The uncommenced provisions of the legislation and the regulations were commenced on 10th September and the committee has advertised and is receiving applications for certificates of eligibility for a licence. I understand that the Law Society representatives on the committee have fully contributed to the work of the committee in setting a sound base for the establishment of a conveyancing industry. Nearly all the major decisions of the committee have been reached by agreement.

I also understand that from 28th July the President of the Association of Property Conveyancers has been participating in meetings of the committee to ensure that the views of the association are considered. The committee has determined to invite a second representative of the association to attend meetings during the intervening period until licensed conveyancers are formally appointed. The committee is fully aware of the need for the early licensing of conveyancers, particularly to ensure their proper representation on the committee. Though the current situation is a result of the amendment made to legislation by the Opposition, which produces a somewhat unfortunate result, I am confident that it will be for a short time only and will not adversely affect the operations of the committee.

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An advertisement was placed in the *Sydney Morning Herald* on 11th September calling for applications for conveyancers' licences. We have received a few applications which are now under consideration. The committee decided its first successful applicant yesterday. That applicant will be notified shortly that he or she has been granted a licence under the new legislation. Last week, the first certificate of eligibility was issued under the provisions of the mutual recognition Act. The successful applicant is a registered landbroker from South Australia.

BROKEN HILL HIGH SCHOOL

The Hon. B. H. VAUGHAN: I direct my question without notice to the Minister for Education, Training and Youth Affairs. Is the Minister aware of a decision by her department in Broken Hill to cap numbers at the Broken Hill High School at 880? Is she aware that this decision has disadvantaged many children who wish to enrol at that school rather than at Willyama High School? If so, will she intervene to ensure that children who wish to join their brothers and sisters, or wish to study agriculture, can enrol at Broken Hill High School?

The Hon. VIRGINIA CHADWICK: Yes, I am very well aware of the situation at Broken Hill and Willyama high schools. I suspect I am a little more aware than the honourable member, mainly because it was only in recent days that my colleagues the Hon. R. T. M. Bull and the Hon. D. F. Moppett visited the area to talk to students, teachers and members of the community about the broad issue. I have been monitoring the matter carefully and say without any equivocation that any child who goes either to Broken Hill High School or Willyama High School is afforded high quality education by dedicated professional teachers.

Sadly, it is implicit in the honourable member's question when he refers to disadvantage, that he, unlike me and my colleagues, has made a value judgment about the relative merits of those high schools. That implication has been drawn to my attention previously. As a result the Government as recently as yesterday took the trouble to examine the record of both schools. Though somewhat of an impure indicator, I have examined the tertiary entrance rate results of both schools and can say with absolute and up-to-date certainty that any implication of disadvantage is unfounded. They are both very fine schools.

Last year the top student at Willyama High School received a TER score of 97.7. In the State there were only six or seven students who came within the range of 97.7. The next ratings were 91.45, 84.15, 84.0, 79.53, 77.93, 77.05, 70.15, 69.75 and on it goes. I am not suggesting that this is the only indicator, but my colleague the Hon. D. F. Moppett, who takes a keen interest in this area, and the Hon. R. T. M. Bull, recognised the community concern and informed me with absolute certainty that those are very fine schools.

I make a further observation in relation to capping. Madam Acting-President, I know that you too take a particular interest in Broken Hill, unlike the Hon. B. H. Vaughan. This is a matter of concern to the Government. It will monitor precisely what is happening in Broken Hill, given the nature of the downturn of industry in the town and the population decline. There are two high schools in that area. If one wishes to take winners and losers, as is implied by the question of the Hon. B. H. Vaughan, do we need two high schools? Has he made some sort of value judgment of one versus the other? Is he advocating that, if all the students fit, we should not have a cap on Broken Hill High School?

The honourable member seems to have picked that school as a winner for reasons quite unclear to me, a notion which I reject. If he regards Broken Hill as a superior school and is of the view that we should not cap enrolments at that school but encourage everyone to go to Broken Hill High School rather than Willyama High School, I presume he is prepared to face the consequences of that. Is that what the Labor Party is all about? Would the Labor Party have the closure of a high school in Broken Hill because, at a pinch, we could make all students fit into one high school? That is certainly what is implied by the question.

The Hon. B. H. Vaughan has suggested that a cap should not be placed on enrolments at the school to encourage students to attend the other. The answer, and implication, are clear. One becomes unsustainable. I reject that absolutely. The Government has tried to maintain enrolments at both schools at about the same level of 800 or 850. This means an excellent curriculum can be provided at both schools and as the Hon. J. F. Ryan says, the result will be a good spread of offerings, maintenance of all the programs, teachers will remain employed and there will be choices for parents. That is where the Government stands. I reject the notion of picking winners and losers between two very fine high schools. I reject the long-term implication of the honourable member's question, which would mean school closure.

HAWKESBURY-NEPEAN PIGGERIES

The Hon. ELISABETH KIRKBY: My question without notice is directed to the Minister for Planning and Minister for Housing, representing the Minister for the Environment. Is it a fact that 72 piggeries are discharging effluent into the Hawkesbury-Nepean river catchment? Is it also a fact that only nine of these 72 piggeries are licensed by the Environment Protection Authority? Will the Minister explain why it is that 63 piggeries are allowed to continue operating without a licence? When will the Government move to close these piggeries down?

The Hon. R. J. WEBSTER: I will take that question on notice and seek an answer from my colleague.

JOINT SELECT COMMITTEE UPON THE SYDNEY WATER BOARD DRAFT REPORT

The Hon. P. F. O'GRADY: I direct a question without notice to the Minister for Planning and Minister for Housing. Who leaked a copy of the draft joint parliamentary select committee report upon the Sydney Water Board to the managing director of the Water Board, Mr Paul Broad? Why did the Water Board then leak this report to the Fairfax media? Why has the Water Board prepared a response to the draft report titled "Draft Report - Shortcomings" for Government members of this committee? Why is the Water Board seeking to force the committee to abandon or weaken its recommendations for reform in this way? Will the Minister refer this issue to the privileges committee to investigate the leak of the report to Mr Paul Broad?

The Hon. R. J. WEBSTER: I am astonished that the Hon. P. F. O'Grady would ask such a question. I was appalled to read an article in the *Sun-Herald* in which the Opposition spokesperson on the environment, Pam Allan, was quoted extensively about this report to which the honourable member refers. I am told that copies of the report and chapters of it were circulated to the media at Parliament House more or less at will. One would have to be a pretty dumb Government member to circulate a report that has no validity other than the imprimatur of the chairman, Dr Macdonald, an Independent, a member of the Opposition, and his paid consultant, Michael Mobbs. I understand that yesterday it was acknowledged in the other place by Dr Macdonald that the report - leaked, I assume, by Pam Allan or someone from the Australian Labor Party - was written by he and Michael Mobbs.

In some areas the report was critical of the Government. One would have to be a pretty dumb Government member to leak a report that would be critical of the Government. I can only assume it was someone from the ALP. Pam Allan was certainly willing to comment on something that I consider was a privileged and confidential document. Dr Macdonald also discussed the report on radio on Monday. As I understand it, no one from the Government has discussed the report, I have not seen the report and I do not have a copy of it. I do not know whether Mr Broad has a copy. It seems that everyone except me has a copy.

The Hon. P. F. O'Grady: You do know. You were on radio on Monday morning on Andrew Olle's program.

The Hon. R. J. WEBSTER: I was on radio on Monday, but I did not discuss the report because I have not seen it.

The Hon. P. F. O'Grady: Nor has Paul Broad.

The Hon. R. J. WEBSTER: I do not know what Mr Broad has seen, but it seems to me that the report has been circulated to everyone except me. I refused to have anything to do with it because it is not valid. It is a draft report written, on Dr Macdonald's admission -

The Hon. P. F. O'Grady: It is a report that you disagree with and which you are trying to undermine.

The Hon. R. J. WEBSTER: I do not disagree with it. I have not seen it. All I did was disagree with some of the things that were quoted in the *Sydney Morning Herald* on Monday, which clearly were inaccurate. By Dr Macdonald's admission, it is his and Mr Mobbs' report. It has not been debated by the committee, though I understand that when it was presented to the committee both Labor Party and Government members took issue with various matters contained in it. No doubt it has been taken away for dissemination. I assure honourable members that I have not seen this report - Dr Macdonald's report - and I have no interest in it. I shall wait until the committee makes a final report. As a point of interest, I would have thought that the report was privileged. One matter that I find quite astonishing is that

members of the Opposition continually come into this House and make unfounded and unprovable allegations against members of the public service. It goes beyond the pale that time after time -

The Hon. P. F. O'Grady: Are you denying that your public service has drafted responses for Government members?

The Hon. R. J. WEBSTER: The honourable member knows that Government members and, indeed, Dr Macdonald have been given full access to the Water Board, its records and the advice the board provided during the time of the committee. I understand that Dr Macdonald has had numerous discussions with Paul Broad; they ring one another all the time to discuss various matters. I have told Paul Broad that he should make himself, the Water Board staff and information freely available to members of the committee. Mr Broad has done exactly that. I do not have a problem with that. I supported the establishment of this select committee but I did not support its being used as a political vehicle by various members, whether Pam Allan, Dr Macdonald or Government members. It is a parliamentary joint select committee inquiring into an important subject. I should think that, before any report is put out under the alleged imprimatur of the committee, all members of the committee would have an opportunity to read it, debate it, discuss it, amend it and compile it. It is unfortunate but obvious that Opposition members have leaked parts of this report to try and discredit the Government when the report does not have the imprimatur of the committee.

The Hon. P. F. O'Grady: You did.

The Hon. R. J. WEBSTER: Why would the Government leak the report?

The Hon. P. F. O'Grady: Because you want to undermine it.

The Hon. R. J. WEBSTER: Undermine it? No one from the Government mentioned the report until Pam Allan did so in the *Sun-Herald*. It is not a

question of the Government wishing to undermine the report; she is the one who was only too happy to add her two bobs worth.

The Hon. J. F. Ryan: So did Bob Carr.

The Hon. R. J. WEBSTER: And so did the Leader of the Opposition. As I understand it, no Government member has made a comment on the report. They may well have criticised the process and the inappropriateness of other members of the committee commenting on the report. As I said in my opening remarks, I find it quite extraordinary that the Hon. P. F. O'Grady would ask this question and attempt to besmirch the name of yet another public servant.

TEACHERS FEDERATION ENTERPRISE AGREEMENT

The Hon. J. F. RYAN: My question is directed to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. Will the Minister inform the House of the current status of negotiations with the New South Wales Teachers Federation in relation to an enterprise agreement? What are the main issues that are under discussion for inclusion in that enterprise agreement?

The Hon. VIRGINIA CHADWICK: For some time we have been attempting to formulate an enterprise agreement with the New South Wales Teachers Federation. Although those discussions and exchanges of letters extend back over a considerable period of time, negotiations have been particularly intense since 6th October. Since that time, quite apart from the exchange of faxes, letters, memos and phone calls, the department has met almost daily, and sometimes more often, with the federation. I am

meeting them again today. The Government's guidelines for enterprise bargaining link pay increases over the next three years to improved productivity and efficiency. In simple terms, that is what an enterprise agreement is all about.

We have agreed to the federation's request that the enterprise agreement be limited to two rather than three years. The department, as part of its share of the enterprise agreement, is offering a $96 million package. This includes a 3 per cent pay increase for all teachers dating from the first pay period from which the enterprise agreement is signed. As would be expected with a department the size of the Department of School Education, a vast range of issues have been discussed over the last few weeks. Despite areas of considerable agreement, two sticking points sadly remain. Phil Cross, President of the New South Wales Teachers Federation, has been conducting negotiations through the media, a practice which I abhor. The two sticking points are supervision of school reference tests in year 10 and one school staff development day being undertaken in non-school time.

I should like to refer briefly to those two points. This $96 million package will affect all New South Wales teachers. The Department of School Education has asked that school staff development on one pupil-free day might be conducted in non-school teaching time. I should have thought that if a $96 million package was at stake - and teachers still had the option of the staff development day being paid for by the Department of School Education, that is, all the costs involved, with the stipulation that one staff development day be conducted in non-school time - that one-day stipulation might not cause the New South Wales Teachers Federation any difficulty.

Why would the Government want to do this? It wants to do it because it is aware, and I am aware from the mail I receive and school principals in a number of schools would be aware, that a pupil-free day, beneficial though it may be for the teachers concerned - and I do not doubt that - causes enormous disruption to families across New South Wales who must make alternative arrangements for the care of their children. Often those alternative arrangements are expensive. A pupil-free day also means one less teaching day for our pupils. The Government is not suggesting that teachers should give up all their pupil-free days and have staff development during non-teaching times. It is suggesting that they give up one day only. But apparently that is a major sticking point.

A further sticking point is the supervision of the reference test in year 10. From memory those tests are conducted over 1½ hours to two hours, and external supervisors are paid to come in while teachers sit in the staff room. The cost of bringing in external supervisors for those couple of hours for the tests is $300,000. Of course, by definition the teachers are not teaching because their students are sitting for the reference test. It is ridiculous that teachers sit in the staff room while external supervisors are paid to supervise a couple of tests. I should have thought that would be a small sacrifice to enable the $96 million package to go through.

Sadly, a $96 million pay increase for teachers is at stake. A stopwork meeting will take place tomorrow morning, and those teachers who attend the meeting, as is their right, will be docked pay if the meeting extends into school time, as undoubtedly it will. If the resolution of tomorrow's stopwork meeting is to take industrial action, the teachers will lose, the community will lose, and, more importantly, the students will lose. Agreement has been reached on all but two issues of a $96 million package that would achieve a landmark in the development of industrial relations between any government and the New South Wales Teachers Federation, that is, the parties are within sight - subject to agreement on two small issues - of signing an enterprise agreement worth $96 million in teachers' salaries. Sadly all of that is at risk because they are not prepared to give up one pupil-free day or to supervise reference tests for the school certificate.

The Hon. R. D. DYER: I ask the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, representing the Minister for Community Services, a question without notice. Will the Minister ascertain from her colleague the Minister for Community Services why the annual report for 1992-93 for the Department of Community Services was not tabled in Parliament by 30th September, 1993, as required by the Annual Reports (Departments) Act? When is it expected that this now substantially overdue annual report will be tabled in Parliament?

The Hon. VIRGINIA CHADWICK: If that is the case, I will of course refer the matter to my colleague and await his response.

WOODBURN SCHOOL ANNEXE

The Hon. R. S. L. JONES: I ask the Minister for Education, Training and Youth Affairs a question without notice. Is the Minister aware that the Department of School Education is proposing to build a temporary demountable high school, partly in SEPP 14 wetlands at Evans Head, without first conducting an environmental impact study? Is it not a fact that more suitable flood-free land is available at Woodburn and that this land would also be more suitable for students? Will the Minister arrange to have this matter investigated immediately?

The Hon. VIRGINIA CHADWICK: I thank the Hon. R. S. L. Jones for his important question. Yes, I am aware of the concerns from Woodburn and Evans Head, and I have been for several months because I am aware that debate has raged between Evans Head and Woodburn communities about this issue. I have kept in constant communication with my colleague the local member, Mr Causley, about the matter. Mr Causley has shown keen interest and he has attended various public meetings about the matter. In addition, my colleague the Hon. R. T. M. Bull visited the area on my behalf and spoke with community and departmental representatives about the matter. Somewhat reluctant approval was given by me a little time ago for the department to explore the option of staging a temporary annexe - and I underline the word temporary - of Woodburn on the Evans Head site, which the Department of School Education owns.

The Hon. R. T. M. Bull: And it is not SEPP 14 wetland.

The Hon. VIRGINIA CHADWICK: It is not SEPP 14 wetland. I thank the honourable member for that comment. The reason for my doing that was my concern about the need to upgrade the school at Woodburn, as well as the realisation that a number of students were occupying a fairly small area of land. Bearing in mind the disruption that would be caused by having a major upgrading of the Woodburn site, it seemed sensible to me to provide some relief to the school by using land at Evans Head to accommodate a temporary annexe so that we could get on with a major upgrading at Woodburn. It was only seen as a temporary measure. Since that time I have become aware of the fears of the Woodburn community that perhaps this is a signal that they might lose their school or that it might be downgraded to a primary school, rather than the facilities and opportunities that are available now.

I am aware also of concern at Coraki that students would have to travel from Coraki via Woodburn to Evans Head. In particular there is concern that the Aboriginal community at Coraki would be involved. I am aware also that the Hon. R. S. L. Jones and some of his mates, in typical fashion, are trying to find an angle in this for the environmentalists to raise as a local issue. The honourable member is not up to date on the matter.

A couple of weeks ago I said to the assistant director-general, Mr Alex Scott, that though I had given approval for the Evans Head annexe to go ahead, he should put that plan on hold until such time as I ascertained whether rumours were correct that land adjacent to Woodburn school was available for sale. I believe I can say that that is the case. As I speak, the properties division of the department is exploring the range of options, include going ahead with Evans Head, finding a completely new site somewhere

between Coraki and Evans Head, or acquiring property adjacent to Woodburn. Given the honourable member's interest in this very interesting and intense local matter, I will report progress as further events unfold.

HAWKESBURY-NEPEAN RIVERS SYSTEM

The Hon. R. T. M. BULL: I direct my question to the Minister for Planning and Minister for Housing. Is the Minister aware of recent comments that the Hawkesbury-Nepean system is dying? Will the Minister inform the House of the real situation?

The Hon. R. J. WEBSTER: The answer, of course, is that the Hawkesbury-Nepean rivers system is not dying. Despite recent statements by members of this Parliament who are obviously very keen to draw attention to themselves for obvious reasons - supported, unfortunately, by some segments of the media who are either unwilling or unable to disseminate all of the facts before writing stories, and who also seem to be equally keen to draw attention to themselves - the Hawkesbury-Nepean river system is not dying. Far from it. The environmental health of the river system is better than it has been in decades. That is the true situation. Of course, quite often the truth hurts, and it particularly hurts the Opposition and, it seems, the *Sydney Morning Herald*, for whom a river in recovery is simply not a good enough story. Imagine the headline, "Hawkesbury-Nepean Alive and Kicking"! It does not have quite the same thrill as "Death by Sewage", does it?

It frustrates me beyond measure, in some cases, that this myth of "death of a dying river" continues to be perpetrated by people who should show more responsibility. I am not one to readily criticise the

media, but in recent times the contrast between articles on this subject in the *Sydney Morning Herald* and its main opposition, the *Daily Telegraph Mirror*, is marked. Everyone would have read such articles in the *Sydney Morning Herald* in recent days. I happened to read a column in today's *Daily Telegraph Mirror* by Piers Akerman and I should like to quote a couple of passages from it to illustrate the contrast between what has been reported in the *Sydney Morning Herald* as being extracts from a parliamentary committee report - which it is certainly not - and what Piers Akerman said today in the *Daily Telegraph Mirror*:

> That's why I was floored yesterday when I saw a front-page report on water quality (yes, it was leaked) in the *Sydney Morning Herald* warning that the Hawkesbury-Nepean river "will die" unless the Government drastically reduces the amount of treated sewage pumped into the waterway.
>
> Old Ken's dead, but another expert on tap is Colin Beashel, the sailor and son of a sailor, whom I found up at his family's boatyard on Elvina Bay.
>
> Colin keeps a close eye on the local water and the Hawkesbury laps at his boatyard's ramp.
>
> The oysters, he said, are growing in a greater profusion than ever, the mangroves are thriving. The water is looking better than it has in his memory.

The ACTING-PRESIDENT: Order! I am trying desperately to hear what the Minister is saying. There is too much audible conversation in the Chamber.

The Hon. R. J. WEBSTER: They do not like it, of course, but I have a lot more. He continued:

> The biggest problem in the Hawkesbury, as at Bondi and the Harbour beaches, is urban stormwater runoff - but basically, our waterways are getting cleaner.
>
> That 5m tiger shark spotted last week at Rose Bay has been taken as proof that Sydney Harbour

is becoming cleaner, that fish are returning, good times are ahead. That's the good news.

The bad news -

Honourable members opposite do not see anything significant in that; it does not suit their political agenda. That article appeared in the *Daily Telegraph Mirror* this morning. It is very clear that the ALP's strategy is to attack the Government on issues that are the Government's strong points. The Opposition is only too aware that it must try to score points on this issue because the ALP so shamefully neglected this area for 10 or 11 years when it was in office. It is on such issues of environmental importance that the Greiner and Fahey governments have focused so much of their attention and expenditure. By tackling the hard environmental issues this Government has done more and achieved more than any previous Government, in quantifiable dollar terms as well as bureaucratic effort.

Among some of the myths that have been perpetrated and reported as facts by the *Sydney Morning Herald* in recent days is the claim that the Water Board is pumping sewage into the river. Wrong. All 22 Water Board sewage treatment plants on the Hawkesbury-Nepean river system are tertiary treatment plants, not secondary as claimed by the Opposition and Dr Macdonald in the *Sydney Morning Herald*. Those plants discharge clear, colourless, odourless effluent into the river. It is not sewage and it is grossly irresponsible for any person to suggest that it is. Sewage treatment plants along the Hawkesbury have been upgraded by this Government at a cost of $250 million, and it is disgraceful that some elements in the media and the Opposition continue to deny that fact - because it is a fact. That $250 million was spent following more than 10 years of neglect by the Labor Party and the Leader of the Opposition in the other place, who was the Minister for the environment when Labor was in government.

Myth No. 2: nutrients from Water Board sewage are increasing and are killing the river. That is just not true. Nutrient levels are dramatically down following Government expenditure, including expenditure from the special environmental levy. Fact: since 1989 phosphorous levels have been reduced by 34 per cent. Today 87 per cent of phosphorous is removed at the board's sewage treatment plants along the river. I am very pleased that a representative of the *Sydney Morning Herald* is present in the gallery today. Since 1989 nitrogen levels have been reduced by 23 per cent. Today 45 per cent - 85 per cent at more advanced plants - of nitrogen is removed from treatment plants. Further, ammonium levels have been reduced by 57 per cent. Today 90 per cent, and 99 per cent at advanced plants, is removed from sewage treatment plants.

[*Interruption*]

They do not like it. The Hon. Jan Burnswoods is braying away because she does not like hearing the facts. Dr David Hughes, champion of the Hawkesbury-Nepean river system, and not always a friend of this Government, was stirred into publicly refuting the absurd allegation of "death by sewage" yesterday by pointing out that the main cause of blue-green algae in the river is not sewage, but urban runoff. These facts, of course, as we all know, did not get in the way of Ros Kelly coming to the aid of her Labor mates in this State yesterday with her ill-informed attack on the Water Board. She is totally incapable of delivering what she promised. Instead of checking her facts she chose to accept, once again without question, statements in that draft report about which we spoke earlier, which has not received the endorsement of any committee members that I know of and contains false and misleading information which has already been discredited.

The provable fact is that the quality of the Hawkesbury-Nepean river system has improved dramatically under the Greiner and Fahey governments. That is not to suggest that it cannot be improved further. However, the suggestion that that river is dying is grossly irresponsible. The initiative and reforms that have been introduced - from the special environmental levy, the clean waterways program, restructuring of the Water Board, establishment of the Environment Protection Authority, which is also an initiative of this Government, the new Hawkesbury-Nepean River Trust, and the new water pricing policy - constitute an unprecedented attack on the problem of pollution of Sydney's waterways.

I am sure that the shadow environment spokesperson, Pam Allan, would agree with that. I was astonished but pleased to read the transcript of an interview last week in which Pam Allan said of the clean waterways program, "The program has not failed. It has achieved a lot". In answer to a question on just what had been achieved, Pam Allan said, "Well, for example, there is no doubt that Sydney's waterways are a lot cleaner than what they would have been". What she was saying was that they are cleaner than they would have been if that lot opposite had stayed in office, because they were doing nothing and going nowhere - and the odds are that they would have continued to do nothing and go nowhere. I must say to Pam Allen when I see her later today that it is heartening that, for once, she is peddling the truth. It is a shame that other members of her party continue to peddle what, unfortunately, is a myth for political gain.

K-6 ENGLISH SYLLABUS

The Hon. JAN BURNSWOODS: My question without notice is directed to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. I refer to a statement made by the Board of Studies this morning that the new K-6 English syllabus has not been released and will not be publicly available until early next year. Did a spokesman for the Board of Studies say this morning that the Minister's announcement yesterday that the syllabus had been released was a major mistake due to a misunderstanding between the Minister's office and the Board of Studies?

The Hon. VIRGINIA CHADWICK: I am aware of that statement. I am looking for the spokesman from the Board of Studies. I am the Minister. Let me state a few, simple facts of life. The Minister approves the syllabus. I have approved the syllabus. The Minister determines whether the syllabus should be released. I have so determined.

SCHOOL VANDALISM

The Hon. D. F. MOPPETT: My question without notice is directed to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. I am concerned about recent occurrences - which I am glad are few in number - particularly in a number of country towns, of vandalism against school property. However, I believe it would be unproductive and unnecessary to name those schools. Does the Government have any plans to crack down on school vandalism? If so, what are those plans?

The Hon. VIRGINIA CHADWICK: It is worth noting that community assets at 2,500 schools run into literally billions of dollars. That demonstrates the magnitude of community investment in schools. Vandalism is costing the community about $12 million a year. That is unacceptable. Valiant efforts are being made through electronic surveillance systems, fixed guards in areas where there has been trouble, mobile guards elsewhere, and the emerging development of programs such as School Watch, which is a variation of Neighbourhood Watch. The property branch of the Public Works Department has taken the security of buildings into account as a major design feature of new schools. That is a sad and sorry indictment of our society.

Despite all those valiant efforts, in my view the cost of vandalism is still unacceptably high. The $12 million which is spent annually to repair the damage caused by vandalism could be used to construct three or four primary schools or one and a half high schools. Those schools will not be built. It is clear that we need to focus more attention on school vandalism. A number of initiatives have been developed, some of which have received attention, and some of which are still in the planning stage and need further work. Those initiatives range from such commonsense approaches as making principals and school

staff aware of the need to ensure that buildings are secure at weekends and during the week when they go home in the afternoon. Sometimes windows and doors to attractive areas such as computer rooms are not properly secured and those places are vandalised.

We must also ensure that highly flammable areas such as science laboratories are secure. We will also have to establish whether we need to put padlocks on some of the large garbage bins because fires that are lit in those bins spread to buildings. A range of commonsense, often very small, but important issues need to be considered. My department and its legal branch are also exploring the possibility of ensuring that people who have been found guilty of vandalism perform some sort of community service at the school in the hope that it teaches them a greater respect for property. They should perform some sort of service for a school in return for the damage that they cause. I have had the unhappy duty of visiting schools that have been vandalised. I have seen teachers distressed when they have found material destroyed and I have seen the students and their families distressed when major projects, including art work and the like, are destroyed. If the people who cause such wilful and mindless damage witness this human tragedy and are aware of the physical cost of the consequences of their vandalism, it might teach them to respect their fellow human beings and community property.

BUILDING INDUSTRY TASK FORCE

The Hon. Dr MEREDITH BURGMANN: My question without notice is directed to the Attorney General, Minister for Justice and Vice President of the Executive Council. Is the Minister aware that the building industry task force has already cost taxpayers $10 million on top of the cost of the $25 million to $30 million for the royal commission into the building industry? Is the Minister also aware that the building industry task force has now applied for a third extension of its operations for 18 months? Given that Commissioner Gyles recommended against the building industry task force becoming institutionalised, and that he said it had failed to successfully carry out

the functions recommended by him, will the Government close down the building industry task force or will it be granted yet another unwarranted extension?

The Hon. J. P. HANNAFORD: I am aware of the issues raised in the first and second parts of the question asked by the Hon. Dr Meredith Burgmann. In answer to the third part of her question, the building industry task force has not failed to successfully carry out its functions. The Government is giving consideration to the future of that task force because of the undoubted success it is achieving in securing a change of cultural attitude in the building industry.

PSYCHIATRICALLY DISTURBED PRISONERS

The Hon. J. P. HANNAFORD: Yesterday the Hon. Dr Meredith Burgmann asked me about a question she had asked on 29th October, 1992. I am able to provide the following answer. The Department of Corrective Services receives persons into custody who are convicted of criminal, civil or Family Court offences; who are unconvicted but charged with criminal, civil or Family Court offences, contempt offences; or are held awaiting deportation. A person who is brought into the custody of the Department of Corrective Services under the provisions of the Mental Health Act 1990 by way of the criminal justice system due to his or her mental state is termed a forensic patient. Forensic patients include inmates previously known as Governor's pleasure detainees. The term "forensic patient" is defined in the Mental Health Act and at present covers the following three categories of persons: a person who is detained in a hospital or prison following a court finding of not guilty on the grounds of mental illness; a person who has been found by a court to be unfit to plead; and a person who has been transferred to a hospital from a correctional centre because of a deterioration in that person's mental state.

Today 31 forensic patients are held in correctional centres - that is less than 0.5 per cent of all inmates in correctional centres. The Mental Health Review Tribunal has been reviewing forensic patients since August 1986 under the provisions of the Mental Health Act 1983. The Act requires that forensic patients be reviewed at least every six months. These provisions are now contained in part 2, chapter 5 of the 1990 Act. The Mental Health Act 1990 commenced on 3rd September, 1990. In accordance with section 208(3) of that Act, certain areas within the Long Bay hospital have been identified specifically for forensic patients. Forensic patients can either be received direct from court, where they have been identified in medical reports submitted to the sentencing authority, or from a correctional centre, where they have been scheduled by two psychiatrists.

The majority of forensic patients remain in Long Bay hospital. However, wherever possible they are integrated into the normal correctional centre routine. Forensic patients who are assessed for integration into the community are transferred to civilian hospitals specified by the Department of Health. The placement of forensic patients is the responsibility of the inmate classification and placement division and this process is monitored by the Mental Health Review Tribunal. The Department of Health is responsible for specific programs for forensic patients and management of the ward within the Long Bay hospital where the majority of forensic patients are held.

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SPECIAL ADJOURNMENT

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

That this House at its rising today do adjourn until Tuesday, 16th November, 1993, at 2.30 p.m.

[*The Acting-President left the chair at 1.2 p.m. The House resumed at 2.30 p.m.*]

LETONA CO-OPERATIVE (FINANCIAL ASSISTANCE) BILL

Suspension of certain standing and sessional orders agreed to.

Motion by the Hon. M. R. Egan agreed to:

That General Business Order of the Day No. 1 relating to the Letona Co-operative (Financial Assistance) Bill be called on forthwith.

Second Reading

Debate resumed from 10th November.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [2.31]: I wish to say a few words on this private member's bill on behalf of the Government. First, to give some background, Letona Co-operative Limited was placed in receivership on 27th August this year, with Mr James Miller from Ernst and Young appointed as receiver and manager. The appointment was made pursuant to the deed of charge held by the State Bank. The co-operative had suffered losses in 1991-92 and 1992-93 of $3.884 million and $7.324 million respectively. Mr Miller evaluated three options for the co-operative: to trade out of the current difficulties, to secure an experienced operator who would take over the co-operative assets and undertakings, or to close down the operations. The first option was not possible, given the co-operative's debts of $46 million. On the second option Mr Miller received 26 expressions of interest, none of which involved taking over the co-operative as is.

On 14th September my colleague the Minister for Agriculture and Fisheries, Ian Causley, announced

that the Government would provide professional support to the Letona community action team to assist them with the preparation of a detailed business plan. This support was provided by New South Wales Agriculture and the business and regional development ministry, and from Ernst and Young. The success of the business plan was critically dependent on, first, savings and commitments by the employees, growers
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and the local community totalling $3.977 million on an ongoing basis, and $1.736 million on a one-off basis; second, an additional equity injection of $12.5 million to meet capital expenditure on essential plant and equipment, redundancies, grower and trade creditors, and working capital.

The business plan was submitted to Mr Miller on 26th September, and he subsequently held discussions with the Government as to the possible options available to him. As a result of consideration of that business plan and discussion with the bank's financiers, being the State Bank of New South Wales - which honourable members well know is owned by the people of New South Wales and was already substantially exposed by the Letona Co-operative - Mr Causley announced that the Government was not prepared to contribute to the $12.5 million required to keep the cannery operating, as it was not likely to be viable.

I do not want to say too much about this matter, except to say that the inconsistency and hypocrisy of the Australian Labor Party and its propensity to seize on any situation for political gain, irrespective of how much it might cost the taxpayer, has once again been demonstrated in this venture. Where was the Australian Labor Party when Edgells closed its cannery in Cowra? Where was the Australian Labor Party on the closure or failure of any business in country New South Wales?

The Hon. R. T. M. Bull: The best thing that ever happened to Cowra.

The Hon. R. J. WEBSTER: It is interesting that the Hon. R. T. M. Bull should comment that that was the best thing that ever happened to Cowra. In a sense that is true, because as a result of what happened to Edgells - which caused pain - two businesses have arisen out of the ashes of Edgells. Those businesses will be of far more long-lasting significance to Cowra than was the Edgells cannery, which bears some remarkable comparisons with the Letona cannery, notwithstanding the fact that Edgells cannery was part of a larger conglomerate. The Federal Labor Party was involved in the Kodak fiasco in Melbourne a few years ago, which was once again an attempt to prop up an ailing business in an endeavour to buy a few votes at the taxpayer's expense. The ALP has an appalling record in its capacity to pick winners in business.

One of the best things Nick Greiner did when the Government first came to office was to sell the New South Wales Investment Corporation. Once again the Labor Party was trying to pick winners. As it turned out, there were a lot more losers than winners in that portfolio. The Government was able to save the New South Wales taxpayer a great deal of money by disposing of the Investment Corporation during times of plenty. My colleague the Hon. Ian Causley is a humane and compassionate man, and he has done his level best to assist those who will be disadvantaged by the closure of Letona Co-operative Limited, and he is still doing his level best to assist fruit growers who might be affected.

It is interesting that Mr Causley wrote to the Commonwealth Minister for Primary Industries and Energy, the Hon. Simon Crean, requesting that the exceptional circumstances provision of the rural adjustment scheme be invoked for the Letona cannery. Honourable members opposite might be interested to note that Mr Crean has refused to do so. We have been told by Mr Crean's parliamentary secretary, Senator Nick Sherry, that he announced at the annual conference of the Australian Canning Fruit Growers Association on 8th November that the Commonwealth would not provide any special assistance to the Letona cannery. In other words, the bleatings of members opposite about how sympathetic and humane the Australian Labor Party would like to be, or is, or is recommending to be through this bill, is once again hollow political rhetoric, designed once more to gain for them some sort of spurious political advantage at the expense of the New South Wales taxpayers and possibly at the

expense of the State Bank, which of course we all own.

Madam Acting-President, you and I know and every member of this House knows what is behind all of this. I am disappointed that Reverend the Hon. F. J. Nile - a good man and a man to whom we all send our best wishes for a speedy recovery - has also been deluded into supporting the bill. However, the Government's position is quite clear. It has looked at the Letona cannery; it has attempted to assist the cannery over a long time. The cannery has received substantial assistance from this Government and from its creditors and it has failed to respond. It has continued to allow its business to run down to a loss-making situation which, in the opinion of its auditor - not of this Government - and of its independent receiver is irretrievable. To put money after bad would not be a responsible decision, and therefore the Government has no choice but to reject the legislation.

The Hon. ELAINE NILE [2.40], in reply, by leave: On behalf of my leader I thank the House for its indulgence. This is an emotional subject as it concerns human beings, families, their livelihoods and the life of Leeton and surrounding farmers. I have noted the arguments put on behalf of the Government and the contribution made by the Hon. Elisabeth Kirkby. I do not have material available to reply to the debate in detail but I thank the Government for allowing the bill to be brought forward. I am indebted to members of the Opposition and the Hon. R. S. L. Jones for their support.

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

The House divided.

Ayes, 14

Mr Dyer	Mr O'Grady
Mr Egan	Mr Shaw
Mr Enderbury	Mr Vaughan
Mr Johnson	Mrs Walker
Mr Kaldis	
Mr Macdonald	*Tellers*,
Mrs Nile	Ms Burnswoods
Mr Obeid	Mr Jones

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Mr Coleman	Mr Pickering
Miss Gardiner	Mr Samios
Dr Goldsmith	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	*Tellers*,
Mr Moppett	Mr Mutch
Dr Pezzutti	Mr Ryan

Pairs

Mrs Arena	Mr Bull
Dr Burgmann	Mrs Chadwick
Mrs Isaksen	Mrs Forsythe
Mrs Kite	Mr Gay
Mr Manson	Miss Kirkby
Revd F. J. Nile	Mrs Sham-Ho

Mrs Symonds Mr Willis

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

GOVERNMENT CLEANING SERVICE RETENTION BILL

Suspension of certain standing and sessional orders agreed to.

Motion by the Hon. J. W. Shaw agreed to:

That General Business Order of the Day No. 18 relating to the Government Cleaning Service Retention Bill be called on forthwith.

Second Reading

The Hon. J. W. SHAW [2.50]: I move:

That this bill be now read a second time.

Honourable members will be familiar with the substance of the bill. In many ways it is clear, direct and simple. It provides, if carried, that the Government Cleaning Service must not be privatised - and few bills would have such a simple statement as that. The bill also contains a definition of privatisation which makes it clear that privatisation of the Government Cleaning Service is any transaction or series of transactions by which that or any part of the undertaking of the Government Cleaning Service is transferred to any private person, or where any private person is charged with the management of the provision of all or any part of the undertaking of the Government Cleaning Service.

As I argued to this House recently, it is urgent that we deal with this bill because the sale of the Government Cleaning Service is imminent. The position of the work force employed in schools and other public buildings as cleaners is under grave threat. It is appropriate that the bill be voted on at the earliest possible time. Let us consider briefly the nature and history of that work force. Over-whelmingly, cleaners employed in schools and other public buildings are women, and a high percentage of them are migrants. We are dealing with about 7,500 workers on modest rates of pay, the battlers in our community. They have had the advantage of working in the Government Cleaning Service - the advantage, in particular, of stable, permanent public sector employment. They have been able to plan their lives on the basis of regular ongoing work under decent working conditions.

But the move by the Government to sell the Government Cleaning Service threatens all that in a fundamental way. An important point to bear steadily in mind is that over recent years these workers, their union and administration have made great strides to improve efficiency and to provide a productive and economically viable cleaning service. They should get due credit for that. Indeed, in past years this Government gave them due credit for that. On 11th March, 1992, the Chief Secretary, Mrs Cohen, said that the decisions taken should put to rest any fears that school cleaners could lose their jobs through contracting out cleaning. Mrs Cohen went on to state:

The Premier has advised me of his approval of the arrangement tying current clients to the Government Cleaning Service to be extended for two years [from that date].

Mrs Cohen further stated:

The cleaners should be congratulated for their performance. I hope today's news puts to rest any fears they may have had for their job safety.

On 23rd March, 1992, the then Minister for Industrial Relations wrote to a constituent in Goulburn:

The Government recognises there have been substantial improvements to the efficiency of the cleaning service since 1989. I would like to take this opportunity to congratulate you on your contribution.

We are not dealing with a sphere of employment where people have not been prepared to co-operate with efficiency gains and with, in the somewhat ugly jargon of the time, microeconomic reform. We are dealing with people who have co-operated, made concessions, and have negotiated in the interests of an efficient cleaning operation. Yet, the bitter reward for the efforts of these battlers is a threat to their livelihood. Obviously the private cleaning contracting industry has a vital role to play in society, but it is a pretty hard and rugged world; a pretty hard existence for its employees. Anyone with any knowledge about private sector cleaning contracting knows it has a high turnover of labour; that people come and go with great rapidity, in stark contrast to the Government Cleaning Service.

In the contract cleaning industry contracts are won and lost. A company cannot be assured of having an ongoing job at a particular location beyond the duration of its contract. When contracts are lost, jobs are lost. There is not the ongoing security that is found in public sector employment, where cleaners have had a legitimate expectation of keeping that security for their working lives. If the Government Cleaning Service is closed, the security of tenure for these workers will be immensely damaged. There will

be a clear detriment to their superannuation. Workers had a legitimate expectation of receiving a decent superannuation payout at the end of their working days on retirement. There is simply no doubt - and I do not expect the Government to dispute this - that there is a tangible detriment for people who will no longer be able to contribute to their existing public sector superannuation scheme.

The only guarantee given is a short-term guarantee of a job for the next eighteen months. After that all bets are off; after that no guarantees whatsoever are given of ongoing employment. Yet, despite these detrimental factors, no clear or concrete evidence has been given of any public advantage from this proposal. This is the triumph of doctrine over practicality. It is an ideological belief that the Government, because of Liberal Party philosophy, simply should not be involved in running a cleaning service. But the Opposition would ask why not, if it is an efficient cleaning service, if it cleans our schools and public buildings effectively and provides stable and decent employment for employees? Why should the Government not continue with this particular project?

The Opposition has a legitimate apprehension that the cleaning standards in our schools will be lowered if it is to be serviced by the private sector contract cleaning industry. School cleaners are part of the school community. They work co-operatively with teachers and students, and this tradition ought to be defended and sustained. It is a tradition damaged by the crude ideological proposition that the Government Cleaning Service ought to be sold off. The House should support the bill and prevent the Government from going forward with its quite misguided and disastrous proposal.

The Hon. R. S. L. JONES [2.57]: The Australian Democrats are pleased to support the Government Cleaning Service Retention Bill. I have spoken on this matter on more than one occasion in this House and my feelings on it are well known. I promised the men and women of the Government Cleaning Service who were outside the Parliament in Macquarie Street recently that I would do whatever I could to retain their jobs, and I am firmly of the view that if the Government Cleaning Service is sold, their jobs will not be viable, and that they will be lost within 24 months at the absolute outside. There is no doubt that people working in the private sector cleaning industry do so for one reason and one reason

only: the maximum amount of profit for the minimum amount of effort. That is not so with the Government Cleaning Service.

I have received hundreds of letters from cleaners and it is quite apparent from their correspondence that they are part of school life. They are not just cleaners: they open windows, turn on the heaters and look after children before and after school. A number of children are delivered to school early by their working parents and they are often looked after by the cleaners. This is also the case after school, when cleaners look after children who remain after the others have gone home.

Cleaners do a lot of little extra tasks for the school community - they are well known and well loved. Despite these extra jobs, for which they are not paid, their efficiency has increased in the past two or three years and much money has been saved for the Government. Given a little more incentive, I am sure more money would be saved over the next two or three years. The Hon. Dr B. P. V. Pezzutti is very keen to put people out of work, but he does not understand what that means to the individuals who will lose their jobs in the near future. Many of these people who are sole parents will not be able to acquire other jobs and will simply join the dole queue. The community, through its taxes, will be paying to support them on the dole queue. What is saved in one way will be lost in another. It is an absurdity.

The Hon. Dr B. P. V. Pezzutti: New South Wales taxpayers do not pay for the dole; it is paid for by the Commonwealth.

The Hon. R. S. L. JONES: I suppose you do not pay taxes, do you? Perhaps the Hon. Dr B. P. V. Pezzutti does not pay tax. I pay taxes and I am very happy to do so - I paid some $33,000 for this 12 months. Part of my tax goes towards paying for the dole. I am happy to support several people who are unable to obtain jobs, but I would never deliberately and consciously put people out of work in this fashion, especially during the worst recession for 60 or 70 years. What an absurdity! If the Government truly had a heart, it should phase this service out over a number of years, allowing these people to gradually drift away, and at that time replace them with private contractors.

Throwing these people on the scrap-heap is government without a heart. It is amazing that there is now available amounts up to $600 million which will be taken from hollow logs to prop up HomeFund; $3 billion for the Olympic Games, for which we will probably incur a loss of $1 billion anyway; and $300 million to $400 million being lost on building the M2, which will be a completely unprofitable motorway being propped up by taxpayers' money. A private tollway operator will collect the tolls so, effectively, we will pay twice for that motorway. Hundreds of millions of dollars will be spent on these white elephants, yet the Government is not prepared to allow these cleaners to keep their jobs for a few more years. It is an absolute waste of money!

It is amazing how the Government managed to find money for HomeFund by discovering those funds in the hollow logs. Legislation will be passed over the next few days to remove that money to set up a fund to assist HomeFund. Hundreds of millions of dollars have been thrown away by the Government for some matters, but it will not spend a few million dollars to save a viable concern like Letona Co-operative Limited or keep approximately 4,000 people in jobs. The whole matter is completely screwed up! The Government should not be selling the Government Cleaning Service during a recession. If alternative employment can be provided, that is fine, but the Government cannot do that. Some of these

people have held their jobs for many years - not just two or three years - and are entirely dependent on these jobs for their livelihoods.

They know they cannot get other jobs. Regrettably, some of these people are not doctors or university graduates and some do not speak English very well. These people are desperate to keep their jobs. Does the Government believe that the hard core people in the cleaning business will keep these people who are not as efficient as some of the 21-year-olds fresh out of school or university? Of course

not. These business people will not keep 55-year-old people who can hardly speak English. They will be tossed on the scrap-heap in the next couple of years and our taxes will support them. I hope the Hon. Dr B. P. V. Pezzutti pays enough tax this year to pay dole for the people he is about to throw on the scrap-heap. If I had a dollar for every interruption by the Hon. Dr B. P. V. Pezzutti, I would be a millionaire by now.

The Hon. Dr B. P. V. Pezzutti: The Hon. R. S. L. Jones has been a millionaire in the past.

The Hon. R. S. L. JONES: Are you calling a point of order? That is interruption No. 1,000,001 from the Hon. Dr B. P. V. Pezzutti interruptus. On behalf of the Australian Democrats I am happy to support the Government Cleaning Service Retention Bill. I am sure my colleague the Hon. Elisabeth Kirkby is of the same view in regard to retaining these jobs. The aim of the Government is economic rationalism gone mad! We will waste hundreds of millions of dollars - and I will not go into some of the more personal matters of wasted money - on a two-week carnival for the Olympic Games, and we do not know how long it will take to pay for that. We will have to raise extra taxes to pay for it. But when it comes to 3,000 or 4,000 migrant women workers, put them on the scrap-heap! The Government does not give a damn.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.4]: The Opposition bill is the very height of irresponsibility. It reveals just how beholden is the Opposition to the cleaners' union and how willing it is to pander to its demands, at the expense of the taxpayer. It reveals just how unwilling is the Opposition to face up to the responsibilities of government and the hard but necessary decisions. It shows also just how out of step is the Opposition with governments around the world, including their Federal and State Labor government counterparts, and how it remains rooted in the discredited practices of the past.

The bill, though short, has very wide ramifications, extending beyond the Government Cleaning Service. The bill provides that no part of the Government Cleaning Service shall be sold and that all existing cleaning arrangements are to remain in place. All clients are to be tied indefinitely; there will be no opportunity for competition; and there will be no time limit to the bill's provisions. The bill will preserve for ever a cosy government monopoly. It will deny the Government the ability to manage its activities efficiently in accordance with community expectations.

Let us be clear: the bill will give to the Miscellaneous Workers Union enormous influence and control of the Government Cleaning Service. No longer is there any threat of competition. Every client is tied to the Government Cleaning Service without choice and without options. This bill will effectively limit the ability of all clients of government cleaning services to modify their cleaning specifications in accordance with changing needs. It will remove any pressure for efficiencies or budgetary control. The final result will be that Treasury will have to direct money from one or other areas of core services to pay for higher cleaning bills.

What incentive is there for the union to moderate demands, to take part in negotiations or to improve efficiency and to undertake further reforms? Put simply, there is no incentive whatsoever - there is no threat of competition to spur any union co-operation or drive-through efficiency reforms. What incentive is there for management to drive the reform process and manage responsibly? Indeed, what serious management will be attracted to such an enterprise? What incentive is there for the cleaners themselves to further co-operate? The answer is clear: there are no incentives at all - just roll over and let the union hold sway!

This is the Labor Party's approach to industrial relations and reform. When a competitive private sector exists that already cleans schools, hospitals, hotels, major institutions et cetera, there is no sense or logic in this approach. History has shown again and again that when an organisation is sheltered from competition and pressures that drive continual efficiency improvements, those organisations become inefficient and oversized. This was the Government Cleaning Service prior to 1988. Labour reforms in

1988 only followed threatened privatisation because of gross inefficiency. The GCS cannot for ever be run as a taxpayer-subsidised organisation, protected from competition. Inefficiencies of $35 million to $40 million per annum will not be allowed to continue unchallenged. Protected from competition, these inefficiencies can only increase. The public will put up with such waste of money, even if well intentioned, for only so long. This bill promotes a degree of interference in the management of the public sector which is unprecedented, and which has the potential to make government unmanageable.

Why stop at the GCS? Why not move on to government trading enterprises? The bill sends a disturbing signal to the community about investment in New South Wales and the Opposition's level of commitment to an efficient public sector. It says that when it comes to reform, New South Wales will be forced by the Opposition to back away; that there is one rule for the public service and another for private enterprise. At a time when all Australians are being asked to work harder and better to become competitive, the Opposition is saying that the New South Wales public service should stand immune. This bill clearly dispels for ever the Opposition's claim to any credibility for responsible financial management.

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The Leader of the Opposition now believes the Government is in the cleaning business. What an about-face! This view stands in total contradiction to his earlier calls for further microeconomic reform and privatisation of non-core government activities. It is clear that the Leader of the Opposition fails miserably when it comes to the test. The debate on this bill shows the Labor Party in its true colours. For its abrogation of all responsibilities to the wider community and taxpayers of this State it stands condemned. It is clear the Opposition has learnt nothing from its prior years in office or from the Labor legacy in Victoria. It must be made clear that this bill has a significant cost to the community. The Government has budgeted for substantial savings in costs this financial year and in each year thereafter.

If this Government is denied the ability to make savings in non-core areas savings will have to come from core areas. The money has to come from somewhere. Higher costs for cleaning mean fewer funds for core services such as health and education. That is the unavoidable choice to be made. Above all, this is a short-sighted bill which, if passed, will ultimately seal the fate of the Government Cleaning Service and ensure its ultimate demise. The bill may delay the inevitable day, but when it comes it will be harsher for the employees. All members of this House must accept the need for competition, for the efficiencies of our major public organisations to be tested against the market-place and to be continually under pressure for productivity improvements. The Government expects that of all areas of public administration. It expects it of the private sector, upon whose generation of wealth the public sector relies, and upon whose competitiveness the future of this nation is based. This same continued efficiency improvement is expected of us by taxpayers.

It is patently ridiculous, retrograde and irresponsible for the Opposition to turn its back on this principle in dealing with the Government Cleaning Service. The real issues, which a responsible government must deal with, are complex and difficult. The Government must ensure that inefficiencies are eliminated and that it obtains cleaning services of the standard it requires and at the best possible price. The business needs to be exposed to normal competition and pressure to improve its efficiency. Last year it was announced publicly that the tied arrangements between the Government Cleaning Service and its clients would cease in 1994. Clearly, the Government Cleaning Service will have to be competitive if it is to survive. The Government cannot ignore the potential savings that are available. Unnecessary pain and disruption to employees and clients must be avoided. Employment should be safeguarded, staff treated fairly. There is no reason why the Government should own and operate a major business that is not in any way its core business.

The Government has thought long and hard about how to achieve these objectives simultaneously. The Government has to balance the need for financial responsibility, that is, achieving value for the public dollar, with responsibility to its employees. It could not shelter the Government Cleaning Service from

competition for ever. It could not watch while cleaners lost jobs as the Government Cleaning Service was laid waste by more efficient operators in open competition. The Government is not planning for immediate savings at the expense of staff. It is not sacking everyone, as happened in other States. Rather, the Government has put together a plan that will achieve all goals within a reasonable time in a manner that is responsible both to the taxpayers of this State and to the staff of the Government Cleaning Service.

Therefore, the Government is transferring the Government Cleaning Service business to companies which can best provide cost reductions, at the same time maintaining high quality service and giving existing employees continuity of employment. The Government's approach is responsible because it protects the interests of all concerned: the Government Cleaning Service employees will have their jobs safeguarded; the Government Cleaning Service clients will enjoy continuity of a high standard of service; around $37 million of taxpayers' funds will be saved, to be spent on priority community services such as schools, hospitals, police services and roads. Peter Roberts, in the *Financial Review* on 6th September, stated:

> . . . it would be difficult to imagine a process that more fairly balanced the needs of employees with the introduction of competition.

The results of the tender will confirm this - the savings and the employee safeguards will be there. The facts of the Government plan are as follows. The sale will involve a tender in which private sector companies will bid for the assets and goodwill of the Government Cleaning Service concurrent with contracts to clean government sites in five regions of the State for a maximum five-year period. To avoid the emergence of a monopoly and to encourage competition, no single company will be able to take over the operations of the Government Cleaning Service in more than two regions. For a company to be successful in any one region it must demonstrate that it can continue to deliver the same quality of service to all sites within that region.

In August, 10 companies pre-qualified to tender. The tender closed on 8th November and very high-quality and competitive bids from seven tenderers have been received. These are being evaluated. It is already clear that the Government's expectations regarding cost savings and employment undertakings will be realised or exceeded. It is anticipated that the sale process will be completed later this year and that the transfer of the business to successful companies will take place in early 1994. A principal aim of the plan has been to protect the jobs of Government Cleaning Service employees. A key requirement of the tender is that all 7,500 regular cleaners of the Government Cleaning Service are offered equivalent jobs.

Following agreement with Reverend the Hon. F. J. Nile, successful tenderers will be required to effectively guarantee employment, as a minimum

contractual undertaking with similar hours and at a similar location, for at least 12 months beyond the original date for the expiry of tied arrangements, that is, until at least June 1995. In effect the staff will continue to clean the sites they now clean. The future welfare of Government Cleaning Service employees is a prime consideration in the sale. In addition to existing legislative employee protections, the tender document includes some of the most stringent employee protections ever used in such a sale, and a level of contractual guarantee well beyond that available to employees in the public or private sector. I seek leave to table a summary of employee human resource requirements, as contained in the tender document.

Leave granted.

The cleaners will be covered by the relevant private sector award. Service with the Government will be recognised for the purpose of determining award entitlements, such as sick leave, long service leave and the unlikely event of any future redundancy. Unused annual and long service leave will not be lost and, in fact, will be paid out by the Government. Time will be allowed to take it into the private sector

with the new employer. In their responses tenderers will be required to address all issues relating to the treatment of staff, not just for the period until July 1995 but for the entire contract period. They will be evaluated and selected on the extent to which they can provide ongoing employment opportunities, good working conditions, training and rewards - not just on how much money they can save the Government.

The Government has indicated clearly to tenderers that it will regard highly proposals that provide a range of ongoing employment commitments to staff and that the treatment of staff throughout the contract period will be a major factor in the retention of contracts. The Government will establish a contract management group and will closely monitor the performance of contractors in this regard. Following agreement with Reverend the Hon. F. J. Nile, the Government has agreed to establish a tripartite consultative committee - union, employer and Government - to facilitate the transfer of staff to the private sector and smooth the implementation of the new arrangements. The aim is to provide continuity of employment for Government Cleaning Service cleaners and to ensure all employees are treated fairly.

The Government plan provides regular staff with a commitment to continuity of employment well beyond June 1994, which they do not have now. It is simply unrealistic to expect the Government or tenderers to provide lengthy employment guarantees. Such guarantees do not exist in either the public or private sectors. It also should be recognised that the cleaning must still be done, so that cleaners must still be employed. GCS staff are trained and experienced, and the cleaning companies have stated already that they will need staff to do the work. The long-term historical relationship between cleaners and their clients entails high levels of good will, which tenderers will be keen to maintain. In addition to the protection of the Government contract, employees will be protected under normal industrial and legislative provisions.

The Government acknowledges that gradually, as productivity improves, fewer people will be needed. GCS already has had to deal with that reality, having downsized and restructured significantly over the past two to three years. However, the Government anticipates that any future reduction in staff levels will be consistent with attrition rather than redundancies. Private companies, in fact, are able to offer a broader scope of work because they deal with a wider market. Therefore, they are more likely to be able to offer GCS employees greater opportunities for continuity of work, as well as skills development. At this time I am pleased to be able to quote from Mr Chris Raper, the New South Wales Branch Secretary of the Miscellaneous Workers Union, when he strongly endorsed the private cleaning industry in New South Wales. In an interview on ABC radio in July, after the announcement of the sale of GCS, Mr Chris Raper said:

> We are not in any way attacking the private cleaning industry . . . The companies are major, national reputable companies and, indeed, we've got lots of members in the private sector.

I ask, therefore, why will our cleaners be any different from these? With regard to superannuation entitlements, the superannuation board has advised that employees may preserve their benefits until retirement, or transfer their entitlements to an improved fund. These entitlements include all employee and employer finance benefits accrued to the date of transfer. Claims by staff of potential massive shortfalls in superannuation benefits are based on a fundamental misunderstanding of their entitlements. Staff are not resigning, and comparisons of present day resignation benefits with future values of estimated retirement benefits are misleading and fail to take account of future contributions to a private scheme by the employee, their new employer and future earnings on preserved benefits.

It is difficult to speak generally with regard to superannuation, as it is a complex matter and individual circumstances vary considerably. However, advice from the superannuation office indicates that longstanding contributors to superannuation who have accumulated a significant, preserved benefit could, in fact, be better off by preserving this benefit and joining another scheme. Efforts are being made to remove the confusion surrounding superannuation. The State Authorities Superannuation Board has established a special GCS advisory telephone service and will conduct a series of 20 visits to country and city areas in November and December to assist staff in this regard.

Let me correct all the false and mischievous claims of the union and the Opposition which have needlessly frightened cleaners and schools alike. Let me present the facts. The fact is that GCS remains uncompetitive. The Opposition says that GCS now costs the taxpayers $72 million less than it did in

1988. This serves only to indicate how inefficient GCS was under the Labor administration, not how efficient or competitive it is today. The Opposition says that the GCS recorded a profit of $13 million in 1992-93. In fact, GCS is subsidised by Treasury to the tune of $9 million per annum. Even the financial geniuses in the Opposition should be able to understand that one can achieve any profit result one wants when one's clients are tied and one can charge them anything.

The best evidence available to the Government suggests that the GCS is 20 per cent more expensive than private sector cleaning companies. Site investigations and inspections by independent observers, analysis of GCS tendering experience and cost structures, comparison of its prices with other cleaning organisations, and productivity bench marking all provide consistent evidence of this. This means that clients, mainly schools, are paying around $37 million a year more for cleaning than is necessary. And, so far as the tendering success of the GCS is concerned, consider the facts. When GCS participated in open tenders for schools early this year, it lost all the tenders by margins of 18-35 per cent. Overall, the GCS has a success rate of less than 20 per cent. This can mean only one thing when the starting point is 100 per cent of the market - massive loss of contracts and jobs. The claims of competitiveness have no credibility whatsoever.

Let me address the claim that everyone will lose their job; that it is not in the interests of contractors to employ middle-aged women. This is scaremongering at its worst. The facts are that the major cleaning companies already employ a large proportion of middle-aged women, many from non-English speaking backgrounds. These staff are trained and experienced, and are regarded as valuable employees. There is simply no reason to suggest that trained and experienced GCS staff will not be retained. Honourable members will realise that there is an elaborate system of awards and industrial legislation designed to safeguard employees in the private sector. In particular, the Cleaning Contractors (State) Award, which includes grievance procedures; the Industrial Relations Act, which includes unfairness dismissal provisions; the Anti-Discrimination Act and the Industrial Commission and its operation, provide a comprehensive system of protections. Clearly, the union has a positive role to play in this system.

The Anti-Discrimination Act provides a mechanism for staff to lodge complaints where they feel they have been discriminated against, just as they would now. Staff who believe they have been unfairly dismissed or threatened with dismissal will have redress to the New South Wales Industrial Relations Commission under the unfair dismissal provision of the New South Wales Industrial Relations Act. The commission will examine whether proper procedures have been followed, and the merits of the action taken. The commission has the power to order reinstatement, re-employment or to determine compensation. But, listening to the union and the Opposition, one would think that employees have no protection whatsoever. On top of this, the Government has layered a set of contractual protections, reporting obligations and audit requirements.

The very selection process is designed to ensure that only reputable companies with good records of personnel practice are successful. Contract incentives are also in place, with the extension of the contract from three to five years, dependent upon a demonstrated record of good treatment of employees and meeting contractual commitments with respect to staff. The Government will ensure that employees are informed of their rights under the relevant award and industrial regulation. This should reduce fears among cleaners and serve to assist them in their transition to the private sector. Successful tenderers will be required to ensure that an acceptable grievance procedural mechanism is in place and adhered to. This will be included as part of the sale contract.

Any such grievance procedure must be consistent with the requirements of the Industrial Relations Act and the existing award. These measures, the active role of the Government in monitoring the implementation and administration of the employee protection provisions of the sale, as well as the existing protection of the award and industrial system, will assure maximum opportunities for ongoing employment of staff over the entire five years of the contract. These are the facts. Let us deal also with another false claim, that the Government has broken its word. In March 1992 my colleague the Minister for Administrative Services announced that the tied arrangements between the GCS and its clients would expire in June 1994. It was clear that with the untying of its clients GCS would have to be competitive with the private sector or risk large-scale loss of contracts and jobs.

The Government has taken steps to make the Government Cleaning Service more competitive and cost efficient, but despite the tremendous efforts of all concerned during several years of reform, all the evidence available to the Government indicates that the GCS remains significantly more expensive than companies in the private sector. Significant productivity and work practice improvements would still be required to raise productivity to private sector standards. Major industrial reforms would be required to achieve the estimated 20 per cent cost savings necessary to compete equally with the private sector. The risk of achieving these within an acceptable time frame is high. The Government considers that the cleaning service could not have gone substantially further down this path under present arrangements.

Contrary to some views, the cleaning service is not highly competitive. The facts of the matter are clear. Where the GCS has had to bid against competitors for work it has won less than 20 per cent of tenders in the last year. This has happened again and again. The Government Motor Service and Technical Repair Service are two recent examples of government businesses which have disintegrated after

having their markets untied, and they have now closed. The new arrangements will secure jobs until 1995 and beyond. The issue of cleaning quality has also been raised. The quality of cleaning will be maintained. The Department of School Education will continue to specify minimum cleaning standards for schools and is consulting with school principals' associations in this regard. These standards will not be compromised to achieve cost reductions.

The tender specifies the Government's requirements. Tenderers will be selected in part on their ability to meet specified standards and their performance will be closely monitored. Specific audits will be undertaken at the end of 12 months and at the completion of the third year. Moreover, extension of the contract from three to five years will be dependent on client satisfaction with the service provided. It should now be clear that, on all counts, the Government's plan is both responsible and fair. Productivity improvements would also be required of the GCS if it is retained by the Government, unless the union is successful with this bill and the GCS is insulated from all future productivity increases and competitive pressures.

All companies and public sector organisations alike have to respond to commercial pressures and the needs of clients to remain competitive. The GCS and its staff are not immune to this. An unwillingness to accept change will simply result in an uncompetitive and ultimately non-viable cleaning service. The GCS cannot be insulated from competition. The problem that the Government is facing is that the GCS would be decimated if it were exposed to competition. The Government's plan will provide the best alternative to safeguard employees' jobs. It will allow a transition period to integrate employees within major reputable cleaning companies, to introduce competition and to deliver savings to clients. This is the responsible approach. We should not treat the GCS as a special New South Wales taxpayer subsidised case and protect it for ever from the competitive pressures of the real world.

If the Opposition believes that the GCS is competitive, why does it seek, through this bill, to shelter it from competition for ever? If the GCS is so competitive, why does the Opposition, in the same breath, plead that GCS cleaners are old and incapable of getting a job outside the public sector? That is something which members of the Labor Party will be required to answer. This does not seem compatible

with an effective organisation capable of mixing it with major cleaning companies. The truth is that the GCS work force is not infirm or incapable of productivity improvements. GCS staff are trained, reliable and valued workers. They know the clients, and this is valuable to the new cleaning companies.

This bill is irresponsible. In a practical sense it will severely compromise the Government's ability to manage its enterprises efficiently in accordance with community expectations. It sets a precedent for intrusion into the executive prerogatives of government. It sends the wrong signals to investors, the private sector, taxpayers and public sector employees alike. The bill will provide a level of protection to the Government Cleaning Service which is unprecedented. It will completely insulate it from competitors and from any pressure to achieve efficiencies, and it will extend union power. Clients and taxpayers alike will be adversely affected as this will simply lead to greater inefficiencies and higher costs to government. This goes against the most fundamental principles of open competition and public sector productivity improvements, which have been endorsed everywhere by governments of all persuasions.

As a result, there will be significant costs. The bill will impact on the Government's budget strategy and will lead to higher cleaning costs in the future. Higher costs in cleaning mean fewer funds for core services such as health and education. The Government's sale plan will preserve employment and achieve the right balance between the interests of all parties and the need for financially responsible management. There is simply no practical or policy reason why the Government should be in the cleaning business when it could be done effectively and at a lower cost by the private sector. The Government opposes this bill. Earlier, the Hon. J. R. Johnson, by way of interjection, raised an issue which I wish to address. I am advised that it is anticipated that contracts will be exchanged in mid-December, with completion at the end of January 1994. At that time, that is, at the end of January, staff will transfer from the GCS to the successful private contractor. All regular employees will receive offers of employment from the contractors following the exchange of contracts.

The Hon. J. R. Johnson: You missed the point completely. Will there be transmission of the business?

The Hon. J. P. HANNAFORD: If we get to the Committee stage, the Hon. J. R. Johnson will be able to ask the Hon. J. W. Shaw what is likely to happen. It is more appropriate for him to make his comments at that stage.

The Hon. J. W. SHAW [3.37], in reply: I thank the Australian Democrats for their support of this bill. I want to deal briefly with the speech of the Leader of the Government - a speech which, while lengthy and detailed, was marred by hyperbole. Over recent years the history of government cleaning has been one of co-operation, reform and productivity improvement. The comments made by the Hon. Dr B. P. V. Pezzutti that there has been featherbedding in this area are an outrageous slur on the decent hard-working people who clean government offices. This history of reform and co-operation demonstrates beyond doubt the potential for further productivity improvements without this drastic and inhuman step of selling off the Government Cleaning Service.

The Leader of the Government said that this bill would be an unwarranted interference in public sector management. This Parliament is sovereign. If it

takes the policy view that the Government Cleaning Service ought to be preserved, it has the undoubted right to say so by legislation and it can direct the Government to that effect. The Leader of the Government indicated that the bill would have the effect of sheltering or protecting the Government Cleaning Service for ever. In fact, it would have the effect of protecting the Government Cleaning Service in public sector ownership and control until or unless this Parliament expresses a different view. That does not mean for ever; that just means subject to further consideration by this Parliament, as is the case with any law that is enacted by this Parliament.

The Leader of the Government argued that the Government should not be involved in cleaning.

Whether or not the Government should be involved as a direct employer in any particular activity depends upon where the public interest lies. There is no dogma about the matter; there is no iron rule that the Government should not directly employ cleaners. It is a matter of a cost benefit analysis taken on rational grounds. For all the reasons advanced by the Opposition the Government Cleaning Service should remain in public ownership until or unless this Parliament reconsiders the matter. The Leader of the Government advanced competition as the basis of the Government's decision. He used the term competition not as to a useful principle, but as dogma.

If that were applied throughout the public sector, it could be said that there is no area in which the activity should be performed only by public sector employers. I refer to the Treasury, the Water Board, Pacific Power, and the like. It is appropriate that some services are performed by the public sector, and this is one of those services. The bill should be supported by the Parliament.

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

The House divided.

Ayes, 14

Ms Burnswoods	Mr O'Grady
Mr Dyer	Mr Shaw
Mr Egan	Mr Vaughan
Mr Enderbury	Mrs Walker
Mr Johnson	
Mr Jones	*Tellers*,
Mr Kaldis	Mr Macdonald
Miss Kirkby	Mr Obeid

Noes, 14

Miss Gardiner	Mr Ryan
Dr Goldsmith	Mr Samios
Mr Hannaford	Mr Rowland Smith
Mr Jobling	Mr Webster
Mr Moppett	
Mr Mutch	*Tellers*,
Mrs Nile	Mr Coleman
Mr Pickering	Dr Pezzutti

Pairs

Mr Bull	Mrs Arena
Mrs Chadwick	Dr Burgmann
Mrs Forsythe	Mrs Isaksen
Mr Gay	Mrs Kite
Mrs Sham-Ho	Mr Manson
Mr Willis	Mrs Symonds

The ACTING-PRESIDENT: The vote being equal, I give my casting vote with the noes and declare the question to have passed in the negative.

Motion negatived.

Message

Message forwarded to the Legislative Assembly advising it of the resolution.

INTERPRETATION ACT: DISALLOWANCE OF REGULATION

The Hon. ELISABETH KIRKBY [3.50], by leave: I seek to withdraw General Business Notice of Motion No. 1 standing in my name, namely:

> That, under Section 41(1)(b) of the Interpretation Act 1987, this House disallows the amendment to the Prisons (General) Regulation 1989 published in the *Government Gazette* No. 104, dated 24th September, 1993, page 5909, and laid upon the table of this House on 12th October, 1993.

I further seek the leave of the House to make an explanation as to why I am withdrawing this motion.

Leave granted.

I was requested by the Council for Civil Liberties in New South Wales, after a meeting at which the proposed regulation was discussed, to move to disallow the regulation in connection with prison visitors, because at that time it was believed that if this regulation went through it would be used in a most discriminatory manner. It was pointed out to me also that already too many discriminatory penalties were imposed on people seeking to visit friends, relatives and associates in custodial institutions. Therefore, I gave notice that I would move for the disallowance of the regulation. However, since doing so I have had further consultation with the Minister and with Professor Tony Vinson, who is head of the School of Social Work at the University of New South Wales and, as honourable members would be aware, at one time was head of the Department of Corrective Services. He has a detailed and accurate knowledge of how corrective institutions should be run.

Professor Vinson's opinion is that on many occasions it has been necessary for a prison superintendent or the governor of a prison to have the power that is provided in the regulation. Undoubtedly certain people go from prison to prison taking contraband and claiming to be related to inmates when in fact they have no such relationship. My original concern and that of the Council for Civil Liberties was that bona fide visitors might be discriminated against, especially if they were behaving in a manner

that did not appeal to the prisoner officers with whom they were in contact. That has been the subject of debate and questions in this House. I know that the Minister has promulgated the regulation. The Director of Corrective Services has disseminated the information to all prison officers requesting that they treat relatives of prisoners with cordiality, respect and courtesy.

To avoid any possibility that a genuine relative might be discriminated against or falsely or wrongly denied a visit, I have asked the Attorney General whether it would be possible for a safeguard to be inserted in the regulation so that the Ombudsman would be empowered to judge, on the basis of the facts available, whether the statewide ban imposed on a particular visitor was reasonable and fair. After consultation with the Minister it was agreed that such a provision could be included in the regulation. I understand that the Ombudsman has been consulted and has agreed to undertake such a review if it becomes necessary. For those reasons I do not believe that the regulation should be disallowed, but rather it should be allowed to stand. I trust that the Minister will assure the House that the regulation will be strictly monitored to ensure that it is not used unfairly or in a discriminatory way against a legitimate relative of any inmate of our corrective institutions.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.54], by leave: I give the assurance that the Hon. Elisabeth Kirkby seeks. I can inform the House that the regulation is intended to achieve the purpose outlined in the comments of the

honourable member. My office has been in contact with the Ombudsman, who has made it clear that it is his view that the Ombudsman's legislation already empowers him to deal with any exercise of power under the regulation. Therefore it is not necessary to make any regulatory or legislative change to the Ombudsman's power to perform that role. However, to ensure that the regulation is not used adversely or inappropriately, I have given the department an instruction that whenever notice is served banning a person from all institutions there should be added to the notice information that a review can be requested by the Ombudsman of that decision, so that the person is informed upfront of his rights. That action has been taken.

Motion withdrawn.

CORONERS (AMENDMENT) BILL

Restoration

Motion by the Hon. Elisabeth Kirkby agreed to:

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

SUMMARY OFFENCES (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

The Hon. R. S. L. JONES [3.57]: I move:

That this bill be now read a second time.

This bill has its genesis in problems with the Summary Offences Act, as amended by the Government, that have led to a disproportionate number of Aboriginal people being arrested. I have been asking questions in this House for the past two or three years about this matter. I received a letter from the Lawyers Reform Association dated March 1992 in which the association said that there had been considerable public comment concerning the use by police of their power to arrest and confine citizens for what is relatively trivial behaviour, such as swearing in the street or making rude gestures. The letter stated:

A large number of charges laid under section 4 of the Summary Offences Act of "Offensive Language" or "Offensive Conduct" come before the Local Courts.

No statistics are available on the number of people charged, but in the 1990 calendar year, 3,554 persons were convicted of "offensive conduct" and 5,124 persons were convicted of "offensive language". The vast majority of these were dealt with by way of a fine.

However, 27 people were sentenced to full-time imprisonment, and 5 to periodic detention, for "offensive conduct". 20 people were sentenced to full-time imprisonment and 4 to periodic detention, for "offensive language".

Because the Act, as currently worded, targets both minor breaches and serious breaches of public standards, it catches in its net behaviour which should simply not be the concern of the criminal law.

Furthermore, the existence of a specific offence of "Offensive Language" results in the police

placing an undue focus on the use of words themselves, rather than on the broader context in which those words are used.

This is a particular problem when policing people in communities or groups in which the use of so-called swear words is relatively more acceptable, and/or who tend to spend a larger proportion of their time outdoors. Examples which come to mind would include young people, and people in the poorer urban areas, including Redfern, building sites, and the streets of Kings Cross late on a Friday night.

It is clear that the use by police of their powers under the current legislation targets, wittingly or unwittingly, some groups in the community more than others. In other words, the fact that behaviour commonly regarded as normal by some groups comes within the provisions of the Act, gives rise to both potential and actual abuse.

The problem is that in our community some people swear habitually as part of their normal everyday language. Some people do not approve of this.

[*Interruption*]

Obviously, the Hon. D. F. Moppett is offended by this; it does offend some people but, nevertheless, some people use swear words in everyday language. It has been a common occurrence for the Act to be used in harassing Aboriginal people. Over the years

statistics have shown that large numbers of Aboriginal people have been arrested. I have figures to show comparisons between the arrests of Aboriginal and non-Aboriginal people: 1,125 Aboriginal people and 912 non-Aboriginal people have been arrested; there have been 2,247 charges against Aboriginal and 1,867 charges against non-Aboriginal people; and, in all, 711 Aboriginal and 738 non-Aboriginal people were involved. Not only have many more Aboriginal people been arrested than non-Aboriginal people but the charges per arrest are higher. This is in the Walgett and other western districts. The Lawyers Reform Association further states:

This is a serious problem in the day-to-day operations of the police, and the criminal justice system generally.

The unfairness inherent in the operation of the Act is compounded by the availability of imprisonment as a penalty for an offence under section 4.

Potential imprisonment for relatively trivial offences against public standards, where those standards vary greatly from group to group in the community, is an inappropriate use of that sanction.

I gave notice of this legislation last year and finally it has come before the Parliament. I am glad that in the meantime the Government has acted and that in a few days legislation will be introduced that goes halfway towards meeting my concerns, those of the Lawyers Reform Association and others about people being gaoled under this section. Under this bill a prison sentence will no longer be a penalty for offensive language, and that is a good thing. People should not be gaoled for using what they regard as normal language, even if it has an Anglo-Saxon rather than a Latin or Greek basis. It is easy for these words to slip out, particularly when people are being harassed in the street.

I believe that this measure should go one step further and that the recommendations in the Summary Offences (Amendment) Bill should be implemented. The object of the bill is to substitute section 4 of the Summary Offences Act 1988 to remove the existing offence of offensive language, to replace the existing offence of offensive conduct with a new offence of seriously offensive conduct and to remove imprisonment - currently a maximum of three months - from the penalties available for the new offence.

Currently section 4 of the Act makes it an offence for a person to conduct himself or herself in an offensive manner in or near, or within view or hearing from, a public place or a school; or to use offensive language in or near, or within hearing from, a public place or a school. The maximum penalty under the existing section is six penalty points, currently $600, or imprisonment for three months. The new section will make it an offence for a person, in or near, or within view or hearing from, a public place or a school, to conduct himself or herself in a manner which is seriously offensive. The new offence will have a maximum penalty of 10 penalty points, which is currently $1,000. I would hope that when this bill is debated next year the Government will go that one step further and accept my legislation which is in line with the recommendations of reformist lawyers.

Debate adjourned on motion by the Hon. R. S. L. Jones.

TRADE WITH THE PEOPLE'S REPUBLIC OF CHINA

Motion

The Hon. D. F. MOPPETT [4.6]: I move:

> That this House commends the Government and, in particular, the Minister for Local Government and Co-operatives for the initiatives taken to extend trade with the Peoples Republic of China and other consuming nations through the co-operative movement and directed towards the processing and marketing of Australia's primary produce.

When I renewed the notice of this motion on 2nd March, the reference to the Minister for Local Government and Co-operatives was then the Hon. G. B. P. Peacocke. I want to say at the outset that the work of the Hon. Gerry Peacocke is very much in the forefront of my mind as I commence my contribution to the debate, though I certainly acknowledge that his successor, the Hon. Garry West, is certainly pursuing with great enthusiasm the initiatives of the former Minister and is maintaining the confidence of a number of parties who are respondents to this significant initiative.

In the limited time available to me this afternoon I wish to outline to honourable members the scope I wish to encompass and refer to important issues the House should consider. I wish to cover briefly the history of China in as much as it bears on the extraordinary trading arrangements which Australia must become aware of if it is to successfully secure a section of this large market now opening to the rest of the world. I wish to refer to recent trade developments - and when referring to China this probably refers to the last century - and to the opening of franchises to a number of overseas countries significant to Australia, particularly America and Britain. I shall then concentrate on more recent developments since 1972, when relations with China took a dramatic turn.

I shall round that off by referring to the significance of the co-operative movement in China and its links with the co-operative movement worldwide, and how a liaison has been created with a co-operative organisation in Australia. That is extremely significant to me because two co-operatives have been formed in the Coonamble district. The second co-operative, though it is working to a degree with the Chinese co-operative movement, is centred more on marketing beef products to the Asian market rather than to China. Therefore, my remarks will tend to concentrate on the wool processing co-operative that was formed in Coonamble under the inspiration of the former Minister, the Hon. Gerry Peacocke. His ministerial responsibilities no longer extend to this project but he is still the member for the Coonamble area, and that district still looks to him as the mentor of this worthwhile initiative.

The word "China" conjures up mystery and a sense of oriental mystique that has only recently been penetrated because the Chinese people are now more open and, more significantly, because of the

interest that Europeans have in understanding China, its people, its ways of business, its culture and its way of life. China has been a paradox in its long history. It had a strange combination of culture during what were the Dark Ages in Europe with a desire to maintain wisdom, knowledge, research and culture in all its forms - arts, literature, dance and all things associated with culture. Yet, I venture to say that at the same time China, perhaps more than any other nation, has experienced extended periods of the most severe violence, inflicted both from within and through waves of invasion from near neighbours, and invasion of its culture by European commercial interests.

Is it any wonder that China built such an extraordinary edifice as the Great Wall of China? I assure members that it was not done simply as an unemployment scheme; rather, as a result of hideous experiences from waves of invasion by ethnic people who today are absorbed into the Peoples Republic of China, but who were from distinct nations in those bygone years. Not only did China suffer; Europe reverberated from the invasion of what were called the Mongol hordes. The Chinese were conscious of the need to protect their heartland and homeland, and they built the Great Wall.

The ACTING-PRESIDENT: Order! It being 4.15 p.m., pursuant to sessional orders debate is interrupted to permit the Minister to move the adjournment of the House should he so desire.

The Hon. J. P. Hannaford: I do not so desire.

CORONERS (AMENDMENT) BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. J. W. SHAW [4.16]: It is obvious that the coronial system is an important part of our administration of justice. As the Minister said in his second reading speech, this bill is the result of a very comprehensive revision of the coronial system; it is the product of substantial thought and consideration, much of which is constructive. Indeed, it is a product of consultation. It seems to me that good lawmaking and good law reform arises from an extensive period of consultation. It is true on one view, I suppose, that if government consultation is too lengthy, it never does anything. However, it is appropriate that all interest groups who actually know something about the topic should have the opportunity to have input.

Too much of the debate in State politics does not show a great deal of in-depth knowledge of the subject; but that observation is inapplicable to this bill. The consultation process arose from the establishment some time ago of a committee comprising representatives from the Law Society, the Bar Association, the Police Service, the Public Interest Advocacy Centre, the Women's Advisory Council, the Department of Health, the Attorney General's Department, the Director of Public Prosecutions and the Department of Courts Administration. The Chief Magistrate was also a member of that committee.

Obviously that group of people has actual practical experience of coronial inquiries and knowledge of the deficiencies of the existing system. There have been longstanding complaints about the existing system, and to a large extent those complaints are addressed by this bill. The bill makes some administrative or organisational changes in the position of a coroner and his various assistants or deputies. There will be two State Deputy Coroners instead of one. It is clear that the workload and onerous responsibility falling upon a coroner justifies that change.

Another appropriate change is that coroners will be appointed by the Government on the recommendation of the Minister. The bill will enable a coroner or the jury in an inquest to make recommendations relating to matters of public health and safety. That is a self-evidently appropriate change because a coroner, particularly if he or she hears detailed facts in relation to a particular case,

may have constructive observations to make to the Government about questions of public health and safety. Useful changes have been made about appearing before a coronial inquiry, which is a vexed issue from time to time with relatives or other persons who, on the face of things, would appear to be interested parties and have difficulty obtaining leave to appear. The bill will require it to be presumed that a relative of a person has a sufficient interest in the person's death to be granted leave to appear at the inquest unless the coroner is satisfied that exceptional circumstances justify leave being refused.

I suppose one could query that latter proviso and wonder why, in any circumstances, the coroner would deny leave. The coroner has an obligation to give reasons in certain circumstances. There has long been a need to address the definition of death in custody and to expand that definition. The Royal Commission into Aboriginal Deaths in Custody drew attention to some deficiencies in that regard. I believe it is appropriate that the Government should have addressed that issue.

The Opposition had concerns with this bill when it was dealt with in the Legislative Assembly. Indeed, the Opposition foreshadowed a series of amendments, but does not intend to proceed with them in this House. As I am informed, there were informal discussions between the Opposition and the Government about technical and detailed aspects of the Coroners (Amendment) Bill. My understanding is that the Government has foreshadowed and formally circulated a series of amendments to be moved in Committee. They do not entirely achieve all that the Opposition would desire. Perhaps in an ideal world the Opposition, were it in Government, would do things differently in relation to this legislation. However, the Opposition has taken the view that the
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amendments emanating from the Government represent a reasonable response to the concerns that have been expressed.

On the assumption that the bill is amended as foreshadowed, the Opposition does not intend to oppose it. At the outset of my remarks I made the point that consultation should be the hallmark of law reform in detailed areas such as this. It is to the credit of both the Government and the Opposition that consultation has not only preceded the bill but has taken place during the conduct of the bill through the Parliament. On the assumption that the foreshadowed amendments will be moved in Committee, the Opposition expresses no opposition to the bill, and commends the Government for its constructive attempt at this law reform.

The Hon. ELISABETH KIRKBY [4.22]: I support the Coroners (Amendment) Bill but I believe that there will still be deficiencies in the Coroners Act that have yet to be addressed. It is for that reason that a little while ago I moved to reinstate my private member's bill to the notice paper. Although some amendments to the Act were made by the Government in recent years, I did not believe that they dealt sufficiently with the shortcomings of the Act. Therefore I introduced a private member's bill to amend the Act. I introduced it in 1989, again in 1990, again in 1991, and, of course, again, for the fourth time, this afternoon - without success on the first three occasions because the debate did not process beyond my second reading speech.

It goes without saying that this Government bill is overdue. There have been continual complaints about the coronial system from citizens who have been denied justice since the Act was introduced in 1980. Coronial inquests or inquiries into controversial deaths or fires have typically been followed by calls for the establishment either of a further inquiry or, in some cases, a royal commission. There has also been criticism of the Act from the legal profession itself, notably from the Public Interest Advocacy Centre. The bill as introduced by the Government has many notable reforms and they are to be applauded. Chief among them are the amendments to restructure the method by which coroners are appointed and gain experience, by introducing the position of an assistant coroner with limited powers.

I welcome a number of proposals that were included in my private member's bill and are now taken up by the Government. They include: the inclusion of deaths in residential facilities licensed under the Youth and Community Services Act 1973 in the jurisdiction of the coroner; an expansion of the definition

of a death in custody to include situations where a person dies during an attempt to escape custody, or during a police operation; and a provision that a mandatory inquest will be conducted by the State Coroner or the Deputy State Coroner. I am also heartened that new section 22A will allow coroners and coronial juries to attach to findings recommendations considered necessary in all circumstances.

However, as I said earlier, the Government's proposed reforms do not go far enough. The concerns I still have include the following: the rights of those who may appear before coroners; the ambit of an inquiry or inquest; the role of a coronial jury; and the need for a right of appeal. None of these issues has been adequately addressed. The right to appear at an inquest or inquiry is one of my main concerns. Section 32 of the Coroners Act as it stands provides that a person who, in the opinion of the coroner, has a sufficient interest in the subject-matter of the inquest or inquiry may, by leave of the coroner, appear in person or be represented. The Government bill as originally introduced did not do nearly enough to address this problem. It merely allowed persons with sufficient interest to be represented by counsel or a solicitor, unless there are exceptional circumstances that justify refusal of leave.

I still believe that section 32 should be amended to give persons and organisations the unrestricted right to appear at a coronial inquest or inquiry. Given that organisations, such as trade unions and professional associations, may have an ongoing interest in the work or professional practices followed when an accident occurred, they may be better placed to contribute to an inquest or inquiry than the relatives of the person killed or injured, or those who may be accused of neglect. My second concern relates to the time and place of an inquest or inquiry. There has been a problem with parties appearing before an inquest or inquiry gaining early access to material collected for a coronial inquest or inquiry. Delays have arisen from the delegation of investigations to the Police Service.

It is worth noting that delays have been greatest where police officers or government officials are likely to come under adverse criticism. Delays inevitably hamper investigations. I believe that a party intending to appear at an inquest should be able to request a preliminary hearing at which he or she may gain access to documents that will be tendered at the hearing. I am quite aware that the police may be alarmed by this suggestion, particularly about the risk that possible suspects may be alerted, and about confidential material in police running sheets. However, it has to be pointed out that the coroner has the discretion not to make documents available if it is believed that their release would be likely to impede or prejudice a continuing investigation, or if the probative value of such statements and documents is outweighed by their prejudicial impact. Of course, the coroner may also impose conditions precluding their publication and limiting access to them. I believe those concerns of the Police Service should be addressed.

My third concern is the right of parties appearing at an inquest held with a jury to make formal addresses. I believe that parties appearing at an inquest with a jury should have the right to make formal addresses. At present section 18(1) provides that inquests and inquiries will be held without a jury, unless one is requested under subsection (2). Section 18(2) provides that the Minister or the State Coroner

may so direct, or that a relative of the person, or the secretary of any society or organisation to which the deceased belonged, may request that proceedings be conducted with a jury. Juries are rarely used in coronial proceedings. If they are used, it appears to me to be only sensible that any person appearing should be allowed to make an address. I am very heartened to realise that the Government will be addressing this concern in an amendment to be moved in the Committee stages of the bill.

My next concern deals with the need for a jury empanelled during an inquest to deliver a verdict. Section 19 of the existing Act requires that if at any stage of proceedings before a coroner the evidence so far adduced establishes a prima facie case for an indictable offence, the coroner must terminate the inquiry and forward the papers to the appropriate authorities to consider whether the offender should be indicted. Though parties have been assured that the matter will be determined by jury, all too often the coroner announces that there is sufficient evidence that an indictable offence has been committed. The

jury is peremptorily discharged and the inquest is terminated.

Many of the issues that parties sought to raise have either never been addressed or have been left inadequately answered. Even if an inquiry proceeds to completion, the terms of the existing statute require a jury to be directed to return a very narrow verdict. Thus, the presiding coroner directs the jury that many of the issues sought to be raised during the hearing fall outside the scope of the statute and may not form any part of the verdict. Once again, the parties who have sought to litigate these wider issues feel cheated, and juries who have spent several days listening to evidence feel that they have possibly taken part in what is no more than an elaborate judicial farce.

The extensive directions that indicate the limited scope of a rider and the limited use that can be made of it, serve only to convey the impression to the jurors and those assembled in the courtroom that any rider will have little effect in practice. This, of course, reinforces the impression that no real purpose is to be served by the jury in such proceedings. Trial by jury is of great advantage where there is controversy surrounding a case, such as: a jury can provide a constitutional potential judicial prejudice; a jury is widely constituted, with all citizens who are entitled to vote being eligible for jury service; provision of a jury is a practical and symbolic expression of a democratic institution and gives reality to a trial of issue of fact by one's peers; and the law refers to criminal and civil juries the most complex and difficult factual decisions in every other area of law.

The Act should be amended so that if a jury is summoned, the jury will decide whether there is sufficient evidence that an indictable offence has been committed. The jury will then be discharged after it has made that finding and the magistrate will then proceed as he would in an ordinary committal, after finding that there was a prima facie case to answer. The Government has consistently resisted this proposal because it believes that there should be only one jury verdict in relation to any criminal charge. However, this gives primacy to the criminal prosecution rather than ensuring that the coronial jury plays a meaningful role.

Section 22 should be amended to require that the finding of the coroner or verdict of a jury be recorded. Furthermore, section 19(4) should be amended so that parties who appear in an inquest, which has been terminated by the Attorney General or the Director of Public Prosecutions, may request within 21 days of receiving written notification of the termination of the inquest, a reconvening and the completion of the inquest. Those appearing before a coroner should also be given the same right to participate in the selection of a jury as they would receive in a civil trial.

I am also concerned about the widening of the ambit of an inquiry. The current ambit of a coronial inquiry is fairly narrow. In the case of a death, section 22 of the present Act requires a finding to be made as to the identity of the deceased, the date and place of death and, except where someone is committed for trial, the manner and cause of such death. Far too often coroners adopt a very restricted construction of what is relevant to determine the manner and cause of death. Many issues that an ordinary citizen would regard as important are not adequately investigated. Inquiries into controversial deaths and fires often involve significant attacks upon the integrity and efficiency of members of the public service. Naturally, those charged with the defence of such persons take advantage of the limited scope of the legislation. Premiers and Attorneys General often promise a wide-ranging inquiry.

However, when that inquiry is held the coroner declines to admit or consider evidence that falls outside the narrow ambit of existing statute. Those not given the opportunity to give evidence on the wider issues feel cheated. Proceedings before a coroner are inevitably followed by campaigns to have the matter reinvestigated by way of royal commission. The scope of the existing legislation is defended on the basis that a wider inquiry will incur more cost. However, I am quite certain and I believe all honourable members would agree, that if there had been a wider inquiry before the coroner, the expense incurred in the Azzopardi case, the Chelmsford royal commission, the Royal Commission into Aboriginal Deaths in Custody and the inquiry into the death of David Gundy would, in fact, have been avoided.

The Coroners Act should be amended to permit inquiry into any question of negligence, malpractice, or misconduct in relation to circumstances surrounding a death or suspected death and inquiry into any means of preventing a similar death. I have argued before that the legal system functions best when the initial inquiry into the facts determines, in substance, all the factual issues relating to the incident. In the long run, civil litigation arising out of accidental death or fire is far more likely to be settled, and will probably be settled earlier, if questions of

civil negligence are dealt with in proceedings before the coroner. In the vast majority of cases, no additional evidence would be required and virtually no additional time would be taken to resolve these issues.

I should now like to deal with the right to summons witnesses. Currently, if a party represented at an inquiry wishes to obtain the attendance of a witness at such an inquiry, he must apply for the issue of a summons under section 35 of the Act. The coroner will decide whether such a summons will be issued. In general practice, coroners will not issue such a summons unless the person seeking it has obtained a written statement from the witness whom it is sought to bring to court. The problem is that there are many instances where a required witness, who fears that attendance at an inquiry may expose him, his department, or a fellow servant to criticism will decline to give a written statement.

I believe that a provision similar to section 61 of the Justices Act is required. That would allow a coroner to issue a summons or, if necessary, a warrant for a person where the Coroner is satisfied by evidence upon oath that the person has evidence necessary for the inquest or inquiry and that person is not willing to be examined or to produce evidence at the inquest or inquiry. The provisions of section 61 of the Justices Act have existed since 1902 and have not given rise to any difficulties in their day-to-day practical operation.

Turning now to the right to appeal, under the current Act if at least one party is dissatisfied with findings made in a controversial inquest or inquiry, there is no satisfactory mechanism for appeal. There should be an ability to appeal from a coroner to the District Court. In the case of special inquest or inquiry held before a District Court judge, the appeal will be to the Supreme Court. So far as special inquiries are concerned, there is currently no power to allow a judge of the Supreme Court to order a special inquest or inquiry with wider terms of reference in any appropriate case. Such an inquiry should take place before a District Court judge. This would deal with problems that arise from controversial matters.

I will now deal briefly with the Government's amendments. The first two amendments, which were moved in the Legislative Assembly, provide that the State Coroner must make a written annual report to the Attorney General containing a summary of the details of deaths or suspect deaths in custody. Obviously, the Australian Democrats will support these amendments. Indeed, they also fulfil an undertaking given by the Government to the Australian Labor Party and to the honourable member for South Coast that the report will be publicly released through the Clerk of the Parliament within 21 days. If the Parliament is not sitting the Attorney General will present the report to the Clerk of the Parliament and it will be taken to have been laid before the House of Parliament. This procedure will ensure that the report is publicly available and that it is also covered by parliamentary privilege. The third amendment addresses a concern that I have expressed on a number of occasions about the need for parties, at an inquest or inquiry held before a coroner with a jury, to make an opening and closing address to the jury.

The fourth amendment concerns section 34 of the Act, which was deficient, in that a person could not apply for copies of documents other than depositions contained in a coroner's file. This section has been amended to apply to requests for copies of documents on a coroner's file as well as to a transcript of any depositions. This will apply to matters where an inquest or inquiry has been dispensed with. The coroner also will have a discretion to direct that copies of part or all of the file are not to be supplied in particular cases. I accept that this may be necessary in cases involving suicides or sensitive diseases. However, concern has been expressed that this discretion may not be properly accounted for. I

therefore welcome the Minister's amendment, which will ensure that written reasons will be given for the withholding of any sensitive information. With those provisos the Australian Democrats are happy to support the legislation.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.42], in reply: A number of comments made by honourable members warrant a response. The Hon. Elisabeth Kirkby appears to be of the belief that coronial inquiries are adversarial, in that parties are competing with one another with a view to eventually having a trial-type decision brought down. That is not the function of a coronial inquiry. Many of the proposals to which she adverted, if pursued, would change the whole nature of a coronial inquiry. The honourable member expressed concern about the rights of appearance. The community is best served by having an efficient coronial system which is able to allocate a reasonable proportion of its resources to each matter in order to deal with them quickly and equitably.

If any person who wanted to appear at an inquest or fire inquiry were allowed to do so, controversial matters would take weeks or months to complete. This could result in scarce resources, such as the time of the State Coroner, being wasted by the needless prolonging of matters. Less controversial cases would be delayed. If someone has a good reason for appearing at an inquest or fire inquiry he or she will be granted leave by the presiding coroner to appear. In the few cases where leave is improperly refused that refusal is subject to scrutiny, either by the State Coroner or the Supreme Court. It is not sufficient reason to grant an unlimited right of appearance in order to protect those few people who might be improperly refused leave to appear. If the right to grant leave to appear is a coercive power, it is the coercive power available to all judicial officers, and one which coroners need to retain if the coronial system is to continue to function.

The Hon. Elisabeth Kirkby referred also to the right to a preliminary hearing. The only purpose of a preliminary hearing appears to be that of enabling

people appearing at an inquest or inquiry to get access to documents. That entitlement is now being addressed. This can happen without the need to have a preliminary hearing, which will add to the expense of, and possibly delay, coronial inquiries. The honourable member commented on the right to address a jury. The Government's amendments, which are to be moved in Committee, will include an amendment that will give any person appearing at an inquest or inquiry the right to address the jury. It appears, therefore, that the honourable member's concern has been addressed.

Another issue raised by the Hon. Elisabeth Kirkby was the need for a jury to deliver a verdict. It is certainly not the case that a magistrate will be presiding over every case which comes under the present section 19. Where a person has been charged with an indictable offence prior to the commencement of the inquest or inquiry there would be no reason for a non-magisterial coroner to refer the matter in order to make the formal order terminating the matter under section 19. Evidence establishing a prima facie case against a person may not come out in a coronial matter until the hearing has commenced before a non-magisterial coroner. Is it proposed that the hearing should be stopped and recommenced before a magistrate coroner in these cases? Juries are very rarely used in coronial proceedings. It is not the role of a jury in a criminal trial to find that a prima facie case has been established against a person. It would be most improper for a coronial jury to make such a finding.

The Hon. Elisabeth Kirkby does not see the inherent problem in having a jury make a de facto finding of guilt against a person as a result of coronial proceedings and then having to find another jury to make an impartial decision at the trial. She also seems unable to identify the impossible role being given to a magistrate coroner in trying to separate the admissible evidence from the rest when deciding whether to commit a person following an inquest or inquiry. The honourable member also raised the question of the ambit of an inquiry. This addresses the nature of such an inquiry. Questions of negligence, malpractice or misconduct are not issues which coroners should be concerned about, particularly when most coroners are not magistrates. Those issues should be left for courts which make determinations on such matters

and which have procedures that recognise the seriousness of such allegations when made against individuals or organisations.

People who appear before coroners courts have few of the protections afforded to defendants in criminal and civil proceedings. It would, therefore, be grossly unjust to a person at risk of being tried before a coronial court unless the protections available in other jurisdictions were put in place. However, those protections would mean changes to coronial procedures, which would limit the scope of coronial hearings. For example, to make the rules of evidence apply to coronial hearings would limit the range of material which could be made available to a coroner. The right of a person to know the precise offence with which he or she is charged, so that a defence can be formulated, would be difficult to achieve in coronial hearings where the fact that an offence has been committed may not become apparent until well into the proceedings. How can people properly cross-examine a witness if they do not even know whether they will be charged with an offence?

There is nothing to be gained and a great deal to be lost if these changes, which were adverted to by the honourable member, were to be brought in. The present system ensures that people's rights in subsequent proceedings are not infringed by the coronial system. That needs to be preserved. The honourable member referred also to the right to summons witnesses. The bill proposes to insert a new section 31A into the Coroners Act. This new section will provide a procedure whereby people intending to appear at an inquest or inquiry could ask the presiding coroner to call certain witnesses. If the coroner declines, the person could then require the coroner to give reasons. Those reasons could be used in an approach to the State Coroner or in an application to the Supreme Court. The effect of the Hon. Elisabeth Kirkby's proposals would be to take control of the proceedings away from the presiding coroner. That person, being in charge of the investigation, is in the best position to decide whose evidence is necessary or desirable to be taken at an inquest or inquiry.

The Hon. Elisabeth Kirkby, in support of that proposal, claimed that coroners will often decline to issue a summons unless the person seeking the summons has obtained a written statement from a witness. That is certainly not the case in the State Coroner's office. When a person seeks that a witness be summonsed all that is required by the State Coroner's office is a written application from that person setting out briefly the witness required and a description of the evidence that he or she will be able to give. The State Coroner then can examine the application and, using his knowledge of the case, decide whether the witness's evidence would be helpful. A justice of the peace, with little or no knowledge of coronial proceedings in general or of the specific matter in particular, would not be able to make an informed decision about whether or not a person was a material witness.

The honourable member adverted to the right of appeal. She has not demonstrated why there is a need to provide a third avenue of review for a coronial finding. She talked about a fresh hearing, yet she said that evidence before the coroner would be evidence in an appeal. An appeal provides a means of testing the result on the evidence adduced. Her version sounds more like a rehearing by a judicial officer with little or no experience of the jurisdiction.

The parties most likely to profit from this proposal will be lawyers, with the additional costs which will accrue, and insurance companies, which will be given an avenue in which to try to overturn undesirable coronial findings. A finding of accidental death could be turned into a finding of suicide with no

need to pay out an insurance policy. Parties who may suffer could be families of the deceased who are quite satisfied with the finding, but find themselves involved in an unwanted appeal because the insurance company is not satisfied. The distinction between a coroner and a royal commission is one of degree, not nature. Each is concerned with investigating matters, making findings and ordering costs. For these reasons the Government believes that further consideration should be given to those issues which have been raised by the Hon. Elisabeth Kirkby before they should be proceeded with. However, the Government will proceed with the amendments to which I have adverted. I thank honourable members for their support.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Amendments by the Hon. J. P. Hannaford agreed to:

Page 7, Schedule 1(17). After line 7, insert:

(f) After section 12A(3), insert:

(4) The State Coroner is to make a written report to the Attorney General containing a summary of the details of the deaths or suspected deaths of which the State Coroner has been informed under this section and which appear to the State Coroner to involve the death or suspected death of a person in circumstances referred to in section 13A (Deaths in custody etc. examinable only by State Coroner or Deputy State Coroner).

(5) A report under subsection (4) is to be made for the period of 12 months commencing on 1 January 1994 and for each subsequent period of 12 months. Each report is to be made within 2 months after the end of the period to which it relates.

(6) The Attorney General is to cause a copy of each report made to the Attorney General under subsection (4) to be tabled in each House of Parliament as soon as practicable after the report is made.

Page 8, Schedule 1(18), lines 19 and 20. Omit all words on those lines, insert instead:

Deaths in custody etc. examinable only by State Coroner or Deputy State Coroner

Page 16, Schedule 1(34), lines 29-34. Omit all words on those lines, insert instead:

(b) Omit section 34(4)(a), insert instead:

(a) shows cause sufficient in the opinion of the appropriate official why that person should be supplied with a copy of the coroner's file (or a part of that file) in respect of any matter; and

(c) From section 34(4), omit "shall be supplied by the clerk of the Local Court with a copy of the depositions", insert instead "is to be supplied with a copy of the coroner's file (or a part of that file) by the clerk of the Local Court where, or nearest to the place where, the inquest or inquiry was held or would have been held had it not been dispensed with".

Page 17, Schedule 1(34), lines 4-8. Omit all words on those lines, insert instead:

(5) In this section:

"appropriate official" means, in relation to a particular matter, the coroner who held, or dispensed with the holding of, the inquest or inquiry to which the matter relates or (in the absence of that coroner) the clerk of the Local Court where, or nearest to the place where, that inquest or inquiry was held or would have been held had it not been dispensed with;

"coroner's file" means the documents (including the depositions of witnesses) that form part of the file kept by a coroner in respect of a death, suspected death, fire or explosion.

(6) The coroner who holds or dispenses with the holding of an inquest or inquiry may, by notation on the coroner's file on the matter, direct that a copy of the whole or a particular part of the file is not to be supplied under this section. A copy of a coroner's file or of any part of the file is not to be supplied in contravention of such a direction.

(7) When a coroner decides under section 19 not to commence, or to terminate, an inquest or inquiry, a copy of the coroner's file or of any part of the file is not to be supplied under this section.

Schedule as amended agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

NATIONAL PARKS AND WILDLIFE (EMU LICENCE) AMENDMENT BILL

Second Reading

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [4.56]: I move:

That this bill be now read a second time.

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

Leave granted.

Interest in emu farming began in Western Australia in the mid-1970s. By 1986 an emu farm operated by the Ngangganawili Aboriginal community was rearing some 600 emu chicks a year. The following year emu farming was recognised by Western Australia's Department of Agriculture as being technically feasible as a rural enterprise with prospects of development of an export industry for emu products.

Western Australia's Department of Agriculture itself established an experimental emu farm in 1988 and commenced work on establishing optimal housing and husbandry standards for the commercial production of emus. By the end of 1988 17 emu farms had been licensed and the Western Australian Farmers Federation had formed a group called Emu Farmers of Australia, to pursue the investigation and development of markets for emu products. There is a growing international market for emu products including meat for human consumption, leather, oil for use in skin care products, medication and cosmetics, feathers, claws and carved eggs.

In 1990 the former Minister for Environment, the Hon. Tim Moore, M.P., and the Minister for Agriculture and Rural Affairs, the Hon. Ian Armstrong, M.P., established an interdepartmental committee to inquire into the feasibility of introducing emu farming into New South Wales. Officers of the National Parks and Wildlife Service and the Department of Agriculture visited Western Australia to discuss the industry with their counterparts, a number of emu farmers and the Western Australian Farmers Federation. The committee reported to the Ministers in July

1990 recommending that steps, including amendments to the National Parks and Wildlife Act, be initiated to facilitate the introduction of this new industry into New South Wales.

The emu farming industry will not have any impact on the conservation status of emus in the wild. When the industry commenced in Western Australia that State developed housing and husbandry

standards and licensing conditions which have been adopted by Queensland and Tasmania and will be adopted by South Australia, Victoria and New South Wales. It is important for the stability of the industry, the protection of the market and the protection of wild populations of emus that there be consistent standards for emu farming throughout Australia.

Licensing fees will be set at $5,000 per annum so that the cost of introducing the emu licensing system is borne by the industry. The introduction of the licensing system will not divert resources from any conservation programs or the work of the National Parks and Wildlife Service. If interest in the new industry is even greater than expected, any surplus of funds from licensing fees over administrative charges will be used for research and development to benefit the emu farming industry. The bill proposes that the National Parks and Wildlife Act be amended to permit persons holding emu licences to breed and raise emus and trade in emu products. Emus will only be processed in licensed abattoirs.

The Government will ensure that the regulations which will be made under this Act will adopt the "Australian Model Code of Practice for the Welfare of Animals - Husbandry of Captive Bred Emus".

Further, all existing temporary licences granted for the purposes of emu farming will not become full licences under this legislation until the regulations are in force. Indeed, no more temporary licences will be issued until the regulation impact assessment process has been completed and the regulations are made for the efficient and effective management of the industry.

Emu farming is a new and growing industry. It has the potential to provide jobs and income for the people of New South Wales and, in particular, the rural sector, which has been experiencing great difficulties. Establishing the industry will not pose a conservation threat to the species. I wholeheartedly support the introduction of this new enterprise.

I commend the bill.

The Hon. JAN BURNSWOODS [4.56]: I lead for the Opposition on the National Parks and Wildlife (Emu Licence) Amendment bill, but it does not give me any pleasure to do so. The history of this bill is rather strange. It was introduced in a great hurry in the Legislative Assembly on 13th May by the honourable member for Murray, who went at some length into the background of the bill and emphasised that in 1990 the former Minister for Environment, the Hon. T. J. Moore, and the Hon. Ian Armstrong had established an interdepartmental committee to inquire into the feasibility of introducing emu farming into New South Wales. He gave considerable details about this industry, which I believe no Australian and no honourable member would feel comfortable discussing. However, the honourable member for Murray seems to be an enthusiast on the subject.

On 13th May he emphasised that it was essential that the proposed legislation be introduced and passed as soon as possible so that emu farming could commence. He was particularly anxious because the reproductive cycle of the emu meant that if this legislation were not carried it would be impossible for the fledgling chick industry to emerge over those few months in winter, which appears to be the crucial reproductive period in the life cycle of the emu. In May, the honourable member for Murray was emphasising that the bill needed to be introduced and dealt with very quickly, so that everything would be in place, the eggs could hatch, and the Hon. J. H. Jobling could look forward to buying an emu egg from the supermarket.

The Hon. J. H. Jobling: It would make a marvellous omelette.

The Hon. JAN BURNSWOODS: Some people might think emu eggs make a marvellous omelette. I am certainly not one of them. The honourable member for Blacktown, co-operative and helpful person that she is, agreed to allow this legislation to go through with the speed that the honourable member for Murray wished. On 21st May, which I think was the last day both Houses sat in the early part of the year,

she said:

> The Opposition is concerned, and I am disappointed, that this matter is of such urgency that we have to debate it this afternoon instead of leaving it on the table for a few months until the Budget session. That would normally have happened.

However, the honourable member said she had been persuaded that grave consequences might follow, and there was then an argument about the reproductive cycle of emus. She went on to make a number of comments, with which I agree, along the lines of the distasteful prospect of establishing emu farms so that some people can eat one half of the national coat of arms. She reminded the Parliament that the Opposition had warned, at the time when the legislation relating to kangaroos was introduced, that others of our native fauna would likely soon follow. We rather regret that that has happened. The honourable member for Blacktown concluded her speech by saying that she did not share the obvious enthusiasm of the honourable member for Murray but if the industry needed the legislation to be introduced soon, she could understand the need for urgency.

The bill was not dealt with in this place at that time. Honourable members will know that since May I have been carrying with me various papers relating to emus, but every time this bill has appeared on the business paper it has not been brought on. In fact it disappeared from the business paper altogether in the past week or so but then reappeared. My understanding of the reason for its disappearance from the business paper a couple of weeks ago is that the Minister for the Environment was rather embarrassed by yet another leaked memorandum from his department. The Minister for the Environment has had this experience on numerous occasions. In this instance the memorandum was from the National Parks and Wildlife Service and it referred to the introduction of emu farming to New South Wales.

The reason the memorandum was an embarrassment to the Minister was that it pointed out that, though the legislation had not been passed by the Parliament - despite the great sense of urgency on the part of the Government, for some reason, about establishing emu farms - the service had been placed

in the position where the Minister, the Hon. Chris Hartcher, had instructed it to issue interim licences pending finalisation of the legislative changes. These licences were important so that would-be emu farmers could go into the wild and take eggs and chicks from adult emus. The attitudes of honourable members to emu farming is one thing, but honourable members should not condone the licensing of would-be emu farmers to enable them to rampage around the western half of New South Wales snatching eggs and emu chicks from under the breasts of the female emus to start their emu farming before the legislation has been approved by the Parliament.

The image of the industry, we were told, was okay because it was farming - a regularised industry - and the emus would be bred in captivity, raised behind fences and eventually harvested and eaten by such insensitive people as the Hon. J. H. Jobling. However, what we have instead is a whole lot of would-be emu farmers, some of whom might not ultimately proceed in this long-term industry. The birds cannot be slaughtered until they are at least a year old. The memorandum of which I have spoken, and which rather embarrassed the Minister for the Environment, mentioned that product research conducted in the United States concluded that birds should be slaughtered between the ages of 12 months and 15 months. The prospective emu farmers must appreciate that if their initial stock is composed entirely of chicks bred in 1993, they will not have stock to slaughter for up to three years from the acquisition of the initial breeding stock.

Without the sanction of this Parliament the National Parks and Wildlife Service has been able to use a clause of the Act to issue licences that enable people to capture chicks and take eggs from the wild so that they can provide stock for this future emu farming industry. What has happened has borne out the warning offered by Professor Charles Birch of the University of Sydney, who was quoted in a letter I received from the Nature Conservation Council of New South Wales. He gave a number of reasons why the bill should be opposed. One of his comments reads as follows:

The use of emus for the purposes listed in the proposed Bill would almost certainly lead to abuse of the species.

That has happened already. I doubt that anyone would argue that snatching chicks from female emus is anything but abuse of the species. Professor Birch continued:

There is nothing in the Bill to anticipate and prevent abuse.

The Hon. D. F. Moppett: Apart from the slow passage of the bill, the honourable member does not have a feather to fly with.

The Hon. JAN BURNSWOODS: I thought that the Hon. D. F. Moppett knew more about sheep. I am surprised that he knows anything about emus. He might speak in the debate if he wishes to give the House the benefit of his expertise regarding emus. Professor Charles Birch continued:

Australians are cruel enough to animals already without adding another one to the list. Furthermore, there is no need to exploit emus. All the products of the enterprise can be got from existing sources apart from the specific meat of the emu. To promote that exotic aspect is no better than Japanese promoting the eating of whales.

There is much to be said for that view. People get most upset about the Japanese and Norwegian continuation of whale farming. It is difficult to separate the morality of interfering with emus in the wild from the attitude we adopt to whales. The bill should not be welcomed. It is not a bill of which we should be proud. I shall be interested to hear an explanation of the poor process that has been adopted and why the bill was so urgent in May but has not been dealt with until now.

The Hon. Dr MARLENE GOLDSMITH [5.7]: I am particularly pleased to speak to this bill, for I have a personal sentimental connection with the farming of large flightless birds. My grandfather, Mr T. J. Herbert, was an engineer on the Cape to Cairo railway in South Africa. He remained in South Africa for some time and became interested in ostriches. He saw the similarity of the veldt to the Australian countryside. When he returned to Australia in about 1911 he persuaded the Government of New South Wales to instigate a project for the experimental farming of ostriches in this country. I refer honourable members to the *Agricultural Gazette of New South Wales* of 2nd June, 1913, in which appeared an article my grandfather wrote on this very subject.

After working with the Government for some time he purchased his property and half the stock that he had bought for the Government and proceeded to farm these birds experimentally. Unfortunately World War I and the motor car industry put paid to the ostrich industry, which at that time was only supplying feathers for long flowing feather boas and large hats with feathers on them, which became items of historical interest only, with the advent of the war and the motor car. However, I have a sentimental attachment to this subject and a firm and positive commitment to the importance of allowing rural industries to diversify, specialise, develop new niche industries, and reach out to meet new markets. The suffering in rural Australia cannot be denied. It is especially ironic that my grandfather's property was only four miles from Leeton. If there is one area of New South Wales that clearly needs an opportunity to develop new agricultural alternatives, it is Leeton, because of the closure of the Letona cannery.

As some doors close to rural areas we need to be able to open others, particularly in this time of economic crisis. Traditional industries have failed our country people. Indeed, by many indications, our country people are today's poorest Australians. Given that, and given the appalling problems that Australia's economy is encountering under the Federal Government, I am absolutely astounded that the Opposition is opposing this legislation. It is ridiculous to oppose something that will present a new and wonderful opportunity for Australians - an opportunity

that goes much further than traditional ostrich farming. We are seeking to utilise the meat, eggs, feathers and skin of emus. All those measures will make this opportunity much more economically viable than ostrich farming was in my grandfather's day.

I was particularly concerned to receive letters such as that written by the Nature Conservation Council of New South Wales, signed by Milo Dunphy, the Director of the Total Environment Centre. In that letter Mr Dunphy makes such extraordinary statements as " . . . there has never been a proven sustainable industry and indeed most have been grossly over exploitative". What does this suggest? Should we stop farming altogether? Should we all stop eating meat? We are a carnivorous species; we eat meat. The vast majority of Australians accept and enjoy eating meat, whether it be the meat of the ostrich, kangaroo, emu, cattle or sheep. To kill animals only for their skins would be repugnant to me. Clearly we would not want to be doing that.

Animals will be killed for a wide range of purposes. They will be bred specifically for those purposes. To those honourable members concerned about the survival of the species I say that the utilisation of a species for an economically advantageous industrial or commercial purpose will ensure preservation of that species. To render emus an economically viable industry will guarantee a proliferation of emus for the future. I remind honourable members that because of their economic viability animals such as sheep and cattle are in no danger of extinction.

The consumption of emu meat will further develop our uniquely Australian cuisine. Objection similar to that lodged against this bill was taken to legislation introduced to legalise the killing of kangaroos for consumption in New South Wales. Those arguments have been proved to be non-sustainable. Kangaroo meat is featured frequently on the menu at Parliament House. It is a great drawcard for our tourist industry and is something of which we can be truly proud. I am certain that we will have a similar reason to be proud of this legislation. Countries throughout the world have always eaten their wildlife. It is how humans have survived. In Australia we have been later than some to accept that fact, though I often think that perhaps the First Fleet settlers would have survived better had they observed what the Aborigines were eating and given themselves a diet of such wonderful luxuries as Sydney rock oysters and our magnificent seafood, instead of trying to live on their traditional fare. I am proud of this initiative, not only because of my personal family involvement with ostrich farming but also because it will further enhance our unique Australian culture and cuisine.

The Hon. R. S. L. JONES [5.15]: This is yet another example of the creeping commercialisation of our wildlife. We managed to virtually wipe out our koalas in the 1920s and we will work our way through our wildlife gradually until we end up wiping out the platypus. Of course, in the 1890s we used to harvest the platypus but that was stopped when they became almost extinct. Following legislation passed by the Parliament and the commercialisation of kangaroos for human consumption, the kangaroo population in New South Wales decreased by almost four million in two years. The quota on the eastern grey kangaroo is 26.9 per cent of the entire remaining population and the quota on the red kangaroo is 17.5 per cent. This Government is intent on reducing the population of grey kangaroos to a remnant, and this it will succeed in doing in the next two years - and all for the sake of eating kangaroo meat.

I am disgusted that kangaroo meat is on our menu. I boycott the Parliament House Dining Room unless I have no alternative but to eat there. I think it is disgusting that we are eating our wildlife. Some may consider it acceptable, I do not. Some years ago I made a study of the subject of meat consumption. To my amazement I discovered that eating meat and dairy products is the number one cause of early death. The human body is not actually designed for carnivorous habits; the pH balance in our digestive system is not conducive to digesting meat. It is actually artificial that humans eat meat. Most people eat meat, and many suffer as a result from bowel cancer, breast cancer and osteoporosis. All this will be made clear to the rednecks in about one hundred years when the truth finally comes out.

This legislation is yet another example of the creeping commercialisation of Australian wildlife. I

suppose next we will have on the menu at Parliament House galah pie, or possum pie, or platypus pie, or python pie. Why not eat the whole lot? If human baby pie were on the menu, the Hon. J. R. Johnson would have something to complain about. That is the way we are heading. Let us eat our way through everything while we are at it. Professor Charles Birch, a former professor of biology at the University of Sydney, states:

> There are a number of major reasons why the proposed Bill should be opposed very strongly. Australia has one of the worst records in the world for its treatment of its native animals.
>
> This Bill will give the world reason to believe that we have learned nothing from the bad record of the past and that we have little respect for our native fauna. Respect means not only saving the species but treating it in a way which is natural and without cruelty.
>
> The use of emus for the purposes listed in the proposed Bill would almost certainly lead to abuse of the species. There is nothing in the Bill to anticipate and prevent abuse. Australians are cruel enough to animals already without adding another one to the list. Furthermore there is no need to exploit emus. All the products of the enterprise can be got from existing sources apart from the specific meat of the emu. To promote that exotic aspect is no better than Japanese promoting the eating of whales.
>
> The emu is one of the few large birds in existence in the world today and for that reason alone deserves special respect. If we are to have the respect of others as well as ourselves we must strongly oppose this Bill.

I strongly oppose this Bill, as does the Nature Conservation Council, Greenpeace, the Fund for Animals, the Australian and New Zealand Federation
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of Animals Society, and the Animal Liberation Movement. Any thinking person would oppose this bill. A good friend of mine, Michael Kennedy, the senior policy adviser in Australia to the World Wide Fund for Nature, is possibly the leading expert on wildlife in this country. He has been a member of numerous international committees and he founded the trade records analysis on flora and fauna in commerce - TRAFFIC - in this country. He states:

> In the history of the exploitation of natural resources, including wildlife, both here and overseas, there has never been a proven sustainable industry and indeed most have been grossly over exploitative. Given the lack of evidence for our ability to achieve sustainability particularly in the face of international market forces we have no belief that such industry should be suddenly feasible and sustainable.

In the 1920s we used to export a million koala skins a year as well as the products of tens of thousands of seals and penguins and hundreds of whales. We almost made koalas extinct. President Hoover saved our koalas from extinction by stopping their exportation to America. It took the Americans to realise what was happening in Australia. Currently marketed in some States are 15 species of kangaroo, wallaby, crocodile, muttonbird, emu and brushtail possum. Commercial interests also have expressed the desire to market magpie geese, Cape Barron geese, sea snakes, Northern Territory tortoises and a wide range of parrots. There is now another move to cage our wild birds and export them. No doubt other creatures will follow.

Australia's wildlife has been the subject of gross commercial exploitation for 205 years. Australia has the proud record of the highest animal extinctions of any country, mainly brought about by gross ignorance of what was here when white man arrived 205 years ago. Lessons have not been learned from those extinctions and today we are going down the same old trodden path. I have travelled around the world and have now visited 55 countries; I have seen the clearing of the Amazon and the exploitation of various species. Most varieties of wildlife species of the Amazon, Thailand and South America have

been sold - everything that moves is sold, eaten or killed. Australia is treating its wildlife with the same disrespect as those who kill whales for blubber, elephants for tusks, and rhinoceroses for their horns.

Seals are being killed. Their penises are used as aphrodisiacs. The Minister for Planning and Minister for Housing turns up his nose, but I am sure that if there was an appropriate market in this country for such an item and jobs would result from such an enterprise, he would support the export of seal penises. One of our biggest exports is the scrotum pouch of the red kangaroo. Japanese honeymooners buy tens of thousands of these scrota. The Minister may turn up his nose, but it is a large export market. Two little golden balls are put inside the scrotum and sold as a fertility product.

Australia is still exploiting its wildlife. We are still killing and eating meat unnecessarily. It is time that we Australians - and I am an Australian now and proud of it - treated our wildlife, all animals and humans with the respect they deserve. All life deserves much more respect than we give it. This bill is a retrograde step. It will bring about the deaths of thousands of animals, whether they be emus, crocodiles or kangaroos. Hundreds of thousands of wild animals are dying each year to satisfy our greed, our vanity and our convenience. It is time we had more respect for life.

The Hon. ELISABETH KIRKBY [5.22]: I support the National Parks and Wildlife (Emu Licence) Amendment Bill. I do not envisage any problems with the establishment of emu farming in New South Wales so long as it is strictly controlled and carried out in accordance with the principles of sustainable utilisation endorsed by the Australian and New Zealand Environment and Conservation Council and the International Union for the Conservation of Nature. The bill will amend the National Parks and Wildlife Act to permit persons holding emu licences to breed and raise emus and trade in emu products.

Emu farming will have no major impact on the conservation status of emus in the wild. Stock will be bred in captivity. Licences may be issued to permit the taking of chicks from the wild to provide breeding stock, but only from areas where, in the past, licences to kill emus that have been damaging crops and fences have been issued. Such licences are currently being issued. I am informed that the number of animals taken from the wild for breeding stock will not exceed those that have been killed in the past for damage mitigation purposes. My only concern is that a proper code of management be incorporated into the licensing provisions.

An emu licence should not be issued unless a code of management for emu farming is in place. It is essential that the code of management identifies the following matters: the welfare of emus reared or bred under the authority of an emu licence; the need for research in relation to emu farming; the identification of emus and emu products and any other matters that should, in the Minister's opinion, be addressed. Basically, the code should incorporate the Australian Model Code of Practice for the Welfare of Animals, which applies specifically to the husbandry of captive bred emus.

This code was developed by the Australian Agricultural Council's Subcomittee on Animal Welfare - SCAW. That body consists of representatives from the CSIRO and State and Federal departments that are responsible for agriculture and or animal welfare. Consultation has taken place with industry and animal welfare groups. Basic behavioural, anatomical and physiological needs of emus are considered in the document, irrespective of the degree of intensive husbandry practised or the climatic conditions to which emus are exposed. The code makes it clear that owners, managers and handlers of emus have a responsibility for the health, welfare and considerate treatment of the birds under their control.

The basic requirements for the well-being of emus are listed as follows: appropriate and sufficient food and water to sustain health and vitality - it is

possible that in times of drought this will be more likely obtained on an emu farm than in the western districts of New South Wales; sufficient area to maintain their well-being and to exhibit normal behaviour; and protection from predation, disease, extremes of climate, pain, distress, suffering and injury. The code recognises that management practices and stocking rates used on all emu farms must be

compatible with sustainable agriculture as outlined in the Australian Soil Conservation Council's strategy. No doubt emus will do far less damage to our fragile soils than cattle and sheep.

The code sets down guidelines for maximum stocking density. Given the diversity of opinion about the maximum stocking density allowable for different classes of emus, the densities in this code are conservative, but recommended on the basis of experience gained from farming emus under a variety of conditions. The code also makes clear the need for further research. While emus have been studied under natural conditions for many years, they have only been managed in captivity for a few years. This means that management guidelines may need to be varied in the light of future knowledge. I hope the Government will implement those guidelines.

The code is specific about housing, equipment, protection from predators, food and water, handling and yard facilities, hatchery management and methods of slaughter as well as requirements for inspections, health, transportation and records that must be kept. The code has been subject to wide consultation and has been adopted in the various States that have already introduced emu farming - Western Australia, Queensland and South Australia. It is imperative that there be uniform national standards for the farming of emus.

Emu farming has already been introduced in Western Australia, Queensland and South Australia, and unless proper legislation and the appropriate code of management is introduced in New South Wales, people in this State will farm emus illegally and without any control. That would be far more dangerous than following the practices of the other States. I trust the Government will work through SCAW to implement uniform national standards.

I had intended to move an amendment to suggest that this code of practice should be the basis of an amending bill. I am reliably informed that emus are sold commercially in New South Wales, and that it is possible for farmers who wish to do so to buy emu chicks. Therefore I believe that to move such an amendment would be closing the door after the horse has bolted. I seek an undertaking from the Minister for Planning and Minister for Housing that when the regulations are drawn up, the national code of practice will be incorporated into the regulations. I support the bill.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.30], in reply: I commend the honourable member for Murray in another place for his outstanding initiative in introducing this private member's bill. He is obviously a great conservationist and, like all of us in the National Party, wants to see our native species thrive and prosper; to allow the Australian people to enjoy these delicacies, as our Aboriginal brothers have done for thousands of years. When I listened to the almost insane ramblings of the Hon. R. S. L. Jones and his reference to trade in penises, scrota and so on, I must say that -

The Hon. R. S. L. Jones: On a point of order. This gross redneck here has just called my ramblings almost insane. I ask that this person here be directed to withdraw the comment that my ramblings were insane.

The DEPUTY-PRESIDENT (The Hon. R. T. M. Bull): Order! I remind the honourable member that he is referring to the Minister. If he wants to be flippant, he should reconsider taking points of order. There is no point of order.

The Hon. R. J. WEBSTER: I commend the honourable member for Murray and all honourable members for supporting this very important legislation, which I commend to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ENVIRONMENTAL PLANNING AND ASSESSMENT (PART 5) AMENDMENT BILL

Second Reading

Debate resumed from 7th September.

The Hon. R. S. L. JONES [5.33]: The Australian Democrats naturally agree with the general thrust of this bill. However, there are certain problems with the Government's process of implementing the core principle that a government agency which is the proponent of an activity requiring an environmental impact statement should not also determine the environmental impact statement. The proponent should not be judge and jury. The fact that in 1979, when the Environmental Planning and Assessment Act was passed, a government agency which was the proponent of an activity likely to have a significant effect on the environment could escape external assessment, is an indicator of the power of the bureaucracy. They did not want to give up any of their power or territory. As a result of that, over the past 14 years the environmental impact statement process has fallen into disrepute.

The first agency to lose its power of determination was the Forestry Commission - now State Forests - and rightly so. It had produced incompetent environmental impact statements and in many cases had to be taken to court to be forced to prepared an environmental impact statement when its logging activities were obviously likely to have a significant effect on the environment. It lost every time. I would like to make the point in passing that there are a number of very competent biologists in State Forests who are doing a much better job than

was done previously. The Timber Industry (Interim Protection) Act removed the power of EIS determination from State Forests. Since then two environmental impact statements, in relation to Mount Royal and Dorrigo, have been found to be inadequate and were rejected by the Department of Planning, and rightly so. This would not have occurred if State Forests had been solely in charge.

I am pleased that the Minister for Planning took the courageous step of rightly rejecting those environmental impact statements and sent them back with a flea in the ear to the officers involved, telling them to do the job properly. It is important to get this Act right. The public must have confidence that the EIS process is working to protect the public interest and, thus, all government agencies required to produce an EIS should not also determine the EIS. I understand that amendments will be moved in the lower House and, although they will not be moved here, the Australian Democrats agree with them. The peak environment groups have, more than anyone else, come into contact with the current environmental impact statement system and have proposed some amendments to improve the Government's scheme.

The amendments include the following. First, the Act should apply to local councils and county councils. It is ludicrous that it can be agreed that it is wrong for central government agencies to determine their own environmental impact statements, but that local government agencies would be free to. I understand that the number of environmental impact statements that would be required for Department of Planning determination is small. Second, in making a decision on an EIS, the Minister should be constrained by section 111 of the Environmental Planning and Assessment Act, just as everyone else is. This means that the Minister has a duty to fully consider all environmental impacts. If he is not obliged by this duty, the EIS process is weakened. Third, the Department of Planning should be obliged to produce annual reports on the results and effectiveness of monitoring systems required in EIS determinations. This is an important aspect because the public cannot have confidence in the results of an environmental impact statement unless they know that the monitoring that is required actually works. The information gleaned from such reports will improve future environmental impact statements.

Therefore, the Australian Democrats support the bill, subject to those qualifications. I urge the Government to accept the amendments in the lower House as a signal of its commitment to adequate and useful environmental impact statements, which will serve to protect the environment and to build

confidence in the community that the statements are a useful tool by which to involve the public in decisions about environmentally hazardous development. I hope that future environmental impact statements are adequate and that the Minister is not obliged to reject them.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.37], in reply: I thank all honourable members for their contributions to this debate and I thank the Hon. R. S. L. Jones for his compliments. The matters raised about the determination of environmental impact statements have some validity. The Government deserves a pat on the back for initiating the amendments. It was something my former colleague Tim Moore and I discussed when in Opposition. It is fair to say that there has been considerable resistance from some of the bureaucracies to this initiative. Though this bill has taken some time to get here, I am confident that it will improve the environmental impact statement process, and I commend it.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LAND ACQUISITION (JUST TERMS COMPENSATION) AMENDMENT BILL

Second Reading

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.39]: I move:

That this bill be now read a second time.

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

Leave granted.

The object of the bill is to ensure that the statutory timetable associated with claiming compensation for compulsory land acquisition is observed. This will be achieved by allowing an owner of resumed land to obtain a copy of the Valuer-General's valuation direct from the Valuer-General if the acquiring authority has failed to provide it in the first instance. Currently section 42(1) of the Land Acquisition (Just Terms Compensation) Act 1991 provides for that. A State authority that has compulsorily acquired land under that Act must within 30 days after the publication of the acquisition notice give the former owner or owners of the land written notice of the compulsory acquisition. The entitlement of the owner or owners to compensation and the amount of compensation offered to them is determined by the Valuer-General.

Concerns have been raised that some councils have failed to comply with their statutory obligations to forward valuations to the relevant landowners. In one instance a representation was received which indicated that a council failed to offer compensation within 30 days of resumption because it did not agree with the Valuer-General's valuation.

By failing to make an offer for compensation, the council was able to deliberately stall the whole process. Under the existing legislation a landowner is unable to proceed with the matter until an offer has been received. The legislation, however, imposes no sanction against a failure by the authority to comply with its requirements. The only recourse is for the affected landowner to take court action to compel the authority to abide by the Act. This action is considered unjust and contrary to the principles of the Act.

The intention of the Land Acquisition (Just Terms Compensation) Act is to ensure that a statutory timetable is followed to guarantee the speedy resolution of land resumption and the prompt payment of

compensation to the landowner. The landowner should not be burdened with unnecessary legal costs and delays merely to enforce the statutory obligations of a government or local government authority. The proposed amendments will enable owners of resumed land to apply directly to the Valuer-General to

obtain a copy of his valuation when the government authority has failed to do so. It should be noted that the purpose of the Valuer-General's assessing the amount of compensation is to ensure that landowners are treated consistently in terms of valuations when they are going through the resumption process.

This amendment will strengthen the rights of the private property-owner. Government agencies will no longer be able to frustrate a landowner by delaying the payment of compensation merely because they do not agree with the Valuer-General's independent assessment. The amendment will ensure that matters relating to compulsory land acquisition are dealt with in the shortest period with a minimal level of inconvenience imposed upon the landowner.

I commend the bill.

The Hon. R. D. DYER [5.40]: The Land Acquisition (Just Terms Compensation) Amendment Bill makes a rather technical amendment to section 42 of the principal Act. On behalf of the Leader of the Opposition I indicate the Opposition's warm and wholehearted support for the bill.

The Hon. R. S. L. JONES [5.40]: The Australian Democrats congratulate the honourable member for Murwillumbah for introducing this private member's bill, which is probably overdue. We thank the Government for introducing it so swiftly.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.41], in reply: I also congratulate my colleague the honourable member for Murwillumbah, Don Beck, a man of vision and perspicacity, who saw the need to amend the Act and introduced a private member's bill. He, of course, is a member of the class of 1984, a very eminent group, as you would acknowledge, Mr Deputy-President. It is significant that today two private members' bills, initiated by National Party members of the lower House and dealing with matters of vital concern to their constituents and the people of New South Wales, have passed through this House. It underlines once again the enormous contribution that the National Party has made to this Parliament and to the State. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BOOKMAKERS (TAXATION) (BET BACK) AMENDMENT BILL

Second Reading

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.42]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard* and to table for incorporation in *Hansard*, statistics relating to bookmakers between 1978 and 1993. This table graphically sets out the decline in the number of bookmakers registered in New South Wales and investments with those bookmakers.

Leave granted.

The purpose of the proposal is to amend the provisions of the Bookmakers (Taxation) Act to provide bookmakers with a rebate of amounts paid as turnover tax on that part of bets taken by them which is subsequently bet back with another bookmaker or on the totalizator.

In plying their trade, bookmakers often reduce their liability on a particular contestant by using some of the money bet with them to place bets on that contestant with other bookmakers or the totalizator. The practice is known as betting back.

Although in betting back a bookmaker reduces the amount held by him on a contestant, as the law currently stands, he is still liable for turnover tax on the full amount bet with him.

At present bookmakers are required in accordance with the provisions of the Racing Taxation (Betting Tax) Act 1952 and the Bookmakers (Taxation) Act 1917 to pay a tax equal to 1 per cent of all bets made with them.

As the bookmaker accepting the bet back also pays tax on the bet, tax is paid twice on the same bet. Similarly, bet backs on the totalizator are subject to further tax when commission is deducted from the totalizator pool.

The proposed exemption from turnover tax on bet backs, which is expected to save bookmakers approximately $200,000 per annum, will correct an anomaly which has existed for many years and provide a small measure of relief to the bookmaking industry at a time when the industry is struggling to remain viable.

I might mention that at present bookmakers in all other states and territories pay turnover tax on bet backs and this Government is the first to commence action to correct this anomaly. A similar concession was recently granted by the Australian Jockey Club and most racing associations in New South Wales in respect of turnover levies imposed by those bodies on bookmakers.

The exemption is to be provided in the form of a rebate to be approved by the Minister or his delegate, thereby enabling refusal of claims subsequently found to be not genuine.

To avoid additional administrative processes by both bookmakers and my department, a claim for a rebate will be accepted at the time a bookmaker makes a return to the department. On the assumption that the rebate claim will be approved, the bookmaker will pay only the net tax. That is, he will reduce the tax payable by the amount of the rebate. If the claim is refused the claimant must be notified within two months.

Part of the administrative process will require the bookmaker to sign a declaration that the claim relates to genuine bet backs only and bookmakers making false claims will leave themselves open to prosecution. In this regard the Act will provide that every bookmaker who makes any false statement regarding bet backs in a declaration shall be liable to a penalty. Furthermore, bookmakers found guilty of breaching the provisions of the legislation may have their registration as a bookmaker cancelled or suspended.

To ensure that any exemption from the payment of turnover tax relates to genuine bet backs only and not to bets made by a bookmaker using his own money a number of conditions have been included in the bill.

The amount of any claim relating to a bet back will not be allowed to exceed the amount recorded in the bookmaker's betting book at the time of making the bet back.

Bet backs with other bookmakers will have to be recorded as a bet back in the betting book of both the bookmaker making the bet back and the bookmaker accepting the bet.

Bet backs with the totalizator will have to be made by way of an account established with the club operating the totalizator in the name of the bookmaker making the bet back.

I mentioned earlier that the proposed changes will provide a measure of relief to the bookmaking industry at a time when the industry is struggling to remain viable.

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In that regard it is noted that during the late 1970s and until the mid 1980s the number of bookmakers registered in New South Wales remained at the 1,000 to 1,100 mark. However, since that time their numbers have dropped to 668 as at the end of June this year. Since 1987 total investments each year with bookmakers have fallen from $1.3 billion to $869 million last financial year. Furthermore in the first three months of the current financial year, investments have fallen a further 17 per cent when compared to the same period last year.

Australian racing with its attractive on-course operations backed up by efficient off-course betting organisations is unique and is the envy of racing administrators throughout the world. Bookmakers are, of course, a vital part of the racing scene. They add to the colour, variety and vitality of racetracks. In addition, the odds established by bookmakers are an essential element in the overall betting market. Should bookmakers disappear from New South Wales racetracks, racing would be the poorer and Government revenue would be severely affected. Accordingly this Government will continue to examine all proposals aimed at improving the viability of bookmaking.

In that regard, apart from the measures before the House, the Government, in 1991, introduced legislation to provide for the issue of perpetual licences to bookmakers. Prior to this, bookmakers needed to pay for licences each year and depending upon where he fielded a bookmaker, may have had to pay for several different licences.

The measure saved bookmakers approximately $85,000 per annum and, whilst still retaining necessary controls regarding licensing of bookmakers, minimised the red tape associated with the licensing process.

Bookmakers Statistics

For the Years Ended 30th June, 1978 to 1993

Year	Operating Bookmakers	Investment $
1978	1,110	665,680,000
1979	1,060	732,462,160
1980	1,113	896,451,600
1981	1,052	965,535,360
1982	1,054	1,084,427,478
1983	1,031	1,055,804,720
1984	1,036	1,085,071,537
1985	964	1,076,269,045
1986	942	1,166,204,782
1987	876	1,330,010,694
1988	850	1,245,573,104
1989	798	1,382,223,189
1990	794	1,353,516,800
1991	728	1,236,401,000

1992	682	1,067,916,301
1993	668	868,994,589

I commend the bill.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [5.43]: The alternative government supports the Bookmakers (Taxation) (Bet Back) Amendment Bill. Bookmakers make a race-meeting, and I would hate to see the day when, as is the situation in the United States, there are no bookmakers on course. The objects of the bill are to provide for a rebate of the tax payable on a bet, if it is bet back. I am showing my age, but we used to call it laying off, when a bookmaker backs a horse with another bookmaker to cover his or her potential losses. The money laid off is deemed to be part of the turnover, and therefore is taxable. The bill removes this double taxation by way of rebate. It is about time a government did something to encourage bookmakers to field. The purpose of the bill is keep bookmakers viable. We need them, and that is why the Opposition accepts the bill.

The Hon. R. S. L. JONES [5.45]: Earlier we were talking about endangered species in this Chamber and bookmakers are, indeed, an endangered species. Page 58 of the *Hansard* gallies for the Legislative Assembly of 27th October, 1993, has a chart showing the decline in the number of bookmakers in the past nine years. In 1984 there were 1,036 bookmakers, with a total investment of $1,085,071,537. In 1993 the number of bookmakers had shrunk to 668, with a total turnover, in 1993 dollars, of $868,994,589. They are certainly feeling the squeeze.

If one extrapolates those figures, in 15 years very few bookmakers will be left. To some extent, the legislation will take the squeeze off them by giving them back a little when they bet back. The Australian Democrats hope that Australian bookmakers remain viable because they are a colourful bunch and it would be boring without them.

Many years ago I lived half a mile from the English Derby racecourse. I recall that in 1954 my parents were delayed en route to the racecourse by a funeral. They had a lot of money on Lester Piggott's first winner, Never Say Die and, although at the age of 14 I was not allowed to bet, I was certainly thrilled when they came home with these great big black and white five pound notes. In those days, racegoers wore grey toppers and morning suits, and everyone dressed up to the nines; yet without the bookmakers it would have been a very dull affair. They were just as colourful as the spectators in all their finery.

The Totalizator Agency Board has made life very difficult for bookmakers these days. It seems to me that one of the problems is that money has been spent renovating the stands. Consequently people do not go down to the bookmakers but remain in the stand and view the races from a distance. Bookmakers add colour, vitality and variety to racetracks. If they were to vanish, perhaps government revenue would diminish and we would all be the poorer for it. The Australian Democrats thank the Government for introducing this legislation to help our bookmaker friends.

The Hon. J. R. JOHNSON [5.48]: I, like my colleagues, support the bill. Racecourses are not places that I frequent, but I can recall with very great joy Metropolitan Day 1954. I attended Randwick with my colleague the Deputy Leader of the Opposition, the now parish priest of Oatley, Fr Michael McCarthy, and John Delaney, who was the Executive Officer of the Prince of Wales and Eastern Suburbs Hospitals. It is a very happy memory. What captivated me when I went to the races then and 39 years later were the bookies, all their impedimenta and all their attendants. Everyone had a job to do and they did it well. They knew their place and they fulfilled the obligations of their contracts.

This bill will assist that group of noble men and women who would extract from us at the wink of an eye, the nod of a head, or the wave of a finger any amount we wish to relieve ourselves of - and they do so in a most gracious manner. These days it is unusual for any of them to welsh. It is a long time since any comment has been made about a bookmaker

being warned off a course because of anything untoward in which he or she may have been engaged. I support the legislation and assure the Government of the Opposition's support.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.50], in reply: I thank all those honourable members who have participated in this debate, particularly my friends the Deputy Leader of the Opposition, the Hon. R. S. L. Jones and the Hon. J. R. Johnson, who made such a valuable contribution. My recollection of bookmakers goes back to my childhood when the late Les Tidmarsh, a well-known bookmaker in Sydney, was a great friend of my father. I am sure the Deputy Leader of the Opposition would remember him.

I well recall as a small boy going to Les Tidmarsh's home on many occasions and hearing his stories about the racetrack and the colourful racing identities - which is the popular expression used these days. He was a great character. As the Hon. R. S. L. Jones and others have said, he brightened up racecourses. I enjoy going to the races as much as the next Australian. It would be a sad day if we had to go to the races and use only the totalisator to place bets. As long as this Government is in office that will never happen in New South Wales. This bill is designed to assist bookmakers and to increase the State's revenue. I wish all those honourable members who participated in the debate good luck when they next go to the track, and I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

GOVERNMENT CLEANING SERVICE RETENTION BILL

Withdrawal

The ACTING-PRESIDENT: Order! I draw the attention of the House to an irregularity in the procedural motion moved this day in relation to the Government Cleaning Service Retention Bill. Before the motion that a message be forwarded to the Legislative Assembly was moved, a motion relating to the discharge of the order of the day was required. In order to comply with the procedures of this House I propose that the motion passed should be rescinded by the House by motion and the appropriate motion put.

Motion, by consent, by the Hon. R. J. Webster agreed to:

That the resolution of the House forwarding a message to the Legislative Assembly in relation to the Government Cleaning Service Retention Bill be rescinded.

Order of the day for second reading of this bill discharged.

Bill ordered to be withdrawn.

Message

Message sent to the Legislative Assembly acquainting it that the Legislative Council had discharged the order of the day for the second reading of the Government Cleaning Service Retention Bill.

ADJOURNMENT

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.59]: I move:

That this House do now adjourn.

PROTECTION OF CHILDREN LEGISLATION

The Hon. Dr MARLENE GOLDSMITH [5.59]: I am in receipt of a communication from 115 members of the Anglican parish of Macksville concerning my proposed private member's bill on the protection of children. Although this material is not in a form to present to this House as a petition, it is important information which I believe deserves to be brought to the attention of this House, and I take this opportunity to do so. I am delighted that the members of the Anglican parish of Macksville share my concern about the importance of providing parents with the opportunity to protect their children. I will certainly convey their concerns to their local member of Parliament, Mr Bruce Jeffery, who I am sure will be most interested in their concerns.

As at the 1991 census Macksville had a total population of 2,869, so a petition from only 115 people from the Anglican church represents a significant number of people. I am grateful for their encouragement and support. Their support is important for two reasons. In a free society the freedom to see certain materials cannot be considered in isolation of the right of people not to be forced to view in unrestricted public places violent or pornographic images which they find offensive. It is also important to safeguard and respect the rights of parents to parent, to make decisions on behalf of their children and to protect them from exposure to unsuitable material. Yet parents in New South Wales have no such rights when it comes to the display of certain kinds of pornographic material, unless they are able to keep their children away from newsagents and areas such as public footpaths and kiosks. Clearly, that would have been extremely difficult to do.

When little girls see images of women as objects, or presented as animals in heat, they take in powerful messages about what our society sees their future to be when they grow up. Little boys also see these images and form their views of what it is to be a woman in our society. I thank Miss Kathy Stone of the Anglican information office of the Sydney Archdiocese, at St Andrews House, for bringing to my attention this material which has been forwarded from the parish of Macksville. Once again I thank the parishioners of Macksville for their support and for their encouragement. I will certainly continue to pursue this matter not only for their sake but for the sake of the many thousands of people in New South Wales who have written to me and to other members of Parliament regarding this issue.

EUTHANASIA

The Hon. R. S. L. JONES [6.1]: One of the philosophies and aims of this House must surely be to work for the option of self-deliverance for the terminally ill person, which is the ultimate civil

liberty. In January 1936 King George V died. The King's personal physician, Lord Dawson, gave the King the final injection of morphine. This was the wish of the Queen and family, who could not bear to see him suffer any more. Advocates of medically assisted dying propose that the criterion should be the quality rather than the sanctity of life, and that the decision about the quality of life should be made by the person living it rather than by the outside moral, legal or medical experts. A few years ago a well known judge in New South Wales, who had suffered a heart attack and was in hospital fearing another attack, was able to talk to his doctors and have them remove all equipment. The judge was lucky to have the know-how and good friends around him to have his wish met.

Is it not time for all to have this right of choice? How best do we tackle this very important question to give us all peace of mind, so we can go about our daily living not having to worry, as do many old folk, about what could happen if one were unlucky enough to be in a similar situation to that of the king or the judge. To most of us, the quality of life is as important as the quality of death. First, we need an Act which allows living wills and advance directives to be made legal, with all hospitals compelled to make

patients aware of these documents. This regulation was made in the United States.

Contrary to popular belief, the Bible contains no condemnation of suicide. Sir Thomas More, Voltaire, Montaigne, Dr Barnard, Dr Jonathan Miller and Sir Mark Oliphant were and are some of the advocates for reform. Francis Bacon stated that doctors had a duty to help those in great pain to die. Last month, President Clinton and Hilary Clinton said they would make it public that they had signed living wills. Living wills and advance directives have been legal in the United States since December 1991. They are legal in South Australia and in the United Kingdom. The British Medical Association has said they should be recognised, but so far the legal profession has not got around to legalising living wills and advance directives.

The book *Exit* was written partly because of the growing public distrust of the American health care system, with its reputation for using formidable technology to prolong the lives of dying patients, often against the wishes of relatives. The medical profession has much to answer for when a situation is allowed to occur such as that which occurred in a Qantas pilot's case. After being saved, the pilot was returned home to a life of misery. That case was referred to in the *Sydney Morning Herald* of 6th May, 1993. He stated that he suffered the most horrible indignities, pain, anguish and frustration; he wished he were dead. He said his number was up, and, "I should have died; that was what nature intended". Unassisted, he could not breathe, eat or drink, urinate or defecate. He said, "My family is reduced to slavery". This lasted for three years before he finally died. Van Dusen, past president of the union of theological seminaries, said:

> Death is not the greatest loss in life, the greatest loss is what dies inside while we live. The unbearable tragedy is to live without dignity or sensitivity.

The Melbourne *Age* editorial of 18th September, 1993, stated:

> We are the only ones who can judge when our life is no longer bearable . . . we expect that those with expertise help us to die with dignity . . .

When asked whether doctors should give a lethal dose to a patient in great pain, 78 per cent of people polled, as published in *Time* on 28th July, 1993, replied yes. When asked whether doctors could let a patient die when in great pain, 73 per cent said yes. The law is immoral. How long will the legal profession and medical profession wallow in their lethargy? The convener of a new action group, Right to Die - Dying with Dignity, in August 1991 wrote about living wills to the Hon. J. P. Hannaford when he was Minister for Health, and again when he became the Attorney General, but still no action emerges.

Julia Freebury, the 70-year old convener of this group, has further suggested that living wills and advance directives be listed in the community help and welfare section of the telephone book so that living wills and advance directives are put on computer for doctors. After all, we have a central registry for births and deaths, so why not for living wills? A letter was also sent to the Federal Minister for Justice and the Federal Minister for Transport and Communications. Both letters were sent to the Hon. J. P. Hannaford. This brings the issue back to square one. Why the delay? If the right of choice is good enough for a king and a judge, why is it not good enough for us all?

FUNDING FOR CHILDREN AT RISK

The Hon. JAN BURNSWOODS [6.5]: On 15th May last year New South Wales police officers and Department of Community Services officers stormed the homes of a religious group, smashed down their doors, ripped 72 children from their beds and took them into care, which in this case was an unfortunate euphemism for false imprisonment. The department claimed that the children were at risk and being subjected to sexual abuse. We now know the department was wrong and these children were in fact "delightful and articulate", according to the court. Last year, as usual, the Minister, Mr Longley, stayed

hidden in his bunker and sent out his bureaucrats to speak for him. The department's Ken Buttram told ABC radio on 3rd November that he was happy with the result of this case. He said, "We have seen the socialisation of these children". This socialisation involved, amongst other things, sending them to tennis, ballet and arts classes.

While this case was proceeding and while the department was spending $250,000 of taxpayers' money to achieve the children's socialisation, thousands of other children were notified to the department as being at risk in their own homes. In July this year a family with four children was notified to the department as being at risk. There was a request that the children be taken into temporary care for their own safety. The district officer attempted to find somewhere for the children to go, but there was

nowhere. There was no $250,000 to help these children; there was not even one dollar. What happened? A short time after the cries for help, the little six-year old boy was bashed to death in his home at Nowra. The district officer sent to help them had to take sick leave because of the shock he suffered. This occurred because the New South Wales Government could not supply a place for the children.

In August the department received another cry for help. A mother with two boys asked for respite care for her sons. There was no $250,000 for them either. However, one does not need it now, because a few days later this mother killed her five-year-old child in their Wollongong home. In June an 11-year-old boy and his 10-year-old sister were murdered by their mother in their Campbelltown home, not long after the department had removed the children from foster care and returned them to her. There was no $250,000 for the socialisation of these children either. These are only three of the cases where the Government has failed in its job of protecting children. This is the Government that has cut community services consistently since 1988. It has shut down 23 local welfare offices, despite the fact that 50 per cent of their work was with abused children. It got rid of a third of its staff, including 77 specialist child abuse counsellors, and it abolished child protection units across the board.

What is the response from the Minister for Community Services? All he can say is, "But we have increased funding by $2 million for child protection this year". Two million dollars! The Government has spent more than that on The Family's children - $2 million at a time when child abuse notifications have increased by almost 50 per cent since 1990. Does that $2 million include the $250,000 for the socialisation of The Family's 72 healthy, happy and "well adjusted" children? In fact, the $2 million is not extra money; it is left over from the child protection program from the last financial year - the $2 million that the Government would not spend to help children at risk, at least eight of whom are now dead because this Government failed to protect them when it knew they were at risk.

My question to every member of the Government is: How can the Government justify spending millions of dollars on the so-called socialisation of 72 children from The Family when, at the same time, it was unable to provide any assistance to the children who had been notified to the department as being at serious risk, and who are now dead? Will the Government cease spending money on social activities for the 72 children from The Family, who clearly do not need it, and start helping children in New South Wales who are at risk in their own homes every day?

CASTLECRAG INFANTS SCHOOL

The Hon. JAN BURNSWOODS [6.9]: I refer to the issue of the Castlecrag Infants School, an issue that has been running for four or five years. I was disappointed to note that recently in this House the Minister, in answer to a question from the Hon. R. S. L. Jones, confirmed that the Department of School Education is negotiating with the Glenaeon Rudolf Steiner School for the acquisition of the old Castlecrag Infants School. The Minister said that it seems the Government assurance that the site will be used for educational purposes can be fulfilled, and that the private school education needs will be satisfied.

She seemed to congratulate herself that the rights of the department as the owner of the property were soon to be satisfied. This very sad case revolves around the pigheaded determination of the former Minister for Education to close this infants school, which served a real need in its community. The present Minister is determined to ignore the demographic evidence, to ignore the reasons small infants schools have been such a success for so many communities, and to stick to that pigheaded decision of her predecessor. This case is an example of the local member, the Hon. Peter Collins, refusing to stick up for his constituents. At this stage, when it appears that the contracts might even have been exchanged, I would like to raise two issues. One is the price at which the sale is taking place. At one stage the Department of School Education put a valuation on the site of a quarter of a million dollars, while others were valuing it at $3 million. I would like to know how much money the department got for this valuable piece of land.

The second issue, which I would be keen to raise with the Minister for Planning and Minister for Housing, is that in 1990 the land was rezoned for medium-density housing. The people around Castlecrag are really worried that they are losing this school, that it is to become a private school. They feel that the argument that there were insufficient children in the area to maintain the school has been disproved because there are enough to maintain it as a private school. They also have a suspicion that Glenaeon Rudolf Steiner School may use the land for only a relatively short time, as they have had problems in expanding the existing site and getting access to it. A situation may have been created in which a former government school, a precious infants school, is to be sold to a private school for a low price and that private school, because of the land's zoning for medium-density housing, may be able to sell the land in a few years' time and make a windfall profit that could be used to benefit the school.

This issue sums up much about the Government's ideological push for privatisation, its failure to care about educational equity and the real needs of communities for decent education for their children. Finally, I should refer briefly to the fact that on Wednesday of this week I received something I have never received before - a revised answer to a question upon notice that I had asked the Minister. Obviously the answer had to be revised because the Minister had contradicted herself. [*Time expired*.]

House adjourned at 6.14 p.m.