

LEGISLATIVE COUNCIL

Wednesday, 17th November, 1993

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

The President offered the Prayers.

FILMING AND PHOTOGRAPHING OF PROCEEDINGS

The PRESIDENT: Order! Pursuant to the resolution of 26th October, 1993, after consultation with party leaders, I have given permission for filming today of the debate on the Anti-Discrimination (Homosexual Vilification) Amendment Bill and debate on the police administration motion to be moved by the Hon. E. P. Pickering. I have also given permission for a photographer from the print media to take photographs during the proceedings of the House.

SUPERANNUATION LEGISLATION (FURTHER AMENDMENT) BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

PETITIONS

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**.

Homosexual Vilification Legislation

Petition praying that the House support those schedules of the proposed Anti-Discrimination (Amendment) Bill that will make homosexual vilification unlawful, received from the **Hon. P. F. O'Grady**.

Homosexual Vilification Legislation

Petition praying that the House reject all homosexual vilification legislation, received from the **Hon. Elaine Nile**.

Waverley-Woollahra Incinerator

Petition praying that the Government immediately close the Waverley-Woollahra waste incinerator at Waterloo, received from the **Hon. Dr B. P. V. Pezzutti**.

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**.

POLICE ADMINISTRATION

Suspension of certain standing and sessional orders agreed to.

Motion by the Hon. E. P. Pickering agreed to:

That General Business Order of the Day No. 18 relating to Police Administration be called on forthwith.

Debate resumed from 26th October.

The Hon. D. J. GAY [2.39]: I again speak in the take-note debate on the report of the Joint Select Committee upon Police Administration. Some time has elapsed since I last spoke to the House, and during that time a great deal has been said. I do not resile from the comments that I made during my previous contribution. I have heard nothing that has changed my mind about the detailed recommendations of the committee in the majority report. In addition, I am aware that today the Attorney General, the Leader of the Government in this House, will move amendments to the motion. Although I could not and still cannot support the motion moved by the Hon. E. P. Pickering, I support the amendments of which the Attorney General has made me aware and which the Minister for Police was detailing in the Legislative Assembly 10 minutes ago. The amendments were drafted in consultation with the Minister for Police, the full Cabinet and the Hon. E. P. Pickering. So far as I am concerned, what I have seen goes a long way towards addressing the recommendations of the select committee. In conclusion, I once again congratulate the members of the committee from all parties on the excellent job they have done. So far as I am concerned, the work they have done will be a benchmark for the reform of police administration in this State. Now that we have reached this point, it is time to forget about personalities and to get on with the main job.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [2.42]: On behalf of the Government I move:

That the question be amended by the omission of paragraphs 2 to 6, with a view to inserting instead:

(2) Notes the principles and legitimate problems raised by the Hon. E. P. Pickering, M.L.C., relating to the role, responsibilities and relationships between the Minister for Police and the Commissioner of Police and the accountability of the Police Minister to Parliament and recommends that the Justice Sub-committee of Cabinet examine these issues;

(3) Notes the establishment of a Committee chaired by His Honour Mr Justice Roden to:

(a) examine the procedure and legislation currently in place in New South Wales to regulate the custody, analysis and destruction of illegal substances seized by law enforcement agencies;

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(b) make recommendations to the Attorney General as to practices and procedures that may be applied to improving the handling of drug exhibits so as to:

- (i) ensure the absolute security and accountability for the handling of seized illegal substances from the time of seizure to the time of destruction;
 - (ii) provide sufficient methods of analysis and sampling of seized exhibits to ensure adequate evidence is available for the purpose of criminal proceedings;
 - (iii) afford a reasonable opportunity, where that is practicable, for any person charged or likely to be charged in connection with the seized substances to obtain an independent analysis; and
 - (iv) subject to the above, to permit the destruction of seized illegal substances at the earliest possible time;
- (c) make recommendations for such amendments to the Drug Misuse and Trafficking Act and/or other legislation as may be necessary for the better control, management, security and destruction of illegal substances seized by law enforcement agencies,

and notes the Government's intention to ensure an appropriate overview of security of drugs held in police custody.

(4) Notes that the Government recognises the need to enhance the effectiveness of the Police Internal Affairs Unit and the integrity of the internal investigation process, and that the Justice Sub-committee of Cabinet is to pursue a proposal to establish an independent Police Internal Affairs Unit under the control of the State Crime Commission.

(5) Notes that the Government has referred the Frenchs Forest incident to the Independent Commission Against Corruption for appropriate consideration.

The Hon E. P. Pickering, in his speech in support of his motion, identified a number of enduring problems in police administration. The most important of these were drug security and effectiveness of police internal investigations. Throughout the term of this Government, both the Hon. E. P. Pickering and the current Minister for Police and Emergency Services have concentrated on the need to maintain public confidence in our police. The key to that confidence is certainly the effectiveness of drug security and the internal investigation of complaints against police. To their credit, both Ministers have put in place a range of initiatives designed to make real improvements in these areas. However, legitimate structural and legislative problems remain which, until addressed, will continue to erode public confidence.

The Government is committed to ensuring that further reform will be realised. The amendment identifies the direction the Government will be taking and I will shortly return to detailed argument in support of the amendment. Firstly, I wish to pay tribute to my friend and colleague the Hon. E. P. Pickering. All members of this Chamber will attest that the Hon. E. P. Pickering is a passionate and dynamic man. As the longest serving Minister for Police and Emergency Services in the history of New South Wales he presided over major reforms of his portfolio. As Minister, the Hon. E. P. Pickering was a fearless fighter against police corruption and drugs. He sought to drag a reluctant Police Service from the nineteenth century into the late twentieth century in a revolutionary five years.

I will not dwell on the honourable member's achievements other than to say that he achieved lasting legislative, structural and policy reform in policing and set a direction that this Government and the current Minister are pursuing with equal vigour. I think I speak for all in the Government when I say that the manner of the honourable member's passing from the police portfolio and the then ministry saddened me. His decision to resign his commission last year was an indication of his commitment to the principles of the Westminster tradition. He has shown through his uses of the parliamentary processes in this Chamber that he has acted as a true Liberal. His courage in the pursuit of issues relating to community justice has been inspirational.

During his 17 years in this Chamber he has made a name as a campaigner against corruption. This has always been at considerable risk to himself and his family, but he has never faltered from that course. The Hon. E. P. Pickering has sought to ensure that the people of this State can have faith in their Police Service, and the Government is equally committed to that objective. The circumstances of the former Minister's departure were covered in minute detail by the joint select committee and do not need to be covered again today. The committee produced three major reports. The Government has accepted the committee's findings. It is reasonable that the Hon. E. P. Pickering sought to put his perspective about the committee's findings.

The issues raised by the Hon. E. P. Pickering were responded to by the Minister for Police and Emergency Services in another place in his ministerial statement on 11th November. I do not propose to comment further on these allegations. Earlier, on 26th October, the Minister had on behalf of the Government accepted the third and final report of the Joint Select Committee upon Police Administration. The Minister, in his response, outlined the extensive police reform program which the Government has embarked upon following the departure from office of the Hon. E. P. Pickering. The amendment which I have just moved represents the formal confirmation of the fifth stage of the Government's police reform program. There is no doubt that the police portfolio is one of the most important and complex areas of public administration. It is a constant challenge to the Government of the day to ensure that all elements of this large and often controversial portfolio are as effective as they should be. The motion, as amended, which was moved today gives me the opportunity to inform the House of the fifth stage of the Government's police reform agenda.

My colleague the Minister for Police and Minister for Emergency Services has informed the Parliament of the four stages of the extensive reform and review program undertaken within the police portfolio since he became Minister. Some of those changes have required legislation which received
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bipartisan support in this Parliament. This brought about major changes to the roles of and relations between the Minister, the Police Board and the commissioner, and reform of the system for dealing with complaints against police. Other major changes have been put in place to support the legislative changes. Those reforms include a restructure of the senior command of the Police Service, the introduction of the concept of operational readiness audits, and a major review of the allocation of resources across the Police Service directed by the inspector general, Mr Don Wilson. The process of reform is continuing. The fifth stage will pick up a number of issues raised before the Joint Select Committee upon Police Administration and elsewhere.

Following recent Cabinet discussion it was decided the justice subcommittee of Cabinet would examine and report to Cabinet on a number of issues. The first of those matters involves the relationship between the Minister and police commissioner. The joint select committee examined this issue extensively and, among other things, expressed a strong view on the capacity of the Minister to direct the commissioner on operational matters. The committee also examined other aspects of this most significant relationship in light of the difficulties which occurred prior to the appointment of the present Minister to the portfolio. The justice subcommittee will examine the way in which those past difficulties have been addressed, as well as any other issues related to the Government's primary objective of ensuring accountability of the Police Service, through the Minister, to the Parliament.

The justice subcommittee will also examine whether the internal affairs branch of the Police Service is able to operate effectively within the present structure. This branch bears the onerous and critically important responsibility of investigation of complaints against police officers. This branch undertakes the most important corruption investigations, including most of the significant allegations of corruption. There have been suggestions that this unit, or the responsibilities given to it, should be placed outside the Police Service. Models exist in other jurisdictions which differ from the arrangements which prevail in New South Wales. New South Wales also has other bodies whose role in this area could be expanded, for example, the Crime Commission. The need for additional scrutiny of the operations of internal affairs operations will also be examined.

Matters dealt with by internal affairs are all notified to the Ombudsman, who oversees investigations and can even take them over. The Independent Commission Against Corruption is also informed of most internal affairs investigations because the original complaint falls within the definition of corrupt conduct in the Independent Commission Against Corruption Act. Consideration will be given by the justice subcommittee to formalising the extensive formal and informal interaction on these matters between the Police Service, the ICAC, the Ombudsman and the Crime Commission. This might be achieved through the establishment of a permanent monitoring committee, or through some other means.

The justice subcommittee will examine these various alternatives and report its conclusions to the full Cabinet. There are other matters to be attended to. The third report of the joint select committee emphasised problems arising from the Police Service having to maintain custody of seized, illegal drugs. I have established a committee to examine and report on how security of drugs in police custody can be improved. As Attorney General I have ministerial responsibility for the Drugs (Misuse and Trafficking) Act and it is likely that changes to that Act will be recommended. The committee will be chaired by Adrian Roden, Q.C, a former judge of the Supreme Court who has also served as a part-time commissioner with the ICAC. The Minister for Police and Minister for Emergency Services will also be seeking the involvement of the ICAC in a review of current practices and procedures applying to discipline within the Police Service.

Some preliminary work to identify problems in this area has already commenced within the ministries of police and emergency services. For example, it is obvious that the Police Service regulation requires extensive rewriting to remove anomalies and to reflect recent changes to the primary legislation. I understand that various problems have also been identified by the Ombudsman, the Police Service, the Police Board and even the Police Association. Now that the changes to the system for dealing with complaints are operating, it is timely that this much overdue review should now proceed. My colleague the Minister for Police and Minister for Emergency Services advises me that the review will benefit from the overseas experience of the Inspector General, and that he looks forward to the assistance of the ICAC, with whom the Police Service is now forming a productive relationship on anti-corruption projects.

Frequent mention has been made of the Frenchs Forest matter, and various aspects were examined by the joint select committee in considerable detail. The ICAC has been fully informed of that matter and has been given a copy of the Crime Commission's report, which resulted in criminal and disciplinary proceedings being taken against a number of officers. The ICAC will also be provided with all the transcripts of evidence taken from the witnesses who appeared before the Crime Commission in the course of its investigation. Finally, the role of the joint technical services group of the Police Service will be reviewed. I understand that this group provides essential surveillance and technical support for police and joint police and Crime Commission operations.

Its capacities have been substantially upgraded in recent years and it is appropriate to examine whether it should remain where it is within the Police Service or whether, for example, it should be administratively closer to the Crime Commission, which comprises a group of specialists. The purpose of this review is to ensure that high priority investigations receive

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effective technical support, and that administrative arrangements are conducive to continual improvement of the joint technical services group's expertise and equipment. This year, 1993, has been a difficult year for the New South Wales Police Service. But the Government is determined that 1994 will be a period of solid achievement.

The reviews I have just described will build on the program of four stages of reform which is already in place to improve the quality and efficiency of police services to the community. Today's announcement shows there will be no slackening in the Government's drive to construct a truly effective and accountable Police Service. With the Minister for Police firmly in control of implementing the reform process, I know the Government's objectives will be pursued with vigour. In striving to achieve these

reforms, the Minister will be building on the Hon. E. P. Pickering's legacy. The achievement of these goals will be assisted by this House supporting the amended motion which I have moved on behalf of the Government. I commend the amended motion to the House.

The Hon. J. W. SHAW [2.57]: The Opposition supports the amended motion moved by the Leader of the Government, which shows a distinct lack of confidence in the present Minister for Police and indicates the need for a series of mechanisms that will lead to real change in the New South Wales Police Service. The text of the motion moved by the Leader of the Government clearly shows that there is a need to resolve the relationship between the Minister, the police and this Parliament, and that there is a real and ongoing problem in that respect. It also evidences, of course, a recognition of the continuing problem about the handling of drug exhibits that the former Minister, the Hon. E. P. Pickering, has rightly highlighted in recent times, and, indeed, was active about during his term as Minister.

In those particular respects the amended motion of the Attorney General indicates the need for change - the need for real reform within the Police Service. There are other aspects of the motion, including the spotlight being put on the effectiveness or lack thereof of the police internal affairs unit and the reference to the ICAC of the Frenchs Forest incident. Members of the joint committee, I think it is right to say, were all concerned about a number of critical aspects of police administration in New South Wales, and none of them would have come away from their deliberations with a comfortable feeling that things were going well in the New South Wales Police Service. The committee was disturbed by the stories of the frequent disappearance of documents and computer records in its analysis of the facts and circumstances of the matters before it. The integrity of internal disciplinary proceedings came under question. The startling revelations about the protection of paedophiles is absolutely appalling. Any suggestion of collusion between police and people guilty of such crimes is an obvious ground for dismay. It seems that there has been a lack of accountability.

The Hon. Dr B. P. V. Pezzutti: There have been pretty strong actions.

The Hon. J. W. SHAW: There should have been very strong actions. There is an absence of police accountability to the Parliament and to the community. That is a cause for concern. I have already mentioned the problems with respect to drug exhibits. The amended motion will focus specifically on that. Having regard to these matters, one would have to say that a concerned citizen could see the possibility of continuing corruption in the police force of a systemic kind. Obviously, the defenders of the police force are right to say that there are many good men and women in the force. All of us would acknowledge that.

[Interruption]

The PRESIDENT: Order! I ask the Hon. Dr B. P. V. Pezzutti to contain himself.

The Hon. J. W. SHAW: It is quite obvious that decent citizens are doing a conscientious job in the police force. However, everyone would acknowledge also that there are quite unsatisfactory people in the police force. The Police Association would acknowledge that. It is a statement of the obvious. The real issue is the depth and extent of the problem. In view of all the matters that have come to our attention in recent times, there is at least the possibility of corruption, which could be properly labelled systemic.

The Opposition was not willing to vote for a motion of no confidence in the current Commissioner of Police, Mr Lauer, and it is still not willing to do so. The Opposition supported Mr Lauer's appointment, but in a qualified way. We have been concerned about the observations of the royal commission into the Blackburn affair. There remains a concern about that. We have taken the view that the evidence produced is simply not sufficiently cogent or compelling to justify the extreme step of this House expressing a lack of confidence in the commissioner, Mr Lauer. Of course, if further evidence comes to light, we would be willing, as we are on any issue, to reconsider that position. At the moment we simply

do not believe that evidence of a sufficiently compelling or cogent nature has been produced to warrant that extreme step being taken in this House. Clearly, that is the view taken by the majority of members on the joint committee. Even in reviewing the subsequent information, the Opposition has not thought it appropriate to change its view in that respect.

The Government has been pushed a reasonable distance. The Opposition is not privy to the discussions that have taken place. Clearly some factors have emerged which have pushed the Government into taking some positive or tangible steps to make some changes within the Police Service. I have indicated the Opposition's support for those steps embodied in the amended motion of the Attorney General. It is obvious that this Parliament should keep a very close watch on developments in the police force and review them carefully as time goes on. I

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believe that the Government and the Opposition should do that. All members should continue to take a close interest in developments in the police force. The Police Service is absolutely critical to the administration of justice in this society. To have an honest and decent police force is an attribute of a democratic society. There have been significant problems in the past. We ought to be addressing them in the future.

The Hon. J. F. RYAN [3.4]: I support the Government's amendments to the motion moved by the Hon. E. P. Pickering. I do so with enormous pride. I have taken a great deal of interest in this subject, even though I was not a member of the Joint Select Committee upon Police Administration. All honourable members would know that for a period of time, prior to my becoming a member, I worked in the office of the Hon. E. P. Pickering. I assisted him with research and policy advice as he sought to administer the police portfolio. Whilst I was in that position I not only had an opportunity to observe the manner in which the Hon. E. P. Pickering performed his task, but I also had some ability to get on top of how the Police Service worked as an organisation, particularly in terms of its relationship with the Minister's office and police headquarters.

I remember when the Hon. E. P. Pickering told this House that in response to a matter which had been raised on television - that is, the attempted suicide of Mr Angus Rigg - he had been told by the Police Service that he would be given a two-line explanation as to why there had been a 14-month delay in dealing with that matter. From that time onwards I felt that there was a serious lack of accountability of the Police Service to the Parliament. My concern about that lack of accountability has driven my interest in this matter, even though I was not a member of the Joint Select Committee upon Police Administration.

It was an affront to this Parliament, when the Minister asked for a briefing on a matter that had been within the Police Service for 14 months and had been canvassed on television, that he was told to tell the House that he would have to wait a number of days before he would be able to be briefed. That was and remains an outrageous proposition. Frankly, I do not believe that enough has been done to explain that 14-month delay in bringing about that explanation to this House or in finalising the investigation.

I expressed within the Government, as is my right, reservations based on the information which the Hon. E. P. Pickering had brought to this House. Not unreasonably, that resulted in some fairly high-powered telephone messages to me from senior members of the Government, who were severely concerned about how I felt on this matter. It was their right to ring me and ask me how I felt, and that is all they did - they asked me how I felt about those matters and I passed on my concerns. Arising out of those concerns I am thankful that the current Minister for Police, the Hon. Terry Griffiths, gave me an opportunity to visit the Commissioner of Police and put my concerns directly to him.

I asked the Commissioner of Police why he went to the public straight away, without consulting his Minister on the issue of Angus Rigg. He said that he was concerned that a public perception was abroad when the Angus Rigg matter was raised that because the police had not investigated the matter quickly they had participated in the attempted murder of Mr Angus Rigg. I share the commissioner's concern. That is an excellent reason why the matter should have been investigated quickly, promptly and efficiently

- so that there could never have been any suggestion of that nature. I reject totally and out of hand any suggestion that my colleague the Hon. E. P. Pickering in any way brought that suggestion to the fore in the public's mind. He asked the legitimate question: why have police not investigated that matter and investigated it promptly?

I am particularly concerned that the explanation given by the Commissioner of Police to a parliamentary select committee about why that investigation did not proceed quickly, as it should have done, included the accusation that he was not able to proceed because the investigators had been prevented from employing contractors for specialist scientific advice outside of the service without the Minister's express permission, and that that direction was given by way of a memorandum from the former police Minister to the service. As it turned out, that explanation - which was given by the most senior police officer to a joint parliamentary select committee of this Parliament - proved to be untrue. It was found not to be a factor in the delay. I am concerned that that statement by the person who holds the office of Commissioner of Police was seriously canvassed as an explanation for that delay.

All members are concerned that despite the serious pressure which the former Minister for Police had put on the Police Service to deal with drug security the matter had been stuffed around - if I may use the vernacular that I used last night - rather than pursued seriously by the New South Wales Police Service, as it should have been. The Hon. E. P. Pickering raised serious concerns, chillingly real to every member of this House, that there was too great an opportunity for drugs to be misappropriated while in the care of police. I wish to illustrate the difficulty that police had with drug security. Commissioner Lauer said that to achieve drug security it was necessary to ensure efficient destruction of the drugs following their being tested by the drug analysis laboratory operated by the Department of Health. But even that will not be sufficient.

Charges were laid by Penrith police after the seizure of 32 kilograms of amphetamine powder in the Dunheved area. It was white powder in buckets. It was conveyed to the police station and placed under lock and key. That police station had been the subject of a proved complaint of police misappropriation of drugs, even though there were upgraded levels of security. The powder was conveyed in buckets to the analytical laboratory even though it was worth millions of dollars. It was proved before a court that the necessary paperwork which should have

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surrounded the transfer of the drugs to the drug analysis laboratories was not in order. Appropriate receipts had not been properly acknowledged when the drugs were conveyed to the laboratories and proper entries had not been made on police records once the drugs were returned. The defence attempted to destroy the police case by alleging lack of effective auditing of the transfer of the drugs. The court believed the police and found that they had effectively looked after the drugs.

If the equivalent amount of cash had been seized and taken from a police station to another site, would it not have been placed in an armoured vehicle with armed guards and been thoroughly accounted for? Yet, because it was drugs, it was accompanied by a single police officer to the drug analysis laboratories. It was not accounted for properly. Under cross-examination the police officer had enormous trouble convincing the court that the drugs had been properly looked after during their transfer from the police station to the drug analysis laboratory and back. Simply destroying the drugs after they have been tested will not solve that problem. Drug security is an extremely serious issue which warrants the suggested amendment to Mr Pickering's motion moved by the Leader of the Government. This will assist in ensuring that the police are corruption free in relation to handling drugs and will significantly enhance the briefs that police present before the court to prosecute the rotten individuals who peddle this rubbish to the community of New South Wales.

I was also concerned that the Commissioner of Police was said to have threatened the police Minister in the course of events surrounding the Angus Rigg matter. Two senior men went to the police committee and gave two completely different explanations of a conversation. They are so completely different that the only explanation is that one was telling the truth and one was not. No other explanation

is possible. Mr Pickering's version was that Mr Lauer said he had a briefing that he could prove had been given to Mr Pickering on a previous occasion. Mr Pickering said that he refused to have anything to do with a cover-up of the issue. Mr Pickering then reported that Mr Lauer said, "You put shit on my department and I will put shit on you". That was Mr Pickering's version of the story. Mr Lauer's version of the story was that a gentle warning was given to the Minister for Police which went something along the lines, "If you tip buckets of mud on us beware lest some of it splash back at you", or words to that effect. I wonder who would believe that version of the story. I am not sure that anybody being confronted with those facts would seriously believe the version presented by the Commissioner of Police under oath to the Joint Select Committee on Police Administration.

There are serious reasons to question the level of accountability to this Parliament by senior level police. This should chill every member. Mr Steketee, in an article in the *Sydney Morning Herald* yesterday, said, "If members of Parliament were not concerned about these matters and not seriously disturbed by them, they were not doing their job". No level of political expediency should stop us from asking serious questions and ensuring their thorough investigation. I welcome the Government putting in place measures to ensure the issues are thoroughly investigated and that police, when they investigate complaints against themselves, will do so independently, particularly when the matters involved are extremely serious.

I commend the efforts of the Hon. E. P. Pickering in bringing the matter to the House responsibly and courageously, in the robust speech for which he is well known. I have been proud to support him, personally not publicly, during his efforts because I have shared his concerns. I have not been convinced of every part of his case but I have been convinced of a substantial part of it. I look forward to investigation of the matters, particularly those involving the commissioner and the Frenchs Forest matter, by the Independent Commission Against Corruption. Matters are outstanding on the issue. Although I believe that the commissioner's explanation that he had never heard of the Frenchs Forest affair until nine months after its occurrence and after report to senior members of the police is supported by the available evidence, its plausibility is questionable.

However, it is not plausible that a senior officer, an assistant commissioner of police, on almost a monthly basis over a period of four months received a brief containing serious matters and never once kept the brief or reported it to a senior officer with whom he had substantial contact. Questions remain to be resolved. I sincerely hope the ICAC is able to resolve them to the satisfaction of all members of the community and all members of this House. I commend the amended motion and sincerely look forward to seeing the New South Wales Police Service become better. The issue of accountability does not reflect on all serving police. Like all members of this House I am grateful for the efforts of the New South Wales police to protect our lives and our property. Every one of them should be commended for the effort made.

Undoubtedly, the New South Wales Police Service, particularly under the Greiner and Fahey administrations, has made remarkable progress in dealing with domestic violence and responding to complaints by women about sexual assault and similar matters. Police have been stringently and trenchantly criticised in that regard but should be commended for improving their act. The motion has nothing to do with criticising the spectacularly brilliant efforts of police. The motion is about ensuring that police are thoroughly accountable to this Parliament - without political interference - in the exercise of the awesome powers they are rightly given by the Parliament to carry out their tasks. Members need to act without fear or favour in ensuring that occurs. That has been my reason for expressing concern. I support the motion.

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The Hon. ELAINE NILE [3.21]: The Call to Australia group does not wish to prolong this debate. However, we wish to put on record our position concerning the Hon. E. P. Pickering's motion - which we oppose, as we do not believe there is justification - relating to the Commissioner of Police, Mr Lauer; Mr

Thorley and the New South Wales Police Service. It is not a time to be considering radical reform of the New South Wales Police Service when there is an atmosphere of allegation and counter-allegation, poisoned by a total breakdown in relationships between Mr Pickering whilst Minister for Police and Mr Lauer, the New South Wales Commissioner of Police. That has had an affect on society and a detrimental effect upon the Police Service itself. We support the Government's proposed amendments.

It is obvious that the Hon. E. P. Pickering is still hurting from his fall from grace and his removal from a position of power and influence in New South Wales politics. It is clear that his motions reflect a bitter desire for revenge and pay-back, as press reports have noted. It is also clear that certain persons are prepared to provide the Hon. E. P. Pickering with confidential information. Could they perhaps also have certain vested interests? It has even been suggested that certain corrupt and organised crime figures would be happy to set up Mr Lauer, and even Mr Griffiths, and have them removed from office and replaced by persons of their choosing, for more co-operation. No doubt this would not be the Hon. E. P. Pickering's intention, but that suggestion has been spreading throughout many areas and circles concerned with the police.

In the eyes of the public the Hon. E. P. Pickering's allegations and their heavy television coverage have done serious damage to the New South Wales Police Service in the eyes of the public. It was a serious injustice for television news to present his allegations and repeated charges made under parliamentary privilege, that Mr Lauer was a liar, with no hope of a rebuttal from the floor of this Chamber. Therefore, we cannot support the Hon. E. P. Pickering's original motion, but will support the amended motion of the Government. It should be noted that the glaring headlines and sensational television news coverage was based largely on allegations by a junior police officer facing charges, a man who is known to be a liar. Perhaps his lies were a diversion to draw attention from the real culprits. Perhaps, to make his story more convincing, his wound was even self-inflicted. We are not the only ones who believe this. The Call to Australia group especially supports this amendment.

Unproved allegations have been made in this House. The Call to Australia group supports this amendment to the motion of the Attorney General and Minister for Justice, especially paragraphs two and three. Paragraph two notes the principles and legitimate problems raised by the Hon. E. P. Pickering, M.L.C., relating to the role, responsibilities and relationships between the Minister for Police and Commissioner of Police and the accountability of the police Minister to Parliament and recommends that the justice subcommittee of Cabinet examine these issues. The paragraph notes, among other things, the establishment of a committee chaired by Mr Adrian Roden, Q.C., to examine the procedures and legislation currently in place in New South Wales to regulate the custody, analysis and destruction of illegal substances seized by law enforcement agencies.

The paragraph notes that the Government recognises the need to enhance the effectiveness of the police internal affairs unit and the integrity of the investigation process and that the justice subcommittee of Cabinet is to pursue a proposal to establish an independent police internal affairs unit under the control of the State Crime Commission. Paragraph five notes that the Government has referred the Frenchs Forest incident to the Independent Commission Against Corruption for appropriate consideration. Call to Australia supports the Government's amendment.

The Hon. ELISABETH KIRKBY [3.25]: I support the Government's amendment. I wish to place on record my admiration for the Hon. E. P. Pickering and the persistence and determination with which he has pursued this matter, not for any personal benefit but for the benefit of all the citizens of New South Wales, so they can truly have confidence in and respect for the Police Service of this State. It has not been easy for him. He has been criticised. All kinds of allegations have been made against him, including an extraordinary statement made a few moments ago by the Hon. Elaine Nile, which I shall not waste the time of the House in rebutting. However, in another place about a week ago a similar statement was made by the current Minister for Police in his reply to debate in that Chamber.

The Government, at last, has made a very important and most courageous decision, implicit in the

proposed amendment. Of more importance are the matters to be considered by Cabinet on reference to the Attorney General, as mentioned in his second reading speech, including, as part of paragraph five, that the State Crime Commission release to the Independent Commission Against Corruption the transcript of its inquiry into the Frenchs Forest incident. I, other committee members, and members of the public have seen the State Crime Commission report. A reading of that report makes it obvious that nothing the Hon. E. P. Pickering has ever said was merely an unsubstantiated allegation. That is implicit within the report of the State Crime Commission, after an investigation.

It cannot ever be suggested that this incident is merely a wild allegation that has no basis in fact. The Cabinet will undertake to review the penalties imposed on Assistant Commissioner Maroney and Chief Superintendent Myatt following the Attorney General's advice on powers in that regard. That is a most important consideration. The State Crime Commission report indicates what happened and how
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those two officers behaved. It would appear they were counselled by the Commissioner of Police. On becoming aware of serious problems and serious misconduct within the force, they had disregarded their sworn duty under the Police Regulation (Allegations of Misconduct) Act to report that to both the Ombudsman and the Independent Commission Against Corruption. They did neither. They were senior officers, not junior officers who might not be fully aware of their real responsibility, so that they had a duty to ensure that assistant commissioners knew about the matters they had uncovered. They did not do so. They were counselled. They were not reduced in rank. They did not suffer any penalty except to be counselled. I do not think that it is proper for any officer, particularly one of that rank, to behave like that. They should receive what I believe - and what I am sure the public would believe - would be a more appropriate penalty.

In another place the Minister talked about the bipartisan acceptance of the committee's report and about people being unwilling to accept the umpire's verdict. The Minister very carefully refused to acknowledge that there was a dissenting report. That dissenting report was by myself and the honourable member for South Coast, for many of the reasons that I have outlined to the House tonight. The Minister also went on to say that a letter that had been brought to the attention of the Government by the Hon. E. P. Pickering from a person who was at one time with the National Crime Authority had been taken up by Government as soon as it had seen the letter. The Minister then castigated the writer, Mr Cusack, by saying that it is quite apparent that Mr Cusack had been caught in something of an embarrassing predicament. He has made claims that he has been unable to substantiate other than in the vaguest terms. Mr Griffiths tabled that letter in the other place. For the benefit of all honourable members I advise that Mr Cusack is a Queen's Counsel. He is a lawyer of stature and is very well aware of what he is doing. Mr Cusack made it crystal clear when he said:

. . . through my position as a member of the N.C.A., I became aware of a number of corruption allegations re N.S.W. Police which was passed onto I.C.A.C.

Perfectly proper. He continued:

I would not have been able to give these to the Committee as I would be constrained by s.51 of the N.C.A. Act.

The only reason that Mr Cusack could take no other course was because he was bound by an oath of official secrecy. That is a very different thing to what has been suggested by the Minister in another place, which is that Mr Cusack made claims that he was unable to substantiate. Mr Hatton and I were in exactly the same position about some of the in camera evidence given to us in committee. We could not make that public for two reasons: some of it was made in camera, and there is an implicit understanding that members of the community giving evidence before a parliamentary committee in camera know that their confidence will be respected; equally, there was material in the possession of the committee that constrained us under the secrecy provisions of the State Crime Commission Act. Later in his speech the Minister stated:

Unless the Parliament wishes to accept the attacks on the integrity of its own committee . . .

This has nothing to do with the integrity of that parliamentary committee, of which I was a member. It is simply that the committee members did not reach full agreement. Certain things concerned everyone but committee members were constrained by in camera evidence and the fact that we had to abide by the secrecy provisions of the State Crimes Commission Act. The Minister later said that there were major legislative changes to both the Police Service Act and the police complaints legislation, and that no opposition was expressed in the upper House. People may remember what was contained in the report - the unanimous decision of the committee - it was not a dissenting report by the honourable member for South Coast and me. The Minister requested that a committee to oversight the Police Service be established in exactly the same way that there is a parliamentary committee of oversight on the Ombudsman and a parliamentary committee of oversight on the ICAC. Hopefully, after the two inquiries that will now take place, one by Mr Roden and the other by ICAC, the Government itself will see that for the future it will be reasonable to have a standing committee of the Parliament to oversight the Police Service.

Later the Minister admitted - and this was about the only detrimental thing he said about his own service - that record keeping and attention to detail still need considerable consideration. That was well discussed by the committee in both their reports, and the Hon. J. F. Ryan referred to it a short time ago. It was quite remarkable when those committees were sitting to realise how difficult it was to get any documents at all, how information had been wiped from police computers, and how senior officers had lost their diaries and had no statements or records of meetings that had been held. It was quite obvious that record keeping was quite abysmal. The Minister later said:

It is necessary for me to address this as the shadowy spectre of corruption has been darkly hinted at recently, both inside and outside this place. The attempt to cast the pall of corruption over every aspect of this matter cannot be sustained.

I simply refer the honourable Minister to the State Crime Commission report into the Frenchs Forest affair. That can hardly be described as a shadowy spectre of corruption or an attempt to cast a pall of corruption. It is a report of the State Crime Commission. Surely, after they had done a full investigation using their powers of investigation and found that things were wrong, there was far more of a shadow. The Minister spoke also about the "dangers of blindly chasing the ghosts of the past and tilting at windmills. The target has moved; so must the attack". I do not know whether the Minister would have made that statement if he had read, before the speech was written, the revelations in the press about the paedophile racket concerning the police.

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The target most certainly has now moved. I hope the investigation being put in train will make certain that anyone who had been involved in that trade against children - particularly if they happen to be members of the Police Service - will be revealed and that the proper legal and criminal procedures will follow. The Minister said that there have been a number of shameful episodes with the police betraying the trust of the community, even in the past year. The Minister said that these incidents have been exposed and the culprits pursued through the appropriate mechanisms of the ICAC and the criminal courts. That may be the case as far as one junior officer was concerned but I have absolutely no reason to believe that more senior officers involved in the Frenchs Forest affair have been pursued through the appropriate mechanisms of the ICAC and the criminal courts. In his statement the Minister also spoke about the new strategy now in place in the Police Service. The Minister referred all honourable members to the Police Service corruption prevention plan summary dated September 1993. I read this with some interest. It is, of course, like many of these plans, a list of pious hopes; it has goals.

The Hon. Dr. B. P. V. Pezzutti: It is a motherhood statement.

The Hon Elisabeth KIRKBY: Yes, it is a motherhood statement. There is a statement of value and of course no one would disagree with a statement of value. Everyone would accept that each member of the Police Service is to act in a manner which places integrity above all, upholds the rule of law, preserves the rights and freedoms of the individual, capitalises on the wealth of human resources, and assures that authority is exercised publicly. These are all wonderful statements, but how does one ensure that they are put into practice? However eloquent a statement of values may be, it will be absolutely without value unless the control and oversight of the service is strong and definite, and unless a true sense of discipline is exercised from the top. Later in his speech the Minister talked about tapes that were allegedly in the possession of a criminal and fell into the hands of the Australian Federal Police after a police raid.

The Minister tried to dismiss that and suggest that the tapes were of little import. He totally and absolutely disregarded the fact that a State intelligence document fell into the hands of this criminal. The public deserves to know how and why. It was a sensitive document, which showed the names of police officers who were investigating certain criminals and gave the code names of certain police operations. No one could claim that that document could have been manufactured by a criminal. The tape may certainly have been doctored by a criminal, but that could not have happened so far as that State intelligence document is concerned. The fact that such a sensitive document fell into the hands of a known criminal and was found in his possession after a raid by the Australian Federal Police leads me to ask again, how did that happen? The public deserves to know.

When dealing with the problems of the holding and security of drugs - matters in relation to which the Hon. E. P. Pickering worked for four years to put appropriate measures in place - the Minister talked about the seizure and storage of drugs. He talked about introducing new procedures, dual keys, security drug bags and so forth. However, it is even more important to ensure - and this was discussed at length by the committee - that all drugs seized are secured, rather than just, possibly, a proportion of them. The public needs to feel confident that all the drugs seized go into these specially provided drug bags and that some have not been siphoned off and a lesser quantity then declared as the amount seized.

I cannot see how there is any possibility of total security and of introducing new procedures and dual-keyed drug safes if both keys to the drug safe are living in the same drawer, so that any officer who goes to the draw to obtain one key finds both keys. Two keys are then in his possession and he is able to get into the safe without any further difficulty. That is what happened at Frenchs Forest. It was a dual-keyed safe, but for some reason that has never been explained both keys were kept in the same drawer. As I said a few moments ago, drug bags will be of absolutely no value unless the public can feel confident that all the drugs seized will be placed in such bags.

With regard to the documents tabled by the Minister in another place, which are available to all members of Parliament, I refer to one entitled "Schedule of Responses to Crime Commission Recommendations". The document refers to a recommendation that more emphasis should be given to the obligation to report by way of explicit commissioner's instructions under the Police Regulation (Allegations of Misconduct) Act. The response is, "Work has commenced on a new commissioner's instruction to draw together all elements of policy, practice and procedure affecting police misconduct". But the PRAM Act clearly states what action should be taken, so any officer who has had the PRAM Act brought to his attention does not need a new set of commissioner's instructions. It is implicit in the Act.

Later in the State Crime Commission's report reference is made to the suggestion that a caller had telephoned the Government and alleged that the commissioner had been fully briefed on the drug-related allegations in the first weeks following the shooting of former Constable Bourke on 22nd June, 1991. The Crime Commission immediately interrogated the officers named in the former Minister's note about the substance of the allegations. That was done without the knowledge of the commissioner. I find it strange that when this matter was the subject of comment in the press, the Minister himself said that there was absolutely no truth in these allegations and that the State Crime Commission had interviewed two

senior sergeants and accepted their sworn evidence.

That is extremely strange, because the report of the State Crime Commission contains a chronology, which was repeated in the report made by the committee to the Parliament. That chronology lists
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the dates on which the officers in the Police Service knew of the allegations. That list goes up to assistant commissioner level and extends over a period of weeks. Yet the only people who have been interviewed and have given sworn evidence are the two most junior officers. That demonstrates to me that at that time there should have been a much more thorough investigation into the other officers who, by their own report, were known to have had the information about the events at Frenchs Forest passed on to them. Later in his speech the Minister said:

These allegations were recorded in an official report. Their source is yet another former officer. Both the Crime Commission and the ICAC have found the allegations to be devoid of credit. These allegations, no matter how fanciful or unreliable on their face, have been notified to the Ombudsman as required by law.

However, that was only after some weeks had elapsed. The situation reports are referred to on page 68 of the document from Assistant Commissioner Cole. He talks about compliance with the PRAM Act. As he knew about compliance with the PRAM Act, why were these allegations not reported to senior officers, as the PRAM Act demands? The passage to which I have referred is a selective quote by Minister Griffiths, and I cannot understand why. Honourable members ought to take the trouble to read other parts of this document, because I am quite certain that it was as a result of reading it that the Government decided that the amended motion before the House was the only solution to the problems that were raised. Paragraphs 8.5, 8.5.1 to 8.5.3, 8.5.4 and 8.5.5 on page 4 show clearly how the information was being passed along the chain of command but still stopped short of the commissioner. In his speech the Minister referred to Assistant Commissioner Cole and, explaining why Assistant Commissioner Cole had never been called upon to give evidence to the parliamentary select committee, the State Crime Commission or the Independent Commission Against Corruption, said:

The fact is, of course, that each of those bodies decided, in the face of considerable independent medical advice, not to do so at this time. The umpire's verdict is in.

In my view that is not the fact. I am quite unaware why the ICAC and the State Crime Commission did not, earlier this year, call Assistant Commissioner Cole; and why they did not ask for a further doctor's certificate and further independent medical advice. The committee discussed at length whether a new medical assessment was needed in October 1993, because that was six months after the original letters came from the two psychiatrists who had been examining Assistant Commissioner Cole, and he had been on sick leave and receiving treatment. It seemed, both to Mr Hatton and myself - and there was considerable discussion about this in the committee - that after six months' treatment, when he had had the opportunity of being on sick leave, it was quite possible that Assistant Commissioner Cole might be well enough to give evidence before the committee.

However, that was not finally agreed to and the committee did not, as it had a right to do, request that a further medical certificate be obtained to make quite certain that, regrettable as it might be, Assistant Commissioner Cole was still ill and unable to appear before the committee. I assume that this matter will be looked at more closely when the new inquiry is set up and Mr Adrian Roden and the ICAC look at this matter again on reference from the Government. A document was signed by Assistant Commissioner Cole in his capacity as Commander of Professional Responsibility, just before he was taken ill. The letter, which is signed by him and dated 1st March, 1993, is a report to a higher authority, and says:

My failure to do so was not deliberate but was in the belief that one or both areas would have done so. I say this in consideration of the fact I was in receipt of a copy of a briefing, the original of

which had flowed through the Command line. However, I should have ensured the reporting to Internal Affairs had taken place.

I believe the question that should be asked of Assistant Commissioner Cole is, if he believed that he should have ensured that the reporting to police internal affairs had taken place, why did he not so inform himself? Why did he not make certain that that was done? The final matter I raise deals with problems adverted to by the Minister in another place in light of the action taken by the Police Board. The Minister talked about having discussions with the Chairman of the Police Board, Mr Thorley. The Minister spoke of discussions between Mr Thorley and the previous Minister - who was, of course, the Hon. E. P. Pickering. Apparently, Mr Thorley was of the opinion that the Police Board had a primary obligation to be very protective of the integrity of the Police Service, but it also had the responsibility to be fair to officers who are often subject to smear and innuendo. In Mr Thorley's opinion, the board cannot surrender its statutory obligations by simply adopting the opinions of others or relying on the opinions of other agencies, without examining carefully the basis of those opinions.

I quite agree. Obviously, the board has the responsibility of making certain that it is protective of the integrity of the Police Service; but, quite frankly, I do not see how the Police Board is in the position of investigating the actions of officers who may have been the subject of smear and innuendo. How would the Police Board ever be able to investigate any such allegation? It has no investigative powers. Where is its investigative staff? How is it going to challenge what may be totally false allegations about serving officers unless it has the investigative capacity? It certainly did not, and still does not, have that investigative capacity. I believe that this is one of the most important things honourable members will see in the future, and I congratulate the Government - if it is now true that it has recognised the need to enhance the effectiveness of the police internal affairs unit and the integrity of the internal investigation process, and therefore, the justice subcommittee of Cabinet will now consider whether to establish an independent police internal affairs unit under the control of the State Crime Commission.

I believe that if that occurs, in future it will be possible for any such, possibly unfounded, allegations to be referred to a body that has investigative powers

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and the proper authority and ability to investigate such complaints as may occur; and would also be able to satisfy the Minister of the day, the Cabinet, the Government of the day, as well as the public of New South Wales, that there was the ability to have an independent investigation of any allegations - however well or badly founded - about members of the force. With those remarks I again congratulate the Government on the action it has taken to work on these very substantial amendments to the motion of the Hon. E. P. Pickering. I hope that it will now be realised by the New South Wales public and voters in this State that the Hon. E. P. Pickering at all times was acting in their best interests, and was determined - however many obstacles he met; however often his actions and words were being disregarded - that he had a duty to pursue matters further.

I believe that the outcome is the best that could possibly have been achieved and I trust that the inquiry by Mr Roden will take place expeditiously, and that a further inquiry into the Frenchs Forest matter and the officers involved in that episode will be concluded by the Independent Commission Against Corruption as expeditiously as possible so that this matter may be laid to rest. In conclusion, I want to say, as Mr Hatton and I said previously, that we do not believe and have never believed that the whole of the New South Wales Police Service is corrupt. We know that it is not. I join with the Hon. J. F. Ryan in what he said about the many dedicated, hard working officers and the work they do, particularly with domestic violence and expeditiously clearing up crime; and a whole variety of other things including the introduction of community policing. But the obviously serious shortcomings in administration and the continuing number of cases where officers have behaved in a less than honourable manner have to be laid to rest once and for all, for the benefit of those decent, honest, hard working officers in the force who may be tarred with the brush of the less honest officers who need weeding out so that the Police Service can become the best in Australia, if not in the world.

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

QUESTIONS WITHOUT NOTICE

RENWICK RESIDENTIAL CARE UNIT

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. I preface my question by referring the Minister to a press advertisement that appeared in the *Sydney Morning Herald* on 6th November seeking expressions of interest from organisations to operate a residential service for a period of 12 months on the site of Renwick residential care unit, Mittagong. Will the Minister explain or ascertain from her colleague why the Government found it necessary to advertise for a contractor to provide a transition service to the current residents at Renwick for a period of up to 12 months? Why is it that the Department of Community Services cannot operate a transition service for such a short period and arrange placements for each resident at the location identified in each child's case plan?

The Hon. VIRGINIA CHADWICK: I shall refer the question asked by the honourable member to my colleague in another place for his reply. Though I am aware of the significant improvements that are under way in the provision of services for people with disabilities, their carers and families, I am unaware of that particular advertisement in relation to Renwick.

CONSUMER ATTITUDE PROFILE ON HOLIDAYS AND SHORT BREAKS

The Hon. D. F. MOPPETT: My question is to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. Will the Minister inform the House of the results of a study into consumer attitudes to holidays and short breaks in New South Wales? Have the results been used to build a profile of holidays and short breaks? If so, what is that profile?

The Hon. VIRGINIA CHADWICK: I commend the honourable member for his interest in tourism. A survey was conducted to enable the Government to build up a profile of New South Wales holidays and both short and long breaks. This profile will not only assist the Tourism Commission of New South Wales in its planning, but will also be of practical benefit to individual operators and to the new regional zones as they develop their marketing and advertising strategies. It will be a most useful document. A total of 24 special focus groups were surveyed to ascertain a broad range of responses and about 2,000 door-to-door interviews were conducted in New South Wales, Victoria, Queensland and South Australia to build up a comprehensive and accurate picture of the tourism and holiday expectations and preferences of a wide group of people.

From that survey and those interviews, six distinctive groups of holiday-makers were identified, which for simplicity have been categorised by age. They are: the young singles, the 18 to 34-year-old group, who are not married and have no children; young married couples of the same age group with no children; young families, couples with children from birth to seven years; older families, those with children aged eight years and over still living at home; and working empty nesters - perhaps other honourable members are familiar with that term but it was new to me - couples who both work but their children had left home; and retired empty nesters, those with no children at home. The survey revealed that their holiday experiences, expectations and preferences were quite different.

The young singles, who take 16 per cent of all holidays in New South Wales, look for adventure and excitement. They spend on average just over \$1,000 per holiday and just over \$300 per short break. They look for activities such as beaches, bushwalking, trekking, and water sports, and they tend to travel to areas where they will be able to mix with young people of their own age. They are more likely to travel by plane, they favour budget-style accommodation and tend to spend their money on the activities and the social life. Young couples represent only 8 per cent of holiday-makers in New South Wales, but they spend about \$718 per holiday. They seek adventure and excitement. They tend not to travel in groups and their favourite New South Wales pastime or the desired pastime is skiing. They are more likely to travel by plane and their accommodation is slightly more expensive than the accommodation of young singles. Young families take 12 per cent of holidays and spend about \$451 each per holiday. Their style of holiday is planned, no doubt taking into account the needs of the children, which would not surprise honourable members who have holidayed with young children. The parents are less likely to visit a big city, and tend not to go skiing.

The Hon. Ann Symonds: Are they looking for excitement too?

The Hon. VIRGINIA CHADWICK: If the honourable member had a young family, I think she would be looking for a rest. They are more likely to take a trip to the country and stay at farmhouses, in cabins, or guest houses and tend to spend their time playing golf, engaging in farm activities and visiting historic towns. Older families represent 26 per cent of all holiday-makers in New South Wales, so they are an important market. They spend \$536 per holiday and their holidays are based around the needs of their children, with beaches and water sports being the favoured option. The working empty nesters represent 19 per cent, who tend to have more money and spend about \$859 each per holiday. They tend to visit cities and restaurants that they left aside while their children were small. The Hon. J. M. Samios will be pleased to know that they make up the largest group of people interested in culture and the performing arts.

The retired empty nesters account for 11 per cent of holidays in New South Wales. They also spend quite a lot of money on their holidays - \$832 each. The big cities by that time are losing their appeal and their holiday activities are mainly visiting family and seeing Australia. The retired empty nesters tend to meander from town to town across rural New South Wales, with the most common form of travel being bus and coach tours. Though that information will assist the commission in its planning, targeting and marketing activities, clearly much of the material that has been gathered will not be released publicly. It is intended to conduct 20 forums around rural New South Wales, consulting with industry about the details of our findings which we believe will help in determining how to present, market and advertise their product. Given that New South Wales faces stiff competition from many other areas for the tourist dollar, we will not be making that material public. It will be put to good use to help our tourist industry become better focused and more competitive.

ALLIANCE STRATA MANAGEMENT LICENCE

The Hon. M. R. EGAN: I direct a question to the Minister for Planning and Minister for Housing. Is the Minister aware that the Real Estate Services Council has not renewed the licence of Alliance Strata Management? Does this leave at risk the \$15 million to \$20 million of funds belonging to strata plan proprietors which are held in trust by Alliance Strata Management? What assurance can the Minister give that these funds will be protected?

The Hon. R. J. WEBSTER: The Leader of the Opposition is no doubt aware that the Real Estate Services Council launched a prosecution against Alliance Strata Management either earlier this year or late last year. That prosecution involved a range of alleged offences which were perpetrated by the management of Alliance Strata Management. Those matters have been heard. We are now awaiting a

decision from the magistrate. I understand that individual managers of the various branches of Alliance Strata Management have applied for separate licences under the Act. The Real Estate Services Council is considering its position on those issues.

I am sure the Leader of the Opposition would know that under the legislation that established the Real Estate Services Council the management of the council has certain statutory duties, with which I am not able to interfere. Whilst I am certainly in constant touch with the management and the new managing director, Grahame Knight, who took over from Bob McManus when he resigned a couple of weeks ago, at the end of the day the council is bound by what it sees as its statutory obligations under the Act - and those obligations are quite narrow. I give the honourable member my assurance that I am aware of the issue - if it is the issue I am thinking of - that he has raised. As recently as a few minutes ago I had discussions on this very matter. I will pursue the matter further with the Real Estate Services Council. I will then forward that information to the Leader of the Opposition.

LICENSING OF VALUERS

The Hon. ELISABETH KIRKBY: I ask the Attorney General, Minister for Justice and Vice President of the Executive Council, representing the Premier and Minister for Economic Development whether it is a fact that the Government is considering abandoning existing licensing requirements for valuers. In view of the increasing complexity of Australian law and company regulations, is the Government not concerned that the use of unlicensed valuers could cost it many millions of dollars in ratings, taxes and stamp duties? How will members

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of the public be protected if asset valuation for company accounts and for prospectuses for corporate and trust investments are carried out by unqualified valuers? Will the Government consult with the Australian Securities Commission on this matter? If not, why not?

The Hon. J. P. HANNAFORD: I am not immediately aware of any proposals relating to abandoning the licenses of valuers. I know that as a result of decisions taken by the Council of Australian Governments all governments are looking at reviewing licensing arrangements under the Vocational, Education and Training Accreditation Board's proposals with a view to rationalising the number of licences that have to be taken out by businesses. I do not know whether, as a result of steps taken by the Council of Australian Governments, there has been generated a suggestion that the licensing of valuers is to be abandoned. However, I will convey the honourable member's question to the Premier and request an early reply.

TAFE-HIGHER SCHOOL CERTIFICATE PATHWAY

The Hon. HELEN SHAM-HO: Will the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier inform the House which technical and further education colleges will be offering the TAFE-higher school certificate pathway next year? What does this pathway offer students?

The Hon. VIRGINIA CHADWICK: Honourable members would be aware that next year programs for yet another Australian first will be piloted - providing our students with an option that has been lacking; that is, the capacity to make a decision at the end of year 10 about whether to continue with the higher school certificate or to go to TAFE. Under the TAFE-HSC pathway young people will have the option of leaving school at the end of year 10 or attending a TAFE college, doing the HSC and accumulating a tertiary entrance rank. That pathway is clear. They begin a TAFE course at the same time. If they decide to continue with the course, they will have a couple of years standing in it. That will be of enormous benefit to them.

Despite the prophets of gloom and scepticism opposite, who are always down and gloomy with respect to a joyful area such as education - and their attitude always surprises me - application forms are still rolling in. At this stage more than 700 applications have been processed. Each of the TAFE regions of New South Wales will be offering some of these pilot courses next year. The campuses include Orange, Dubbo, Lismore, Richmond, Werrington, Katoomba, Wollongong, Hornsby, Meadowbank, Northern Beaches, Newcastle, St George, Bankstown, East Sydney-Ultimo, Enmore-Ultimo, Tamworth, Albury, Wagga Wagga and Campbelltown. The range of courses - with HSC and TER - will include microcomputing, tourism guest services, horticulture and industrial design. The Government is pleased that this initiative is on track.

The Hon. Jan Burnswoods: What about the colleges where these courses were promised but have been scrapped? What happens to people there?

The Hon. VIRGINIA CHADWICK: That is not the case. At one location three students have applied for a particular course and if there are no more applications they will be directed to another college; they will be accommodated. Just for once I should have thought that the Hon. Jan Burnswoods could give TAFE credit where credit is well and truly due. A need has been recognised for the benefit of students. From the moment this ground-breaking, student-focused initiative was announced, there has been nothing but scepticism and scorn from the Hon. Jan Burnswoods. No one would be more thrilled than the honourable member to see this initiative fall flat on its face. The Government is very pleased with the initiative. Over 700 applications have been processed at this time. These courses will be offered in every institute in New South Wales. Instead of being anti-TAFE and anti-student, the Hon. Jan Burnswoods - who purports to have an interest in education - should have the welfare of children at heart.

ENTERPRISE BARGAINING DISCRIMINATION SURVEY

The Hon. Dr MEREDITH BURGMANN: My question is directed to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, representing the Minister for Industrial Relations and Employment and Minister for the Status of Women. Is it a fact that the Minister promised to release by the end of August the results of a survey of discrimination in enterprise bargaining under the New South Wales Industrial Relations Act? Is it a fact that the Minister did not like the results of the initial survey and sent them back for further review? Is it a fact that the results of the new survey are being withheld because they show gross disadvantage for women engaged in enterprise bargaining under the New South Wales Industrial Relations Act? Why will the Minister not release the long-awaited results of the survey on discrimination in enterprise bargaining?

The Hon. VIRGINIA CHADWICK: I welcome the Hon. Dr Meredith Burgmann back to the Labor team. She has clearly been in Coventry.

The Hon. R. J. Webster: Has she been disciplined like Peter Nagle?

The Hon. VIRGINIA CHADWICK: I do not know. There are so many people being disciplined within the Labor Party that I am starting to worry for them. As someone who was for a time Minister responsible for the status of women I am absolutely delighted that the Hon. Dr Meredith Burgmann is out of the sin-bin and back able to speak up in this Chamber, though I am pretty sure that someone is vetting her questions and comments. I can only presume that the question has been appropriately vetted. It could be the Hon. I. M. Macdonald who is doing the vetting. I do not know the details of the

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report to which the honourable member refers and why it may or may not have been released. I reject the notion that in a move to enterprise bargaining women will be disadvantaged.

The Hon. Dr Meredith Burgmann: Read the research.

The Hon. VIRGINIA CHADWICK: The honourable member should not interject: she will get herself into trouble. I have the well-being and future career prospects of the honourable member at heart. I strongly advise her not to make unauthorised interjections. Otherwise she may not be able to ask another question for months and months.

The Hon. R. J. Webster: Nagle's listening and he will tell Bob.

The Hon. Virginia CHADWICK: Yes. I reject the notion that women will lose out in enterprise bargaining. In the circumstances of the precarious position of the Hon. Dr Meredith Burgmann - and I admire her enormously - the best thing I can do is to sit down so that she does not interject any more. I will refer the question to my colleague.

STATE WARDS IN KINGS CROSS CLUBS

The Hon. ELAINE NILE: I address my question to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, representing the Minister for Community Services, Minister for Aboriginal Affairs and Minister for the Ageing. Is it a fact that State wards of 13 years are working in strip joints and possibly as prostitutes in brothels in Sydney? Will the Government give a firm assurance that children of 12 or 13 years, whether State wards or not, will be prevented from working in strip joints or as prostitutes in New South Wales, as now occurs in Thailand? What action is the Government taking to ensure the safety of minors in these two areas? Does the Government agree that children working in such areas is a strong argument against legalised brothels or street prostitution in New South Wales because of the difficulty of establishing the age of minors?

The Hon. VIRGINIA CHADWICK: I am not as up to date on the matter as my colleague Mr Longley would be but I took an interest in this area when I was Minister for Community Services. At the time similar assertions and allegations were made. I spent considerable time with wonderful people who provide services in the Kings Cross-Darlinghurst area as part of the adolescent support team, I think it is called. They had a very good relationship with a number of the young people in the area - I presume they still have - and members of the police force, particularly those who deal with adolescent support. From my discussions with them I know that from time to time there are allegations and assertions that minors work in what to me are quite unsavoury places which would represent places of danger for young people.

I well recall talking with some of those workers in relation to changes to the laws that this Government introduced about children in danger. Our approach was that if we found a young person in such circumstances or likely to be attracted to such centres, we could declare that young person to be a child in danger. While one would deplore the personal living circumstances of some people in the Kings Cross area, a good aspect was that the older people kept an eye out for very young people in the Cross and, because of the very good relationship that had been developed, would let the adolescent workers know and try to get the young person out of the Cross quickly before they were caught up in a most unsavoury and dangerous lifestyle.

While I would not be so bold in an area such as this to assert that there has not been or never would be a minor inveigled into those sorts of places, many of the reports in the time I was Minister were unfounded or were followed up very quickly and the persons involved were found to be not minors. It is another subject whether one finds those places savoury or healthy in the first place. I most certainly do not. The issue is of concern not just to whoever happens to be the government at the time; I would like to think it is a matter of concern to all members of the community. The Hon. R. D. Dyer and others have expressed concern. The matter goes to common human values. The strong views and concern are not necessarily divided on political party lines. The issue is of huge concern to the community, whether the young people involved are State wards or not State wards. When a young person runs away from home for whatever reason or for whatever length of time -

The Hon. Jan Burnswoods: The Government has admitted that it is responsible for State wards. Of course it makes a difference.

The Hon. VIRGINIA CHADWICK: Parents are responsible for their children as well.

The Hon. Jan Burnswoods: The Government is responsible for State wards.

The Hon. VIRGINIA CHADWICK: Parents are responsible for their children as well. It is a matter of concern that any child is caught up in those circumstances.

The Hon. Jan Burnswoods: You are avoiding the issue. Your whole answer is avoiding the issue.

The Hon. VIRGINIA CHADWICK: By implication, the honourable member would seem to suggest that it is somehow more important if a State ward is involved than if my, your or anyone's 13-year-old or 14-year-old child is in those circumstances. It is an appalling notion that 13-year-olds or 14-year-olds should be in places where they are in danger, for their parents should be responsible for them. I have high admiration for the work of that adolescent unit - taxing, draining work that could not be done for an extended period of time. That unit does a magnificent job. A good relationship exists between many Government agencies there. However,

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I know that my colleague is addressing the allegations and assertions that have been made. If there is anything further to report on this matter, I shall inform the House.

BADGERYS CREEK AND KEMPS CREEK LANDFILL

The Hon. R. S. L. JONES: I ask the Minister for Planning and Minister for Housing, representing the Minister for the Environment, the following question without notice: Is the Government seriously contemplating allowing Pacific Waste Management to site a putrescible landfill adjacent to Badgerys and Kemps Creeks with a single clay liner less than one metre thick, which will inevitably lead to leachate problems? Is it a fact that this site would fail the United States Environment Protection Agency and Victorian Environment Protection Authority regulations on siting landfills near airports, considering the proximity of this site to the proposed Badgerys Creek airport and the attendant increased risk of bird strikes? How can the Government possibly allow consideration of this landfill when the Minister has not yet responded to the Joint Select Committee upon Waste Management report, and in particular to recommendation 14, which was unanimously adopted by the committee, seeking the development of a set of criteria to identify any areas considered too environmentally sensitive for specific waste disposal activities? Is it not a fact that this landfill will be an environmental timebomb with its thousands of tonnes of untreated waste?

The Hon. R. J. WEBSTER: I will seek from my colleague an answer to the honourable member's question and respond in detail.

MURWILLUMBAH ELECTORATE SCHOOL BUS SERVICES

The Hon. ANN SYMONDS: I ask a question without notice of the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, representing the Minister for Transport and Minister for Roads. In 1991 did the Department of Transport approve an additional bus being put on the Mount Burrell School bus route, at an approximate cost of \$8,000? Did Mr Don Beck or anyone on his behalf make representations in this matter? Did any public consultation take place regarding the change of service, as required by law, or was the matter decided administratively? Did

parents or bus operators in the adjoining areas subsequently make representations to increase the school bus services at Byrell Creek by 2.4 kilometres and an additional bus on the Commissioners Creek-Doon Doon route? Were the requests for the Mount Burrell area and subsequently the Byrell Creek and Commissioners Creek-Doon Doon area dealt with according to the same criteria? If not, why not?

The Hon. VIRGINIA CHADWICK: I enjoyed and found interest in the Hon. Ann Symonds' questions when she was allowed to prepare and ask her own. However, she insists on asking these questions, referred to her no doubt by a shadow minister in another place. Issues in the Murwillumbah area are of great importance, for it is one of the fastest growing areas of the State and enormous resources of the State are being ploughed into a huge TAFE college, more high schools and more primary schools. I regret I am not au fait with the details of a bus route but I am sure my colleague Mr Baird is. I thank the honourable member for her most important question about a matter that appears to date back to 1990 or 1991. I know I ought to remember whether a bus route was put on at Mount Burrell in 1991 but I am ashamed to say that I do not. I am sure Mr Baird does.

DOMESTIC VIOLENCE COMPLAINT PROCESSING

The Hon. PATRICIA FORSYTHE: My question without notice is to the Attorney General, Minister for Justice and Vice President of the Executive Council. There have been criticisms from a number of people about the cumbersome and inconsistent processing of domestic violence complaints. Is the Government doing anything to ease the plight of victims of domestic violence by simplifying and standardising the processing of their complaints?

The Hon. J. P. HANNAFORD: I thank the honourable member for her most important question. She has shown a consistent interest in this subject. Like her, I am concerned about the intimidation which often surrounds initiation of proceedings and attendance at court by domestic violence victims. The Crimes Act was amended by the Government in 1992 to further meet the needs of victims of domestic violence - as the Government is again seeking to do with further legislation now before the other House, and on which I shall make no comment. For some time the Government has been concerned about intimidation that arises out of use of the system by those who have already suffered the trauma of domestic violence.

Problems have been experienced by court staff and officers of the police department in dealing with the formalities surrounding such complaints. Such problems cause further trauma for these victims, who want their complaints dealt with as efficiently and as expeditiously as possible. These concerns having been identified, a steering committee was formed by representatives of the Local Court administration and the police department. The aim of that committee was to formulate a consistent and co-ordinated statewide plan for what might best be described as a model of best practice to identify ways in which complaints of domestic violence can be better and more expeditiously processed, with the minimum of procedural hurdles.

That committee has recommended streamlining procedures with respect to the issue of a complaint and summonses for domestic violence. The form of the complaint summons has been reviewed as a result of comments and suggestions made by representatives of the Department of Courts Administration by

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chamber magistrates, registrars, police patrol commanders and police domestic violence liaison officers, and the model of best practice has been finalised. That model has been successfully piloted at a number of local courts throughout the metropolitan area at Manly, Campbelltown, Fairfield, Bankstown, North Sydney, Liverpool and Burwood.

The Minister for Police also recently approved this model of best practice, and it is now being implemented statewide in all local courts and police stations. I am told that the police are incorporating it

also into their training program for police officers to assist them in dealing with incidents of domestic violence. The aim of these changes is to reduce problems and to minimise difficulties for those who have been victims of violence. The steering committee has attempted to ensure that office procedures are in place to enable urgent matters to be identified and dealt with expeditiously. I am pleased that has been done by the departments because they are working at the coalface with these problems. I emphasise that the Government is conscious of the issues surrounding domestic violence and is prepared to constantly upgrade procedures to ensure that women are appropriately dealt with where such incidents occur. I am pleased that the honourable member shows continuing interest in this area. I assure her that all of my agencies are upgrading their procedures. I expect to be able to make further announcements about what has been done in other areas of my administration to deal with this important issue.

COMPULSORY TEACHING OF LANGUAGES IN SCHOOLS

The Hon. FRANCA ARENA: Without notice, I wish to ask the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier: As the stated policy of her department is 100 hours of compulsory teaching of languages by 1996, will the Minister inform the House what plans are being made at this stage to implement such a policy? How many extra languages and extra teachers will be available? Are the teachers in training now?

The Hon. VIRGINIA CHADWICK: I thank the honourable member for her question. Yes, it is indeed Government policy - this Government's policy, I add - that has made it mandatory by the year 1996 for the study of a language, other than English, for at least 100 hours for students in years 7 and 10. Schools have responded with wonderful, brilliant enthusiasm and innovation to this proposal. The department has established 12 priority languages which fall into three major groupings: first, those languages that traditionally have been studied in New South Wales, for example, French and German; second, a group of languages that one could regard almost as community languages, for example, Italian and Greek; third, languages that look to our economic future as a nation and our place in Asia.

In training teachers, the supply of syllabuses and resource materials for both teachers and students is where the greatest challenges lie. The first and second major areas of languages have been well entrenched over a long period of time, in regular schools, special schools, Saturday schools and the like. A lot of material is available and many teachers are highly qualified and experienced. That third group of languages includes Japanese, Mandarin, Korean and Russian and it is in some of these studies that the department, the community and our professional teachers' organisations as well as the Board of School Studies have had to work hard over the last couple of years - and work hard they have!

In addition to the students in years 7 to 10 studying languages for 100 hours, this year's higher school certificate students have taken to language study with enthusiasm. This year the department anticipated that more students would be studying Japanese than would be studying French. As it turned out the final numbers were about equal but my prediction is that next year there will be more students of Japanese than of French presenting for the higher school certificate. Additionally I have allocated, from memory, in the order of \$700,000 to \$800,000 to the development of innovative methods for the teaching of Korean. Universities throughout Australia have a great shortage of people who can teach Korean. It is difficult to attract a vast array of teachers when there is no university course to assist them.

The department has worked co-operatively with some New South Wales universities to redress that deficiency. At the same time the Government has developed technology for an interactive program that I viewed some weeks ago. In New South Wales there are now three school sites where children are learning Korean by using video links interactive technology, from a centre in Sydney. I saw how that was moving along. It is absolutely brilliant and has been received enthusiastically by the trial schools and the students. This is a most important field of study. The group of which I am particularly proud are our primary schools. The honourable member has been saying that the course is 100 hours from year 7 to

year 10 in the languages other than English program. The group that has taken up this vision of a bilingual or multilingual society with such enthusiasm and innovation is the primary schools, where teachers are doing in-service training. The daughter of the Minister for Planning and Minister for Housing is studying French at a little one-teacher school in the country. Little Lizzie is studying French! Isn't that wonderful? I think it is absolutely fabulous. That wonderful example is multiplied right across New South Wales as this Government marches forward to make a bilingual and multilingual society.

[Interruption]

Is there something wrong with members opposite? The Hon. Franca Arena puts so much emphasis on multicultural and language issues she should be sharing our joy as we progress towards a bilingual and multilingual society. She is obviously

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following her leader. Like so many members opposite seated in disarray here and in the other House, just because her leader is a real nark about these LOTE programs and has done nothing but bag our LOTE programs, she feels compelled to follow suit.

[Interruption]

No, not the Hon. Michael Egan, the real leader, that man in the other place. I most certainly did not wish to verbal the Leader of the Opposition in this place who, given half a chance, would support the LOTE program. Members of the Opposition in this Chamber are all under orders from the leader in another place, that self-proclaimed man of vision, who clearly is totally opposed to the LOTE program and has spent a lot of time bagging it.

The Hon. Dr B. P. V. Pezzutti: Has he?

The Hon. VIRGINIA CHADWICK: He has indeed. But we are undeterred. This Government and the Department of School Education are marching forward together to make the children of our next generation bilingual and hopefully multilingual.

DISABLED SUPPORT SERVICES RALLY

The Hon. Dr MARLENE GOLDSMITH: My question is addressed to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, representing the Minister for Community Services. Is the Minister aware of a rally outside the Parliament today in relation to support services for people with disabilities? Will the Minister inform the House of the situation regarding such services?

The Hon. VIRGINIA CHADWICK: I am aware of the rally. Earlier I was startled to hear that a number of disability groups were to have a rally outside Parliament House. Because of the years of neglect of the needs of people with disabilities, their families and carers that this Government inherited in 1988, there has been much work to do and there is still much work to do. The Government inherited a system in which people with intellectual disability were kept in hospitals under the health system because it was believed that they were sick. This Government took intellectual disability out of the health system and put it where it rightfully should be - in community services. This Government issued the first statement of principle for people with disabilities. It was strongly welcomed by people with many types of disabilities, was widely recognised, and was reaffirmed by the Premier and the Minister only a matter of days ago.

In the last Budget the Government allocated funds for people with brain injuries. Only a matter of weeks ago the Government moved to redress a problem that for decades has absolutely bedevilled people with disabilities. That problem is how to make the transition from school to taking up one of the

broad options available within the community. Only last week the Minister, Mr Longley, announced a \$3.6 million package to address that problem. That package was decades overdue. The Hon. R. D. Dyer has asked questions in this House in relation to young people, young adults, at Koronga and elsewhere. Because of the limited range of options available, I personally do not believe it is appropriate for adults to be in a school environment. For as long as I have been Minister for Education I have extended the number of placements so that those young adults were not cast adrift. Although I accept that much more needs to be done, more has been done in the past five years, both in relation to matters of hard principle and the availability of hard services in the community -

The Hon. Ann Symonds: That is absolute rot!

The Hon. VIRGINIA CHADWICK: Surely the Opposition is not about to say that it will stand on its Richmond record?

The Hon. Ann Symonds: I thought the Minister supported deinstitutionalisation.

The Hon. VIRGINIA CHADWICK: Disabled, with proper support, not cast adrift. Although I have enormous sympathy for the services the disabilities groups are trying to achieve for the people they represent, I was disappointed indeed to see the rally today outside Parliament House. Just once, I would like to see the Government receive credit where credit is due.

MENTAL HEALTH DEINSTITUTIONALISATION PROGRAM

The Hon. JAN BURNSWOODS: My question is directed to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, representing the Minister for Health. Does the Government now concede its mental health deinstitutionalisation program is in tatters, a fact revealed by the sacking of Christine Thomas as Executive Director of Gladesville-Macquarie Hospital? What position will Ms Thomas be allocated and at what salary? If there is no position for her, what will be the cost to New South Wales taxpayers of paying out her contract? Is this another example of the Fahey Government lining the pockets of sacked SES officers?

The Hon. VIRGINIA CHADWICK: The honourable member asks do I, on behalf of the Minister for Health and the Government, concede that the wonderful innovations introduced by the Government in relation to mental health are a failure? The answer to that is very simple: no.

VICTIMS COMPENSATION SCHEME FRAUD

The Hon. B. H. VAUGHAN: I direct my question to the Attorney. In view of his answer to me yesterday concerning the mess, to use the Premier's word, the Victims Compensation Tribunal is in, will he now support the public inquiry sought this afternoon by the shadow attorney general in the other place?

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The Hon. J. P. HANNAFORD: Is this the shadow attorney general who is seeking a new inquiry when he did not even participate in the previous inquiry? As I indicated to the House yesterday, the former chairman of the Victims Compensation Tribunal, Mr Cec Brahe, undertook an inquiry. The results of that inquiry have been welcomed by the community. Community groups participated in the review of that part of my administration. As a result, legislation is now being drafted with a view to implementing the proposals resulting from the inquiry. On 20th August, 1992, the shadow attorney general made certain comments about the need for such an inquiry. He said in his press release at that time that he doubted that fraud was widespread in the Victims Compensation Tribunal. All honourable members

know that the honourable member for Ashfield is in trouble in the Labor Party, and that the local organisation wants to get rid of him as its candidate for the next election. It is well known that the Labor Party wants to get him out of the position of shadow attorney general and out of the shadow cabinet. Honourable members know that people are lining up all over the place within the Labor Party to support his removal from the shadow cabinet.

The honourable member for Ashfield has supported Bob Carr in his statements about domestic violence. At 6 a.m. yesterday, Bob Carr issued a press release containing three proposals for reform, each of which was backward looking. He said, "We are going to move amendments to improve domestic violence legislation in this State". He also said, "I am going to introduce a penalty of \$200 and six months' gaol". The Government's legislation, which is before the Parliament, proposes a penalty of two years' gaol and a \$10,000 fine. So much for the big step forward by Bob Carr! I assume that he took advice from the shadow attorney general. As I also indicated yesterday, in relation to domestic violence Bob Carr has said that he intends to propose that records of apprehended violence orders be retained for five years. He said that was a big step forward. The legislation before the Parliament provides that such records be retained for 10 years. So much for Bob Carr's big step forward!

He then said he would enable victims of domestic violence to take out apprehended violence orders specifically aimed at stalkers. However, the law already allows that to occur. Bob Carr intends to introduce amendments to catch up to the existing law! One wonders why the shadow attorney general is giving advice to Bob Carr. It may well be that Bob Carr has already taken the bit between his teeth and decided to ignore the honourable member for Ashfield rather than to end up with press releases such as the one headed, "Labor Moves to Outlaw Stalking". Goodness gracious me! Does the Deputy Leader of the Opposition really expect me to give any type of support to the shadow attorney general, who is a joke in the press gallery and on the Opposition side of the House? There is only one thing that anyone in this Parliament would do to support the shadow attorney general, and that is to get behind him to help push him out.

BUILDING INDUSTRY TASK FORCE PROSECUTIONS

The Hon. A. B. MANSON: I direct my question without notice to the Attorney General and Minister for Justice. I refer to the Minister's answer to a question from the Hon. J. W. Shaw on 28th October regarding the failed prosecution of Mr Joe Davis by the building industry task force. Is it not true that the builder who originally made the complaint against Mr Davis made it clear to the task force that she did not want the matter to proceed on the initial hearing date of 9th June, 1993? Is it not true that the task force declined to even meet with Mr Davis' solicitor, despite the fact that the builder was known to want to abandon the proceedings?

The Hon. J. P. HANNAFORD: When the honourable member asks a question he should also read my previous answer. When he comes into the House to ask a question, he might advert to the last part of my answer. When we are going to prosecute an organiser of the Builders Labourers Federation, and a key witness in relation to those proceedings turns out to be a suggested member of the ALP, and the prosecution fails because this person, who is supposed to be a member of the Redfern branch of the ALP, does not turn up to give evidence against an organiser of the BLF, one has to wonder what is going on in the Australian Labor Party.

In view of the time, I suggest that any further questions be put on notice.

POLICE ADMINISTRATION

Suspension of certain standing and sessional orders agreed to.

Motion by the Hon. E. P. Pickering agreed to:

That General Business Order of the Day No. 18 relating to Police Administration be called on forthwith.

Debate resumed from an earlier hour.

The Hon. Dr B. P. V. PEZZUTTI [5.1]: I support the amendment moved by the Government and place on record the generous - in fact, overgenerous - commitment by the Hon. E. P. Pickering to ensure that police activities in this State and the reasonable control of those activities have been put firmly on the agenda. I am reminded of two words I looked up in the dictionary. First is the word "nemesis" - and there is a police boat called "Nemesis" - which means "retributive justice; downfall caused by agent". I believe that the police union will find the Hon. E. P. Pickering its nemesis in its fight to maintain a system of complaint handling in this State which is obviously flawed. I also say to the Hon. E. P. Pickering that he will come out of this conflagration as a phoenix, which means a bird that "burnt itself on a funeral pile and rose from the ashes with renewed youth to live through another cycle". I say that because the Government's amendment will set up once and for all proper methods and procedures for handling a whole series of exhibits. Most important, it expresses the Parliament's support for the Hon. E. P. Pickering.

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Clause 4 of the amendment to the motion notes that the Government recognises the need to enhance the effectiveness of the police internal affairs unit and the integrity of the internal investigative process of the Police Service; and that the justice subcommittee of Cabinet is to pursue a proposal to establish an independent police internal affairs unit. As a result of the last report of the Ombudsman tabled by the honourable member for Eastwood, we had a new process for handling complaints. It looked pretty good on paper and was widely supported. At the time I said it did not go quite far enough but that I would wait to see how it worked. I did not have to wait for long to see how it worked. It was just like the good old days had returned, with the support of the police union and the Hon. J. W. Shaw.

Today honourable members will at last see the creation of an independent body to handle investigations against police. It is about time, given that New South Wales already has the Independent Commission Against Corruption, an independent body to look at corruption throughout the public sector; the Ombudsman, who looks after and investigates matters for the community in its dealings with the bureaucracy; the medical complaints unit, which is to be an independent body to look at complaints about professionals in the health system; and now, at long last, the New South Wales Crime Commission is to set up an independent body to look after investigations against police.

I hope and trust that the Police Association will work with the new body to ensure that the integrity of police in this State is recognised, that their standards are recognised by the community, that proper processes of investigation and prosecution take place; and that the integrity is recognised by the community, as many members of the Police Service would wish it to be and which every member of this Parliament wants it to be. The community will eventually find that there are many, many good police in New South Wales who act with integrity and who have been let down by their own administrative organisation, by their senior officers and by the investigative processes. I support the amendment moved by the Government and I hope that this matter will now go forward in a proper way, and that what has been a running sore in New South Wales will be resolved.

The Hon. E. P. PICKERING [5.6], in reply: I thank all honourable members who have taken part in this debate. The motion I have before the House is, of course, a most important matter and I believe it has been treated by all members in that way. In responding finally in this debate I thank all members, and especially the Leader of the Government, for extending me the courtesy to be in a position to be in reply. I will first respond to the debate in general and then in particular to the official Government

response that the Hon. John Hannaford has just revealed to the Chamber. Might I take the opportunity to thank the Leader of the Government for his overgenerous response, in terms of what he said about me. I say the official response, because the leader's response today has, in fact, been approved by the Cabinet and by the party room, in contrast to the response last week by the Minister for Police, who commenced his reply with the words "On behalf of the Government", when in fact his response had not been sighted by the Government nor approved by it.

I turn first of all to the Children of God. I turn first to Minister Griffiths' response to my allegations concerning the Children of God case provided by him in question time last Thursday in another place. In his response, the Minister initially set out to discredit a claim I did not make, that is, that there was insufficient evidence to support the issue of the warrants. Let me remind the Minister I was careful to explain to the House that I expressed no view on this matter as it was a complex legal issue. What I did was simply report a telephone conversation with Mr Lauer that would disturb any ordinary citizen, and to refer to a vital part of a written brief from the Police Service, signed by Mr Lauer. The Minister well knows that in my speech I had this to say, and I quote from *Hansard*:

... in my submission to the House I was careful not to offer an opinion on whether there was sufficient cause for police and community service officers to execute the raid. This is a matter for lawyers to determine. I am an engineer and I shall not get involved in that.

Next, the Minister identified the difference between the warrants obtained to search the properties and to seize the children. He acknowledged that the warrants issued under the Children (Care and Protection) Act to seize the children were deficient as to their execution. This was indeed confirmed by the Attorney General in this House last week. The Minister in another place then went on to substantially misrepresent my complaint that Mr Lauer had provided me with the speech notes that invited me to mislead the Parliament on this important matter. The Minister did this by selectively quoting from my earlier speech to the House on the matter. In my original address to the House, for completeness of context I identified two paragraphs in the speech notes supplied to me by the Police Service under Mr Lauer's signature, the use of which I consider would have resulted in me misleading the House.

In response the Minister only identified the first paragraph and ignored the second paragraph, which dealt specifically with the question of the execution of the warrants. By quoting selectively from my speech, the Minister clearly reveals that his department is unable to address my complaint. In his letter to me, Mr Thorley specifically picks up on the execution question and identifies the response of the Police Service as inaccurate. It is extraordinary that the Minister and his department ignored Mr Thorley's letter, which again identifies an inability by the police to honestly address my complaint. I am sure all honourable members will understand the important significance of this. Finally, in an attempt to cover for the commissioner, the Minister tries to argue that the two pink briefs were supplied together. That was not so, although in terms of the main argument that I made to the House regarding the misleading statement contained in the prepared speech by police, this is of no consequence.

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The facts are that the first misleading brief was supplied to my office and returned by my office to Mr Lauer with a telephone call from me to Mr Lauer expressing my concern as to the quality and accuracy of the brief. As an engineer I freely admit that my main concern at the time was that part of the speech held out that there was sufficient evidence to support the raids when I had personally been informed otherwise by Mr Lauer both verbally and in writing. When Mr Lauer provided me with a further brief, he returned the original brief to which he had added to his original signature on the first brief a note drawing my attention to the second brief. The fact that the note is placed after Mr Lauer's signature is proof of it being added after the document was first signed, especially when one studies the manner in which Mr Lauer signed off briefs. One only needs to study the memorandum dated 20th May, 1992, that I tabled last week in this House to appreciate that point.

Given that I had been supplied with two contradictory briefs by Mr Lauer concerning the execution of the warrants, I was disturbed enough to call in Mr Thorley, the chairman of the board, and write to the commissioner seeking an explanation. I tabled that important memorandum last week. In spite of this, two months after I wrote to Mr Lauer accusing him of providing me with material that if used by me would have meant that I would have misled the House, he did not bother to reply to me - as was his practice when matters became all too hard. The fact that Mr Lauer did not reply on such an important topic again gives the House a clear view of the contemptuous way Mr Lauer approached his responsibilities to me as his then Minister.

The two briefs signed by Mr Lauer were contradictory and provided me with an option to mislead the House. It is not good enough to postulate that Mr Lauer may not have known of Dr Flick's advice, as clearly he did at the time he resubmitted the faulty brief. Second, it is not good enough to say that Mr Lauer was badly advised, as the House should remember I had specifically requested Mr Lauer, in writing, to get proper legal advice on this matter. This advice was available to the Police Service for almost two weeks before Mr Lauer made it available to me. In any other government department such inexcusable behaviour would be a hanging matter, bearing in mind my political exposure on what was a matter of great public interest and controversy.

I turn now to examine the police Minister's ministerial statement made in another place last Thursday in response to my address to this House on 26th October. First, I am disappointed that the Minister takes the view that there is no need to respond to many matters I raised before the Joint Select Committee on Police Administration. In this regard the Minister in another place takes the view that the umpire's decision is in and that I should accept it. As this House is presently involved in a take-note debate on the committee's final report and as this House is the umpire, the debate is not yet concluded and as such the umpire's decision is not in. I remind the Minister that I have a right to contribute to the process of developing the umpire's decision.

Second, I will not be drawn to comment on the fact that Minister Griffiths in his response spent a great deal of time outlining his achievements as Minister for Police. The Minister said, "When I came to this portfolio I found an organisation in need of major reform". This statement could give the erroneous impression that former Premier Wran, former police Ministers Anderson and Paciullo, former Police Board chairmen Sir Maurice Byers and the late Sir Gordon Jackson, and former Commissioner John Avery had not done very much during their stays in office in respect of reforming the Police Service following the Lusher inquiry.

The Minister then deals with Mr Cusack's letter addressed to me in which Mr Cusack, Q.C., alleges that I was "set up" by the police. Given the Minister's response to the letter I would simply remind him that I did not write the National Crime Authority letter, nor was I instrumental in having it sent to me. I responsibly sent the letter to the Independent Commission Against Corruption. I did not make political capital of the letter before the select committee hearings. It is also important to note that in Mr Cusack's response to the Minister, Mr Cusack does not resile from his statement. Honourable members and the Minister should be advised that Mr Cusack is under no obligation to fully brief the Minister in this matter. Indeed, I understand that Mr Cusack has received legal advice not to do so.

I now turn to that section of the Minister's speech where he quotes me from a "7.30 Report" as saying, "The vast majority of police officers are prepared to see fellow officers commit crimes and turn a blind eye". The Minister rejects this statement out of hand. All I can say to the Minister is that the statement is unfortunately an accurate reflection of what is meant in this State by the term "police culture". Turning now to drug security, the Minister accepts as important my claim that it is vital that all illicit drugs are properly analysed after the point of seizure. He then discloses that he wrote to the Attorney General supporting this proposition in November 1992. Apparently, apart from forming an interdepartmental committee to deal with the proposal, there is little else to report regarding progress 12 months after the Minister indicated his support.

Given that I instructed Mr Lauer to proceed in this direction on 25th August, 1992, once again the Police Department conclusively demonstrates its incredible capacity to procrastinate when it comes to meaningful drug security arrangements. Let me once again remind the House that until this legislative reform is undertaken no manufactured drug exhibit in New South Wales is safe from corrupt police. As this is beyond doubt, honourable members should ask themselves why senior police, who well understand the situation, are not clamouring for legislative support. Indeed, it would be instructive to find out from the then responsible Labor Minister why the law was changed in 1984 to provide this incredible loophole. With regard to this change of law - made by the previous Labor Government - one must ask how just is it for a person to be charged with selling

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a kilo of heroin, for example, when in fact he sold one gram of heroin mixed with 999 grams of icing sugar - and that is the law today in New South Wales.

I now turn to the question of the provision of numbered multi-ply paper bags recommended by the ICAC for use by police to store cannabis plants. In my previous address I questioned the honesty of the Minister in replying to question No. 919 on notice by Mr Hatton. In his reply the Minister strongly defended the honesty of his answer to that question. I can now throw further light in this regard following further research by me. To assist honourable members let me read Mr Hatton's question in part:

- (1) Did a recent report, prepared by the crime commission, into a shooting of a police officer at Frenchs Forest indicate that some police officers had smoked cannabis that was held as a drug exhibit in a police cell at the Frenchs Forest police station?
- (2) Have 93 cannabis plants now gone missing from the Lismore police station?
- (3) Did ICAC, when reviewing security of illicit drugs held in New South Wales police stations in early 1991, recommend that green cannabis exhibits held in police custody be kept in large numbered multi-ply paper bags?
- (4) (a) has that recommendation been acted upon?
- (5) (a) was this procedure in place at Frenchs Forest police station?
- (6) (a) was this procedure in place at Lismore police station?"

The answers to this question which are of relevance today are the answers to parts 4, 5 and 6 of the question, which are:

- (4) (a) has that recommendation been acted upon?

Answer: The recommendation was acted upon on 7 October 1991.

- (5) (a) was this procedure in place at Frenchs Forest police station?

Answer: Yes

- (6) (a) was this procedure in place at Lismore police station?"

Answer: Yes.

With respect to the Frenchs Forest and Lismore police stations I recently wrote to the Ombudsman seeking from him confirmation of the veracity of the "yes" answers supplied by the Minister. The Ombudsman replied that he could not provide the answer to me without first gaining approval for the release of the information from the Police Minister as is provided for under the Ombudsman Act.

Imagine how astounded I was when the Ombudsman wrote to me last week to tell me that the Minister had refused permission to release the information to me. When all is said and done I was the Minister at the time. I then approached the Premier's office, which is a bit more friendly, where I was verbally informed, after they had checked with the Ombudsman's Office, that the cannabis plants that went missing at the Frenchs Forest and Lismore police stations had not been secured in the multi-ply bags.

The Hon. P. F. O'Grady: The Minister did not mislead?

The Hon. E. P. PICKERING: I am not saying that the Minister misled the House. I was then told by the Premier's office that the police had defended this situation by pointing out that the cannabis plants in question were too big for the bags. I could not find out from the Premier's office if the procedure - the question was whether the procedure was in place - for use of these bags was in fact in place at both those stations. That is a question I cannot get to the bottom of. But I do note with interest that the Minister in another place last week revealed for the first time, and I quote him, "logic dictates that there will be occasions when seized drugs will not fit into the bags. Large mature cannabis plants represent an obvious example".

While the Minister has covered himself last week regarding big cannabis plants it is interesting to note that police instruction 91/142, which covers the use of these numbered, large, multi-ply bags, does not provide for large plants to be excluded from the procedure. Presumably police are expected to cut the plants and stuff them in. As to whether these numbered multi-ply bags have been in general use since 1991, I can only tell the Minister that at the very first police station I checked up on this matter last week - and there is still the odd policeman who knows me - I was assured at this very large non-metropolitan police station which regularly seizes cannabis plants, it is something they are used to -

The Hon. Dr. B. P. V. Pezzutti: Lismore?

The Hon. E. P. PICKERING: No, no, I do not want to get the boss into trouble. He was able to inform me that these multi-ply numbered bags had only been in operation at this very large police station within the last six months. It sort of coincided with when this was first raised in the House, I think. I also remind the Minister that the bags provide no security as they do not have any form of recognisable secure sealing arrangement. I was told by the police that they staple them up, unstaple them, pull them out, smoke them, and staple them up again.

I now turn to the suggestion of the Police Minister that in providing the bizarre details of police allegations concerning police involved in the Frenchs Forest shooting, I was acting irresponsibly. At no time did I suggest that any of these allegations were either sustained or sustainable. Indeed if one looks at *Hansard*, members will note that I described the allegations as bizarre. I would, however, point out that one of the matters that I raised before the House involved a police officer being put into witness protection. Police officers are not put into witness protection unless there are some very serious grounds for doing so. That you can be sue of.

I also note from material supplied by the Minister last week in respect of the 10 allegations that I did in fact bring before the House, that three have been investigated and sustained, four have been investigated and found not sustained, and three are still under investigation. Amazingly, I note with added interest that the Minister, in attempting to ridicule me in his speech, described the most bizarre
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allegation - the one about the plastic explosives and a model aeroplane - as James Bond stuff, to sort of take the mickey out of me. Yet in his own report to the House the Minister reveals that this allegation is still being investigated by his department, 16 months after it has been made. That is strange behaviour for an allegation apparently of no substance.

[Interruption]

Yes, internal affairs. Having said all this, the Minister well knows the only reason I raised these bizarre allegations, made by police against police and reported officially by police in police reports, was that it is the sort of material that you and I would expect a Commissioner of Police to be told about after a police officer has been shot. The Minister in his reply seeks to muddy the waters in an attempt to defend the indefensible, that is the absurd suggestion that no one told the Commissioner or, more importantly, the Commissioner did not ask anyone about the shooting of a police officer. On this important matter I will have more to say shortly.

I turn now to the State Crime Commission report. Following my speech to the House on Tuesday, 26th October, Minister Griffiths tabled the State Crime Commission report into the Frenchs Forest shooting. When tabling this report, the Minister referred to allegations made by the Hon. D. J. Gay in this place that I had probably breached parliamentary privilege in revealing in my original speech, details of police reports in which police, not me, made bizarre allegations about other police officers. I presume the Hon. D. J. Gay was implying that I used material from the State Crime Commission report. I am pleased that he nods his head to confirm that. That report was presented in confidence, in camera, to the joint select committee. If I had done so I would certainly have been breaching standing orders of this House. That is perfectly true.

Let me assure my colleagues that I had not seen the State Crime Commission report before it was tabled by the police Minister in another place. The detailed information that I revealed in my address to the House on 26th October was obtained from actual police reports and not from the State Crime Commission report. The House would understand I still have many police friends within the department who would like to see a Police Service in which they and I can be proud. The State Crime Commission report is a most illuminating document, especially when we read the two chapters covering Assistant Commissioner Cole and Chief Superintendent Myatt at pages 66 to 78. This section of the report is a real eye-opener, for here is revealed a clear case of conspiracy between these two officers which achieved the following: first, that no section of the then internal affairs branch is clearly responsible for investigating the alleged improper involvement of police in the Frenchs Forest shooting and associated crimes.

The Hon. Judith Walker: Because they were not advised.

The Hon. E. P. PICKERING: Oh yes they were. Second, to ensure that no written reports are received by Mr Cole so that he is unable to provide any written reports on Mr Lauer. I repeat: written reports. However, the scheme does fail because Mr Myatt goes on holidays at one stage of the game and a report is faxed through to Mr Cole's office. Third, to ensure that none of the written material provided to the commissioner for the purpose of advising the parliamentary joint select committee on the history of the breakdown of drug security contains any reference to the Frenchs Forest matter. This occurred despite the fact both officers were at the same time dealing on a daily basis with the Frenchs Forest investigation. The fact that Mr Myatt is still in charge of the professional integrity branch of the New South Wales Police Service, while Assistant Commissioner Cole has had his suspension lifted to enable him to retire untouched, must be of concern to all honourable members in this House. Honourable members should understand that if Mr Cole is allowed to retire and is able to get all of the financial benefits occurring to him, he will be more than happy then to suddenly tell the world that he got it wrong, because no more penalties can be imposed.

The State Crime Commission's report recommended charges be laid against a number of officers, including Mr Cole and Mr Myatt. However, I am advised that because Mr Cole is medically unable to respond to a departmental show cause why he should not be charged, he cannot be charged. In other words, a classic catch 22 situation. It is also of interest to note that I read in the *Daily Telegraph Mirror* recently that Mr Cole is apparently able to make out a submission to the tribunal for a medical discharge. So he can get that right. It is my further understanding that if Mr Cole is allowed to resign from the Police Service he, of course, cannot then be pursued by the police department on departmental charges. The State Crime Commission recommended in its interim report that Chief Superintendent R. Myatt be

disciplined for:

- (i) failure to ensure reporting to the internal affairs branch in accordance with the PRAM Act;
- (ii) misleading the commissioner;
- (iii) failure to keep proper records.

In point (ii) where Mr Myatt is charged with misleading the commissioner, he could be equally charged with misleading the Parliament, for he knew he gave misleading advice to the commissioner so that the commissioner could provide that deliberately misleading advice to the parliamentary Joint Select Committee upon Police Administration. That is a simple statement of fact. I see that as a very serious offence. Let me remind the House that when I mistakenly, and I emphasise mistakenly, misled the House - and one of these days I will actually see that printed by a journalist - on a very minor thing, of absolutely no consequence whatsoever, I immediately and voluntarily imposed a penalty on myself which involved the following: I resigned as a Minister of the Crown; I resigned as the Leader of the Government in this House; I forwent the title of Vice President of

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the Executive Council; I forfeited an annual income stream of \$70,000, or thereabouts; and, above all, I consigned all my loyal and dedicated ministerial staff to a future of great uncertainty and stress at significantly reduced incomes.

The Hon. R. S. L. Jones: Should you have resigned?

The Hon. E. P. PICKERING: Well some of us have honour. What has happened to Mr Myatt, who deliberately misled the Parliament on a matter of great importance? The Police Board decided that he should be counselled by the commissioner. So on 22nd June - one year to the day after the shooting at Frenchs Forest - Mr Lauer counselled Mr Myatt. It was reported to the board by the commissioner that Mr Myatt accepted this with appropriate spirit. I hope they were both able to keep a straight face during the proceedings. It is of concern that Mr Myatt still commands the most sensitive area of internal affairs, no doubt seen by Mr Lauer as a fine role model for all those young police officers out there to emulate! Let me again remind the House that the Frenchs Forest matter would not have even come under consideration by the joint select committee - and I am sure the chairman of the committee would be the first to concede this point - had I not forcefully drawn this matter to the attention of the committee in the very closing hours of its deliberations. I note the chairman of that committee is nodding yes.

I pose the question: Was Mr Lauer told or, more importantly, did he ask? This is indeed a pivotal question, whether Mr Lauer knew about the drug-related aspects of the Frenchs Forest shooting when appearing before the joint select committee of the Parliament. To assist honourable members to understand this quite complex matter, let me first explain that after the shooting that occurred on 22nd June, 1992, Assistant Commissioner Maroney, Acting Regional Commander North Region, was advised that the shooting represented a very important and highly confidential matter. As a result, a top investigation team of seven officers was established on 28th June - four days after the shooting - to investigate the shooting. The investigation was to be conducted from the north region major crime squad office at Chatswood and was to be oversighted by no less than Detective Superintendent Hagan. It should be understood that the team was created after police interviewed the officer who had been shot, Constable Bourke, and after he had made a number of very serious allegations which I have previously made available to the House. At the time it was also known, before the shooting, that a significant drug exhibit had gone missing from the police station and this was in some way probably connected with the shooting.

Because preliminary investigations had revealed the possibility of police corruption in connection with the shooting, a decision was taken by senior police to keep internal affairs briefed on the matter. And so, we have a very serious shooting and a number of associated bizarre allegations under

investigation by a crack team from the north region, oversighted by internal affairs. In these circumstances, Mr Lauer could expect to receive reports on the matter from two separate commands: one through regional command to the State commander then to the commissioner, the other through internal affairs from Assistant Commissioner Cole to the commissioner. In the internal affairs area Chief Superintendent Myatt has the job of providing the link between the shooting team and Mr Cole.

What happens with communications? From the State Crime Commission report we find that Mr Myatt only briefs Mr Cole verbally - although on one occasion, when Mr Myatt was on holidays, his report was unfortunately faxed to Mr Cole's office. Mr Lauer maintains that Mr Cole did not tell him about the matter over a period of eight months. Mr Lauer expects us to believe that incredible statement even though they worked together on the same floor, in the same building, all that time. Mr Cole had just returned from an overseas holiday - he no doubt enjoyed himself. He arrived at Sydney airport where he was subpoenaed by the State Crime Commission. What did Mr Cole do? He went home sick, straight away, and he has been sick ever since. He is covered by doctors' certificates. I refer to a letter from Mr Cole, tabled last week by the Minister, written on 1st March. Mr Cole has this to say in the final paragraph - and I am very grateful to the Minister for this:

I state categorically that the failure or otherwise to inform the State commander, commissioner and or the Minister about the investigation is not attributable to me or my command. It was a criminal investigation conducted by north region and responsibility for reporting progress lies with the region.

There is no doubt that Mr Cole is correct when he asserts that the north regional commander had a clear responsibility to report up the line to the State commander and hence the commissioner. What do we find about that response when we look at the report? The State Crime Commission report reveals that the regional commander has a diary entry - he did not lose his diary - indicating he told the acting State commander, Assistant Commissioner Clive McLachlan, on 30th June. Naturally, the acting State commander has no recollection of this telephone conversation whatsoever - we get used to this. The State Crime Commission report also notes, at point 6.38, that:

It is noteworthy that the evidence before the commission indicates none of the situation reports prepared by the officers investigating the shooting during Assistant Commissioner Maroney's tour as acting regional commander, nor indeed any reports in relation to this matter, were ever forwarded to the State commander's office.

Funnily enough, both command lines suddenly stopped forwarding paper. I know the police department; it lives on paper. Suddenly the paper stopped. Coincidence? The State Crime Commission found it was more probable that the State Commander had not been told. The State Crime Commission
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recommended disciplinary action against Assistant Commissioner Maroney for his failure to report. The Police Board approved this and Mr Lauer and Mr Maroney had their cup of tea on 22nd June, with Mr Lauer assuring the board Mr Maroney accepted his counselling in an appropriate spirit. We are then expected to walk away and forget it.

The Hon. Judith Walker: Well, I do not.

The Hon. E. P. PICKERING: Well, madam, I do not. And let me explain why. In all of this there is no examination reported in the Crime Commission report of what steps the Crime Commission took to interview Mr Lauer and see what action he took to see that he was properly informed. After all is said and done, a police officer had been shot. Police take that seriously. Normally the commissioner sends a get well card and visits the hospital to see the officer out of concern for his well-being. On this occasion none of these things happened because Mr Lauer was quickly tipped off by his department that this was not a case of an innocent officer being shot by some criminal.

The Hon. Judith Walker: Does the commissioner not read newspapers either?

The Hon. E. P. PICKERING: He is not saying that he did not know the officer had been shot. He is not that silly. On this occasion the commissioner did not send a card and did not go to the hospital, because Mr Lauer was quickly tipped off by the department that this was not a case of an innocent officer being shot by a criminal. We know that to be a fact and I can substantiate it. No, Mr Lauer knew very early on that this involved departmental dirty linen. Now, as Mr Lauer knew this, what steps did he take to be fully informed and, more importantly, who tipped off the commissioner about the nature of the shooting and what were the terms of the tipoff? If we were to rely on the quality of the examination of Mr Lauer on this subject by Mr Thorley, an ex-judge, we would wait an awfully long time. The Crime Commission's efforts at examination are so bad that the joint select committee has been prepared on this basis to report as follows:

The committee having read the transcript of cross-examination between the then chairman of the commission Judge Thorley and Commissioner Lauer believe it imperative, if the situation should rise again when a member of the management committee has to give evidence before the commission, that either the matter should be referred to the ICAC or some other independent person chair the proceedings.

The committee is too restrained. The records of interview should be made public so we can all see why Mr Lauer was able to maintain that no one told him, but more importantly, why he did not ask anyone. In my speech I supported the editor of the *Sydney Morning Herald* in calling for the material to be made public. I have had excerpts of Mr Thorley's cross-examination of Mr Lauer read to me. I can assure you that it revealed an incompetent charade. I challenge the Minister to defend Mr Thorley by releasing to the Parliament the full text of this important cross-examination. Let us have it out in the light. It is called open government. Let the people know. Should the Minister fail to do that, he runs the risk of being seen to be involved in a deliberate cover-up.

Mr Lauer would meet a regional commander probably at least fortnightly, and certainly monthly. Are we to believe for one moment that a Commissioner of Police who knows that the shooting of a constable is related to corrupt practice within his Police Service does not ask anyone what is happening with the investigation at any of the regular, daily, fortnightly and monthly meetings that he has with his senior officers? If he did not feel the need to ask, then I take the view that he is most certainly incompetent. I do not believe that Mr Lauer would not have made those inquiries, and there is no one in this House who knows Mr Lauer better than I do.

After a record term of service in this State as police Minister I can assure the House that the findings of the Crime Commission report provide compelling circumstantial evidence of a conspiracy between many senior police officers to ensure that Mr Lauer can say to the Parliament, "I wasn't told". One can understand why this occurred, because while all this was going on I was creating a lot of media attention before the select committee on the question of the poor performance of the police department regarding drug security. Only a few days after the shooting I wrote that rather controversial and highly confidential letter to the Police Board setting out all my concerns about a whole range of things but in particular my concerns about the security of drugs. It is for this reason these senior officers conspired so the commissioner before the select committee could maintain the charade that all was well in the New South Wales Police Service concerning drug security.

On 26th October last in a detailed speech to this House I outlined a number of serious concerns and allegations that, first, fundamentally challenged the capacity of Mr Lauer to continue to serve as Commissioner for Police; second, raised concerns about the reports and findings of the Joint Select Committee upon Police Administration; and, third, emphasised concerns raised by the joint select committee as to the role of Mr Thorley in investigating the Frenchs Forest shooting in his role as the Chairman of the State Crime Commission. Now that the Minister has replied to my speech in another place and other members have spoken in the debate in this place, where are we with regard to my specific concerns and allegations? Let us examine them in order of presentation in my speech and

subsequent response by Minister Griffiths.

The first was that the Police Board took a formal decision to refuse my written request to be provided with board minutes. There was no response by the Minister. The second was that Mr Lauer failed to advise the joint select committee why he was satisfied that I had not leaked confidential information concerning Dr Chang's murder to the media. There was no response from the Minister. The third was

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that persons unknown attempted to compromise my ministry when Mr Peter Anderson, M.P., made a freedom of information application for a file on a stolen car tracking system. That was confirmed by the Minister. However, in replying to this allegation the Minister tabled part of the Police Service file on this matter. I am not surprised he did not table the complete file, which reveals that Mr Lauer, on 31st December, 1991, was most critical of a report prepared by Inspector Hobden of 18th December, 1991, in which the inspector was game enough to reveal that the handwritten document should not have come within the terms of the FOI application made by Mr Anderson and was critical of its release by the Commissioner of Police. That was a very brave thing for an inspector to have done. I seek leave of the House to table the complete file.

Leave granted.

The fourth was that Mr Lauer attempted to compromise me in a private meeting on Saturday, 19th September, 1992, when he offered to keep the existence of an internal affairs report on Angus Rigg secret, and when I refused this offer of assistance he then threatened his Minister, and that the offer of a secret deal was not reported on in the first report of the joint select committee so that the committee could find the subsequent threat to the Minister was not sinister. There was no comment from the Minister or any member of the committee. The fifth was that Mr Lauer lied to me, the joint select committee and Premier Fahey when he claimed that he had told me of his proposed trip intrastate during a parliamentary sitting week. There was no comment from the Minister.

The sixth is that Mr Lauer failed to live up to an undertaking given to the joint select committee that he would ensure all documentation on drug security was provided - and this is an extraordinarily important matter. In this regard the Hon. D. J. Gay has told the House in his response that the committee carefully examined this serious allegation that I had again drawn to the committee's attention in my last submission. In defending the committee's report and Mr Lauer, the Hon. D. J. Gay drew this House's attention to the findings of the joint select committee's final report where the committee accepts Mr Lauer's explanation that the Police Service had taken appropriate action in this regard. I now quote from the final report:

4. Were you aware when you gave an assurance to the committee that the Police Service had supplied all correspondence concerning drug security that the Minister's correspondence with the police on this matter had largely not been provided?

5. Can you offer any reasons as to why this material was not included in the 5 volumes on drug security provided to the committee?

Questions 4 and 5 were put to Commissioner Lauer jointly by the chairman. Commissioner Lauer explained to the committee that the five volumes presented to the committee related to all action taken by the Police Service on securing drugs in police custody. Commissioner Lauer denied that he was purporting to provide all documents either in the care or custody of the Minister or the Police Service on the issue of drug security . . .

The commissioner had informed the committee that he did review the five volumes provided to the commission and forwarded a letter to the chairman of the committee on 8th December 1992 which contained an extensive schedule relating to the documents in the five volumes and the material provided by Mr Pickering to the committee.

Honourable members should carefully remember that answer. How does that answer tally up with an answer on the same question put by Mr Hatton on the notice paper, question No. 921. Here the Minister, on behalf of Commissioner Lauer, explained the failure to produce substantial parts of my correspondence in the following terms:

Commissioner Lauer advised me that every effort was made to supply the joint select committee with the former Minister's correspondence on drug security. Given the voluminous Police Service chronology on drug security which was provided to the committee it is not unreasonable that all copies of the former Minister's correspondence were not produced.

Once again, Mr Lauer produced two completely contradictory answers to the same question, but apparently police commissioners are allowed to do this before Parliament with impunity. The acceptance by the committee or Mr Lauer's explanations reveals the extent to which this committee -

The Hon. Judith Walker: That was in answer to questions asked by the committee.

The Hon. D. J. Gay: The second one was not before the committee; it was an answer to Parliament. Had Mr Lauer brought it up, it would have been there.

Reverend the Hon. F. J. Nile: He is misleading the House, the way he is explaining it.

The Hon. E. P. PICKERING: No, I am not misleading the House. I am not misleading the House at all - and I will explain it. The acceptance by the committee of Mr Lauer's explanation reveals the extent to which the committee was apparently prepared to bend over backwards to protect the commissioner. For what were the facts? The commissioner's final explanation to the joint select committee is simply destroyed when we realise that some of my correspondence was in fact supplied to the committee by the commissioner. Sufficient of my memos were supplied to create the false impression that I had played some small part in drug security. This was deliberately done by the police to allow them to create that false impression that they had willingly and robustly addressed all problems of drug security with very little help from me. Again I remind honourable members, that to do what they did, the Police Service had to literally go through the departmental files and remove my memos. They had to pull them out.

The Hon. Dr Marlene Goldsmith: Some memos.

The Hon. E. P. PICKERING: Yes, some - or most of them, in fact. They did this because they did not know that I had kept my files; if I had not, of course, I would be history. The truth is that not one drug security measure occurred in this State during
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my ministry without a major brawl between me and the police department. That is a statement of fact, and the record clearly reveals it. If any reporter ever wants to go and look at that record, there was a brawl from day one to the end of the day. Again I ask: why do we as legislators calmly sit by and watch police do all they can to stop the implementation of proper drug security measures -

The Hon. Judith Walker: Because we are political cowards.

The Hon. E. P. PICKERING: Exactly, and I will explain that later - and yet do nothing about these very senior police officers who have demonstrated, in my view, such appalling incompetence or indeed much worse. The seventh is that Mr Lauer deliberately lied to the committee when replying to Mr Jobling that he had no concerns about current drug security - I have used the words carefully. I put it that Mr Lauer had to be lying when he said that because he knows that all drug security arrangements in this State are at the moment fatally flawed because the current legislation does not provide for a capacity to qualitatively and quantitatively analyse drugs after the point of seizure.

Reverend the Hon. F. J. Nile: The money has never been allocated.

The Hon. E. P. PICKERING: But the legislation is not there.

Reverend the Hon. F. J. Nile: The Minister should introduce the legislation.

The Hon. E. P. PICKERING: Exactly; of course, there is no doubt about that. I have made that point clear enough. On this subject it is amazing to study Minister Griffiths' ministerial response on the topic. About halfway through his speech he indicated his strong support for the need to introduce legislation to allow drugs to be properly analysed at the time of seizure. In this he refers to a letter he wrote to the Attorney General on 24th November. Having said this, the Minister at a later stage in his speech suggested that the existing random audit of drugs without purity testing was a viable program. I suggest to the police Minister, with the greatest respect and absolute tact, that he cannot have it both ways.

The eighth is that Mr Lauer strongly supported an officer for promotion. That officer was rejected by the board and subsequently figured prominently before the Independent Commission Against Corruption. That is a very serious allegation and is not a matter that I had brought up before the joint select committee, and yet the Minister completely ignored that allegation in his response to the Parliament. The Minister has, during question time in another place, used the defence that I had not named the officer, so it is not possible for him to know whom I was talking about. I have briefed the Premier and I certainly would have been happy to tell the Minister, if he had bothered to ask.

The Hon. M. R. Egan: Surely the Premier would have told the Minister?

The Hon. E. P. PICKERING: Of course. There is no doubt the Minister knows the identity of the officer, but to assist him I will identify him. I am referring to Superintendent Harding, and the Minister's refusal to deal with this serious allegation places Mr Lauer, his commissioner, in a quite difficult position. The ninth is the allegation: the need to create a special taskforce of the State Crime Commission to investigate the antecedents of an officer applying for a promotion, again heavily supported by Mr Lauer. Again, this important matter was not before the joint select committee, yet the Minister in his reply failed completely to even acknowledge the allegation. Again I will help the Minister. Minister, the Crime Commission taskforce in this matter is Taskforce Rex - I am sure you signed the authority to create it.

Tenth, that an external agency had warned the Minister for Police as to the continued desirability of the Minister employing a senior police officer within his ministerial office, and that that officer, after he left the Minister's office, went to work for Mr Lauer. Here the Minister in another place confirms my statement. However, he could have told the House that after this superintendent of police had leaked highly sensitive material from the Minister's office he was then transferred to Mr Lauer's personal office, where he became the acting chief of staff for the police commissioner some weeks after the April warning issued by Mr Temby. The Minister might have also explained to the House the nature of the material leaked and to whom.

The Hon. M. R. Egan: Can you tell us that?

The Hon. E. P. PICKERING: I could, but I will not; it is most illuminating. The House will also be fascinated to learn that the superintendent remained in that most sensitive position - and that has to be the most sensitive position in the New South Wales police department - take my word for it. Chief of staff to the Commissioner of Police - you do not get more sensitive than that! He remained in that most sensitive position from April right through virtually to the day I raised this matter in the House.

The Hon. M. R. Egan: Then what happened?

The Hon. E. P. PICKERING: Well, he is gone now.

The Hon. Jan Burnswoods: Where did you send him, to the CIA?

The Hon. E. P. PICKERING: I did not do anything with him. In these last three matters - this is terribly important, please - that I have just canvassed, I have made one of the most serious allegations against Mr Lauer that can be made in this House. In summary, I have suggested that Mr Lauer is strongly supporting the promotion of a number of police officers of questionable background to senior management positions throughout the service; that this activity is being generally resisted by the Police Board. I have revealed the concern about this expressed to me by none other than the joint

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committee of the National Crime Authority and the ICAC. To this House I have revealed that. This allegation has got to be of great concern to all members of this House.

The Hon. M. R. Egan: Are you saying that the NCA and the ICAC have suggested to you that it was Mr Lauer?

The Hon. E. P. PICKERING: You should read what I say.

The Hon. M. R. Egan: What do you say?

The Hon. E. P. PICKERING: No. I was briefed by the NCA and the ICAC. It was in my first speech, read it. There could be few more serious charges than these laid at the door of a commissioner of police. The Minister who has defended Mr Lauer to the hilt, publicly, has simply ignored the charge. Quentin Dempster has been writing it up for weeks. But the Minister ignored the charge before the Parliament. He does not reply to the two specific detailed examples. I could have put others on the record, made by me in this matter, and confirm the substance of the third.

Are we to believe the commissioner is unable to find good quality officers within the service without questionable backgrounds for promotion? If he cannot, I would be more than happy to point him in the right direction, I can assure you. May I be permitted a small diversion in this regard, on a related point. It would be of interest to note that, following the Blackburn debacle, in which Mr Lauer appeared prominently, Mr Lauer did his level best to destroy the career of police officer Superintendent Clive Small. That officer is currently heading the backpacker murder inquiry and seems to me to be doing a great job. Mr Small had been given the task of reviewing the quality of the initial police investigation into the Harry Blackburn affair. Mr Small found the investigation to be deficient. Mr Lauer responded by letting it be known that Mr Small was part of the so-called "black knight" group.

The Hon. M. R. Egan: To whom did he let that be known?

The Hon. E. P. PICKERING: All and sundry, I can assure you.

The Hon. M. R. Egan: Including you?

The Hon. E. P. PICKERING: Yes, no doubt about that. It was only because of my very high regard for, personal knowledge of, and my personal protection for Mr Small that this police officer's career was saved from Mr Lauer's quite improper attack on his integrity. As a result, we have him out there now working, and doing a fantastic job. I refer next to my eleventh contention: my allegation that there was no balance with respect to the nature of witnesses who were brought before the joint select committee. For example, Mr Greiner, Mr Sturgess and Mr Allan were not called. And there was no reply from any member of the committee or indeed the Minister. My twelfth contention was my allegation that Mr Lauer deliberately misled the House by failing to advise the committee of the presence of Mr Thorley and Mr Wilson at the Goulburn dinner for district commanders. There was no reply from the Minister.

Let me now turn to one matter of general interest. There has been some considerable public interest as to whether or not the National Crime Authority is or has been investigating Mr Lauer, following questions asked of me by Quentin Dempster of the ABC's "7.30 Report". I believe I should clarify to the Parliament the public misunderstanding that exists in this regard. Following my speech to the House on 26th October, the Hon. D. J. Gay made a statement in reply informing the House that he had spoken to the current head of the NCA, Mr Tom Sherman, who advised him that matters known to both the Hon. D. J. Gay and to me had no substance. As this matter is now very much in the public arena and in view of the confusion which exists, I wish to set the record straight and clarify the issue by revealing the following facts: when I was briefed on 29th June, 1992, by the officers from the National Crime Authority and the Independent Commission Against Corruption, I was formally advised that Mr Lauer was under investigation on two counts.

The first investigation concerned a minor matter which the NCA discussed with Mr Lauer. I was advised that as a result of that discussion, Mr Lauer had undertaken to have Assistant Commissioner Col Cole assist NCA officers to resolve the matter. I was then advised at that briefing that Mr Cole had not provided that co-operation. Second, I was advised that subsequent to the first matter coming to the attention of the NCA that the NCA had uncovered a far more serious problem that placed Mr Lauer under investigation. I was formally warned that this matter was not to be drawn to Mr Lauer's attention.

At this point I should stress to the House that I did not seek from the NCA or the ICAC officers at that briefing, or subsequently, any details of the alleged matters under investigation. Following the NCA-ICAC briefing on 29th June, 1992, I informed Premier Fahey of the limited information that had been conveyed to me. I want the media to listen to this very carefully. I went to considerable lengths to ensure that the Premier understood that even though a person was under investigation this in itself did not necessarily mean that that person was guilty of any offence. I hope that everyone can keep that in perspective. That is most important. In fairness to Mr Lauer it must be understood carefully by every one.

In these unusual circumstances honourable members would appreciate my dilemma when appearing as a witness before the Joint Select Committee upon Police Administration, knowing no facts. As I stated when I first spoke to the House on this matter, I decided that the information regarding the investigation into Mr Lauer should remain secret, so as not to run the risk of compromising the ongoing investigations. Because of the potentially serious

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nature of the situation, I privately advised the Hon. D. J. Gay, in his capacity as chairman of the Joint Select Committee upon Police Administration, about the briefing I had received at the time I was appearing before the select committee as a witness. When I did that I took great care to ensure that the Hon. D. J. Gay also understood that the mere existence of an investigation did not make a person guilty of any wrongdoing. The honourable chairman shakes his head in acknowledgment.

The Hon. D. J. Gay: Nods his head.

The Hon. E. P. PICKERING: Nods his head. Honourable members should be advised that it was not until the Hon. D. J. Gay spoke to the Parliament on this matter on Tuesday, 26th October, that I became aware of his independent inquiries of Mr Sherman, of the NCA. Accordingly, at the conclusion of the Hon. D. J. Gay's speech, I asked him about his briefing with Mr Sherman and was then informed that Mr Sherman had advised the Hon. D. J. Gay that the NCA had not been, and was not, investigating Mr Lauer. Imagine my surprise at Mr Sherman's answer, and my amazement. However, I must say that I was quite frankly more surprised and bitterly disappointed to learn that the Hon. D. J. Gay had not spoken to me earlier to inform me that he believed that I had apparently provided him with incorrect information, on such a delicate and serious subject.

More importantly, however, it was then clear to me that this episode had significantly and adversely affected the joint select committee chairman's view of my integrity and may well have had a profound

influence on the attitude of the committee as to how I handled the truth. Given my longstanding friendship with the Hon. D. J. Gay and many other members of the committee who I now find were in possession of this information, honourable members can only imagine how this revelation greatly saddened me.

In order to clear up what happened, on 29th June, 1992, I then rang Mr Cusack, Q.C., who was the New South Wales member of the NCA, and the senior officer responsible for providing me with the original briefing in the presence of about six officers from both the NCA and the ICAC. I confronted Mr Cusack with the Hon. D. J. Gay's remarks and sought an explanation. Mr Cusack advised me that I was quite correct in my recollection of the facts: that the NCA had obtained intelligence material from phone taps which suggested that Mr Lauer was, in his words, on the take. As this information was so sensitive and critical to New South Wales, the NCA immediately handed this intelligence over to the ICAC for investigation. It was for this reason that Mr Sherman was quite technically correct in assuring the Hon. D. J. Gay that the NCA had never investigated, and was not investigating, Mr Lauer. Mr Cusack has indicated to me that he is quite prepared to publicly support me as to the veracity of those statements. On Wednesday, 27th October, I briefed Premier Fahey as to this detail so that he would not be confused by the misleading information obtained inadvertently by the Hon. D. J. Gay. Later that day Premier Fahey, after inquiries had been made of the ICAC office, advised me that Mr Lauer was not currently under investigation by the ICAC. Because I have that assurance I am now able to make this information public without fear of compromising any investigation, and I do so because of the way I believe that information adversely affected me when I appeared before the select committee.

The importance of this matter is such that we owe it to the community to vote carefully on this motion, for if we do not get it right, how can we as legislators, in the future, explain to the people of New South Wales the continued impact of corrupt police upon the community? How will we as legislators deal with parents who have lost a child as a result of a drug overdose from drugs sold by some police? What will we say to the people who have just had their cars stolen by an organised gang protected by police? What will we say to the parents whose child has been defiled by a paedophile protected by some police officer after he has just emptied out his bank account? In this regard I was sickened by information given to me only last week from a reliable source that the criminal recently found by the Federal Police to be in possession of the highly confidential New South Wales intelligence report had recently attended a birthday party at the home of a former police officer, who had left the service under a very dark cloud following an extensive investigation of allegations concerning that officer to the effect that he had been heavily involved in paedophile protection rackets. The officer suddenly surfaced in another place this week.

When the full story of Operation Speedo, that went to television this week, is finally understood by the people of New South Wales there will be no resistance in this House to any motion I might bring before it to deal with corrupt police. What do we say to the families of people killed in heavy duty vehicle accidents in a police area where some police accept payments from heavy duty vehicle operators not to enforce the road rules? What do we say to those people who are being fitted with offences by police for a whole variety of reasons, to those who are assaulted by police to gain confessions, or to those whose property is stolen by police or at least by gangs supported by police? It might be easy to sit in the security of this Chamber thinking these terrible things will not happen to you or, indeed, to your families, but let me assure you, after 4½ years in the job, that these things and many other things are happening, and have happened to members of the community as a result of the well entrenched widespread corrupt police activity in this State. In our democratic Westminster system this Parliament is the final bulwark between the people and corrupt police. Today the House must face up to its heavy responsibility. This whole debate has been about who is ultimately in charge of and responsible for the New South Wales Police Service. Is it Macquarie Street or is it to be College Street? I ask all honourable members to think about that when voting on the motion.

That concludes my prepared speech in reply. I now turn to deal briefly with the amending motion brought before the House by the Leader of the Government, an amending motion with which I am delighted. I thank the Government most sincerely for it. It is, indeed, an appropriate response. May I address, first, the no confidence motion in the commissioner. In my first speech I said that if a division was called on the motion I would be sitting on this side of the House and everyone else would be sitting on the other side of the House. Every member of this House knows why. I spelt out the reason before and I will not embarrass everyone by spelling it out again. But I have learned one thing about the process. It is interesting, and others may finally relate to it one day. The real reason it cannot happen is because it can only happen when all the political parties join together to do it. The real thing that eventually stops it is that the political parties cannot make that decision together instantaneously. One party will have to make the decision first, but that party is so afraid of walking into the wilderness with that decision made and then having the other party do the dirty on it, wiping it out politically, it could never happen. That is why I am glad we changed the law to allow the Police Board to finally do what we as a Parliament, frankly, in a technical political sense, could never achieve.

I turn to the detail of the amending motion. The first point addresses very correctly the question I raised about the relationship between a police Minister and the commissioner. The days of a commissioner telling a police Minister, in effect, to rack off, must be stopped. I was told that so often by Mr Lauer that it was sickening. He took his own legal advice, and merely said, "You are ultra vires", and that was the end of that. A police Minister cannot rush off to the House and say, "I have lost control of the commissioner". If he does that, he has lost his job. So he is in an impossible position. That has to be stopped. I am sure it will now be stopped, and I will monitor that very carefully. The next matter is that Mr Adrian Roden, Q.C., will finally come to grips with this terrible question of drug security. I have to say to honourable members that it is unbelievable. The question of drug security is mind boggling. The amount of drugs recirculated is nothing less than sickening - and it has got to stop. We as legislators must face up to the responsibility. I will never forget that the first time I raised it, I was told by a commissioner he could not protect my life if I did it. Don't forget that! They are not game to touch it because there is too much money involved. Honourable members must understand what I am telling them.

The amending motion then deals with the problem of the independence of the internal affairs unit. I have to say that a significant proportion of internal affairs investigations are simply compromised straightaway - no hope, turn a blind eye! I will give honourable members an example. This is red-hot. Only today the *Daily Telegraph Mirror* reported that police, through phone tapping, have worked out that two police officers were paid \$50,000 to murder someone. They got it on a phone tap. It is in the newspaper. They are telling the two police officers, "We are coming". If we have phone tap material on two criminals, we keep it quiet so we might catch them, but with police officers we put it in the flaming paper so that they can take protective action. They will probably go on sick leave; they might even go interstate. But they have been warned. The police say, "The whale is in the bay". That is happening in today's paper. Honourable members have all read it but they did not understand the significance of it.

The Government has, through the Cabinet and the parliamentary process, agreed to pursue, I hope with some vigour, taking internal affairs substantially from the police department and giving to the State Crime Commission responsibility for it. In a practical sense that will eventually mean that non New South Wales police officers will be employed to conduct internal affairs investigations. The State Crime Commission can employ non New South Wales police officers. As an example, policemen from Hong Kong were recently employed. That is the most important thing that this Parliament has done to change the culture of police in New South Wales since the Lusher report. I say that advisedly because at the moment when a police officer is naughty he can be almost certain that his mate will turn a blind eye. When internal affairs becomes involved as a result of a public complaint honourable members can be fairly sure they will screw up the investigation. In the paedophile matter that I followed so closely and into which I finally brought the ICAC to try to supervise the investigation and make it work, the only satisfaction I got out of it was that some of them committed suicide as we got close to them. The rest were allowed to get out, and it is sickening.

The next point is of enormous importance, and that is that the Frenchs Forest affair is now going off to the ICAC. Some of you might think you have walked away from a no confidence motion on Mr Lauer. Well, let the ICAC determine it. You cannot solve these things with debate between two Houses, with a Minister and a member fighting each other day after day. It is a debilitating process and this, fortunately, is the end of it. But the ICAC can now have a look at that particular matter. On top of that, I have recommended to the Cabinet, and it has agreed, to take the joint technical services group from the police department and give it to the State Crime Commission. Most of you would not understand the significance of that.

I created in the police department a world class organisation known as the joint technical services group, of which I am enormously proud, people who bug your home or tap your phone and do all the sorts of James Bond things that police are able to do these days. That group is supported by ASIO, MI5, all the big intelligence organisations, the FBI, the Secret Service. That group is supported by all those people. It is a top group, commanded by a fantastic person called Jock Melroy. Well, it will now go to the State Crime Commission where it will provide its services under contract to the police department when they

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want to bug a house. More importantly, those technical services will now be available to ensure sophisticated operations against naughty police in New South Wales. The next thing is that the State Crime Commission will hand everything over, I would assume, in light of Mr Thorley's interview, for the ICAC to examine, and that is what is important. There was a matter not raised by the Attorney - I am a little disappointed about it but it was not intentional. The Cabinet has taken a decision and I will read it:

A review to be undertaken of the penalties imposed on Assistant Commissioner Maroney and Chief Superintendent Myatt -

Honourable members will remember the counselling and the little slap on the wrist -

- following the Attorney General's advice as to the powers in this regard.

Now, I did advise the Attorney General that the police Minister would have the power to direct matters to the police tribunal. The attorney has in fact been given that advice and I look forward to the police Minister doing just that.

The Hon. Judith Walker: The Cabinet has agreed that that should happen?

The Hon. E. P. PICKERING: Yes, in writing. The next one is that a request be made of the ICAC to develop, in consultation with the police, a new set of procedures on disciplinary practices within the Police Service. That is a big change, and it will be well received. Just picking some things that were said by honourable members: the Hon. Elisabeth Kirkby was concerned that there should be the two keys kept for the one safe, for these beautiful drug safes I bought for them - two keys, double access. If I were to tell the House what I went through to get the police department to agree to two keys to the safe, you would not believe it. I could write a book about it. But the very day when I finally won on this and had actually got the decision in place, would you believe into my ministerial office came the superintendent of police, in full regalia, to sit down to tell me, "Minister, we wish to make final representations to you not to insist upon dual access into the tuckshop".

I looked at him and I said, "Superintendent, if you continue to proceed along that direction any further, I will see that you are instantly dismissed from the Police Service". We got the two keys but, of course, the very first time I went down to the big tuckshop, both the keys were in the one pocket - in front of me; didn't even try to hide it. These moves are probably the most important thing this Government, or any Government I think, has done about police since Lusher. There is no doubt about that, and I am enormously proud of it. I am very grateful to the Cabinet. I will remain here in this House until 1999

and, as I said to my party room today, I shall watch the implementation and if I am not happy, I will be back here in spades, and the House can be assured of it.

May I conclude by saying this: I wish to thank my family for the enormous trauma I have put them through over the past 18 months. It has been a terrible trauma. You would not understand. You would not understand when you are a wife at home alone and there is a knock on the door and you are fearful that you are going to be killed. You would not understand. And my wife has grown old in the past few months. She has. I wish to thank my loyal ministerial staff, who, though they are not working for me, have always been there to help me the whole of the time and to save me from saying silly things before the House, to not make mistakes. I have appreciated that. In particular, I wish to thank Lydia Kaban, who has been of enormous assistance. Thank you.

Amendment agreed to.

Motion as amended agreed to.

[The President left the chair at 6.25 p.m. The House resumed at 8 p.m.]

ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION) AMENDMENT BILL

Second Reading

Debate resumed from 16th November.

The Hon. R. B. ROWLAND SMITH [8.0]: Ever since this bill was first introduced by the honourable member for Bligh I have asked myself on numerous occasions why there is a need for legislation of this kind. Indeed, the explanatory note to the bill states, "The provisions are substantially similar to the existing provisions in the Act relating to racial vilification". I note that the words in sections 25 and 26 of the Anti-Discrimination Act 1977 are exactly the same as in this bill. Therefore, why is there a need for the bill? It seems to me we have bent the knee to a minority group in the community. As I understand it, the whole purpose of introducing this bill is to stop people from using bad language and threatening homosexuals with violence. However, as I said, this is covered in the existing Act. What troubles me more than anything else is that the boot could be put on the other foot: homosexuals could incite heterosexuals to violence. Make no mistake about this, it has happened on many occasions. I recall coming back from the country on a Saturday evening around 11.30 when I was a Minister and I said to my driver, "I believe there is a newsstand outside the Oxford Hotel in Darlinghurst". His response was, "Don't go there, it is full of homosexuals". I said, "You just drive up there, hop out of the car and get the Sunday papers, hop back in the car and we will be off". As he was doing this I noted some big, heavily tattooed guys wearing only leather briefs, obviously parading their homosexual attitudes. I found that utterly disgusting.

Homosexuality is recognised as a way of life. It is something that I personally abhor, but nevertheless it does exist. What homosexuals do behind locked doors in their homes is their business; I could not give a damn what they do. But when it comes to flaunting their homosexuality it is no wonder that people in the community become disturbed and after a few drinks will have a few things to say to them and, indeed,

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enter into a fight. Is that all wrong? I do not believe so. Let us face it: brawls go on among heterosexuals, so why single out the homosexual community? All we are doing is highlighting this alternative lifestyle, and I believe it is a disgrace that this bill was introduced. I am sure that it will be soundly defeated when it comes to the vote. It has been said that churches support the bill. I remind honourable members that, amongst other things, on 6th September the Anglican Archbishop said:

The standing committee does not support the bill as drafted. The reasons for not supporting the bill are as follows:

A. The bill is widely drawn and key issues such as ethno-religion have not been defined. This means that it is not possible to fully ascertain the effect of the bill on the diocese and activities conducted by the diocese.

B. In relation to homosexual and HIV AIDS vilification protection to enable the public quotation or interpretation of biblical principles are not sufficiently entrenched in the new provisions or in the existing provisions of the Anti-Discrimination Act 1977.

C. The bill proposes to delete section 59 of the Act and in the standing committee's view insufficient reasons have been set out for that decision.

I know that this refers particularly to the anti-discrimination legislation that was to be introduced earlier this year, but it has a great deal of relevance to the bill before the House. Let me quote a few excerpts from articles that have been freely distributed, I imagine, to all members of Parliament. That dedicated Roman Catholic writer, B. A. Santamaria, had this to say, and I think it is most pertinent:

In a world which is growing so rapidly nutty, those well loved children's story books detailing the adventures of Noddy, Biggles and even Snow White, have to be censored by literary jacks and officers and rewritten because of the menace of the hidden message of discrimination which they allegedly contain. This stuff is to be fed to six-year-olds in the sacred cause of non-discrimination.

He ends the article by saying, "Whom the gods wish to destroy they first make mad". How true. In the Wagga Wagga *Daily Advertiser* recently under the heading, "Opinion", Dr Edwin Brooks had this to say:

In normal circumstances I'd have been delighted to hear Senator Graham Richardson denouncing "militant ignorance" as "irresponsible and beneath contempt". I would have assumed he'd finally discovered the truth about the NSW Right. Alas, no such luck, the Minister for Health was on the rampage against the editor of the *Daily Advertiser* for having dared criticise the homosexual lobby.

Michael McCormack may lose no sleep over the Minister's attack, but he'd better make the most of his current freedom as it could be gone in a few months time. By Christmas none of us will be able to comment critically on homosexuality without being taken to the cleaners via the courts.

We still have some way to go, but NSW is beginning to resemble Stalin's Russia where nobody dared say the emperor was naked and not a pretty sight.

Even before the pernicious legislation arrives later this year, Mr McCormack's learning the price of free speech in a state which already has crippling defamation laws.

On the one hand we have GAS, the Gay Activists of Sydney denouncing go him to the Press Council, and on the other hand we find the local chapter demanding Mr McCormack's head on a platter. They insist that he be sacked for his temerity. Pretty ironic isn't it? Here we have people denouncing a journalist for exercising the very rights they are so shrill in demanding for themselves.

He went on to say:

Everywhere we look we can see the constant temptation to do anything, anything at all, which avoids taking on any strident pressure-group . . . Homosexuality is today's sacred cow, but tomorrow it might be polygamy. We'll be told we mustn't defend our Islamic neighbours to the north. Or female circumcision, which I'm sure is practised in good faith by all sorts of well meaning and devoutly sincere savages.

[*Interruption from gallery*]

The PRESIDENT: Order. I remind people in the public gallery that they are not permitted to interrupt.

The Hon. R. B. ROWLAND SMITH: The Hon. P. F. O'Grady ought to talk to them and straighten them out. The article continued:

I realise of course we're not the only Western civilisation to be losing faith in its heritage and values, and surrendering the self-confidence which permits and encourages dissent . . .

In a nutshell we are becoming mired in what Americans call "political correctness".

It's not so much correctness as cowardice. It's the need to be bland and benign, to forgive and to fluff.

Most of all it's the need to pander to the new orthodoxy which forbids free speech on pain of being called a racist, a sexist, a homophobe, or whatever epithet of abuse can be found to intimidate those who beg to differ.

Towards the end of the article he said:

All I am saying is that these are matters which cry out for public debate, and to bring the law of discrimination and penal damages into such an arena is a disgrace to a free society.

We simply cannot allow ourselves to be browbeaten and intimidated by those whose self-serving interests are alien to the well-being of our community . . .

Isn't this what democracy is all about - the right to speak freely instead of whispering behind closed doors?

An editorial in the *Sydney Morning Herald*, "Free Speech in Unstable Times," criticised the previous bill on the question of freedom of speech:

The powerful arguments against attempts to legislate away the problem of racial hatred apply equally to these attempts to legislate away the problems of homophobia. The causes of both are deep and effectively dealt with only by education and consistent enforcement of the ordinary laws. Only in the areas of practical discrimination already covered by existing anti-discrimination laws is this constant educational effort likely to be further assisted by the law. Attempts such as the Government's current proposals go beyond that to the realm of words and ideas, where the problem is more subtle, and where the use of the blunt instrument of the law is likely to be counter-productive.

I have to refer again to the *Wagga Wagga Daily Advertiser* editorial, which stated:

It is crucial to the survival of free speech in this State that legislation designed to shield the persons of a minority in the enjoyment of their lawful pursuits and beliefs does not deny others the equal right to hold and express dissident opinion concerning those pursuits and beliefs.

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This newspaper does not and never has intended any condemnation or criticism of individuals for their private lifestyles and opinions but insists on the right to analyse, criticise and, when appropriate, to attack those opinions and the consequences to which they lead, particularly when they are paraded and

forcefully and regularly expressed in public in a separate issue of fundamental importance to a free society. Unless this vital distinction is preserved so that society has the right to confront militant influences thought harmful to society - without fear of prosecution because a collective minority might elect to put a different and sinister construction on that criticism - the relevance of free speech will be so diminished as to be almost meaningless. Why do we accept the ridiculous notion that firm resistance to perverse moral concepts, actions which pose a hazard to public health and gross ridicule of majority standards, should be subject to additional legal surveillance because of the belief of any minority?

As I said earlier, the law already provides citizens with protection against personal persecution, slander or libel and certainly the right to protection against physical abuse, which applies to all. We, as politicians, must consider that the creation of the offence of incitement to hatred and violence surely places in the hands of a highly volatile minority the opportunity to elevate and even escalate the relevance of any criticism of their minority standards to criminal proportions. The public has a right - those who choose - to dislike and to fear homosexual activity. That right parallels the right of homosexuals to similarly defend their position.

This is what democracy is all about, but while its underlying requirements of fair and equal opportunity for all appear to be acceptable in contexts where conflict is minimal, the idea that it has to be, or properly can be, rejigged to inhibit debate in other special contexts - the world of the influential pressure group - is extraordinarily dangerous. I thought that the Hon. R. S. L. Jones would be one of the first to strongly support that concept. Anything to be different - and that is exactly what the homosexual community is all about. They want to be different and yet at the same time they want to participate in all sorts of activities in which heterosexuals participate. An interesting article appeared in the *Daily Telegraph Mirror* on 15th November written by that most sensible and down to earth journalist, Mike Gibson, and I would just like to quote -

[Interruption from gallery]

The PRESIDENT: Order! I have already said it is not permissible for the gallery to react to what is said on the floor of the Chamber and I would ask members of the public in the gallery to please observe that rule.

The Hon. R. B. ROWLAND SMITH: I strongly support the Olympic Games and when I was Minister for Sport I very strongly supported the Disabled Games, but are these people disabled? They are in their mind, in my book, but certainly not in their bodies. I shall quote some of what Mike Gibson said:

The Sydney Bid wasn't lacking in big names. It carried letters of support from Prime Minister Paul Keating, Opposition Leader John Hewson . . . The fact that Sydney missed out on the Gay Games doesn't bother me one way or the other.

I don't care what gay guys do, as long as they don't do it to me.

What confuses me about the Gay Games, however, is the philosophy behind them.

Why do the gay community want their own Olympics?

If gay people crave acceptance, as they say they do, if they want to be treated like everyone else, why do they have to set themselves apart from the rest of us?

. . . Like the young lady whose arms are so deformed she can't push her wheelchair. Instead, she sits facing backwards, using her tiny twisted feet to painfully shove herself, metre after metre, around the athletic track.

She makes you feel very humble.

She also makes you realise what a wonderful thing the Disabled Games are, allowing her to compete against mates who are also disadvantaged.

But is the gay community handicapped?

Do gay athletes not run, jump and swim like the rest of us?

. . . While there are bigots out there who reject the concept of a "fair go" for homosexuals, the gay community does nothing to promote understanding and tolerance when it continues to distance itself from the mainstream of heterosexual society.

It's the same with their crusade for special anti-vilification legislation to protect gays in the community.

We should have anti-vilification laws to protect everyone in the community, not just gays.

No one should be vilified because of their race, colour or creed. Or for the way they choose to behave with consenting adult partners in the privacy of their own bedroom.

But it doesn't help the gay cause, when on the one hand they say they're the same as everyone else, yet on the other hand they want their own Gay Games.

By very definition, the philosophy of a different Olympics for gays only serves to perpetuate the difference between us. Instead of acceptance, all it does is divide.

In summing up, I am very much opposed to this legislation; it does nothing whatsoever to prevent violence in our community. I am not just talking about violence against homosexuals; I am talking about violence - full stop. As I have said, because we already have an anti-discrimination Act which covers violence and threats, I fear that if this legislation is passed, the gay lobby will be overjoyed and will dance up and down Oxford Street, performing all its various rituals to simply provoke those of us who are opposed to overt homosexuality. I vehemently oppose this legislation.

The Hon. D. J. GAY [8.20]: I also oppose this legislation. From memory, this is the third time I have spoken to the bill. I will not belabour the issue and go over all the points that I made in my previous contributions. It is fair to say that people who support the bill and people who oppose it have very
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different reasons for supporting or opposing it. My reasons for opposing the bill are probably different from the reasons of a lot of other members who have spoken in opposition to the bill. My greatest concern is that this legislation - which I believe, as I have said on previous occasions, is well meaning - will not achieve what it sets out to do. I worry that if we give a particular set of rights to one group, we may inadvertently remove rights from another group.

No right thinking person could agree with vilification of any group in our society, nor could he agree with the generation of hatred against any group in our society. I just do not believe that legislation on vilification is the proper process to remove this hatred. I believe that if we bring in legislation like this, we will only force hatred underground and let it fester. The better way to address this problem would be through education. It is only through the changing of attitudes that we can properly address this problem. This has been my concern right from the start. It has been my concern with this legislation, and certainly it was my concern with the Government legislation that was put forward. I publicly spoke out against it at the time.

The other concern, of course, is inadvertently crossing over the teachings of the church. In many

countries we visit we revere their society and their customs; we accept that if we go into another country and the custom is to cover our head when we enter their church, we do it. Our society is basically a Christian society, and there are certain dogmas within the teachings of the church. I give credit to the Labor Party for its proposed amendment. If this legislation is carried - and unfortunately it appears that it will be - the Labor Party amendment will go a long way to addressing some of my concerns. In other countries we address the concerns and the proper customs of the country, yet here in what is basically a Christian society we are not addressing the concerns of our society.

I have also expressed publicly my concerns with respect to the HIV aspect of the legislation. I feel there is a potential problem in what is a public health problem. HIV-AIDS is not a tragic disease solely within the gay community; it is a tragic disease in whichever area it is, a disease that is now in the broader community. I feel we need to do whatever we can to treat this tragic public health problem. Despite assurances from the Minister for Health and other people that my concerns are ill-founded, I retain a nagging concern that through legislation such as this we are stopping the proper health message getting out.

I do not want to see anyone, not one more person - whether from the gay community or the broader heterosexual community - contract the tragic disease of AIDS. Those, in broad detail, are the reasons I was opposed to this bill and continue to be opposed to it. I extensively outlined my concerns in my previous three contributions. Whilst I believe that the bill is well meaning, sadly it will not achieve what it sets out to do. I believe there are better ways to address this tragic problem.

The Hon. R. T. M. BULL [8.26]: So much of this debate, which we have heard today and yesterday, has covered many of the issues that I would want to cover, and I shall not delay the House by rehashing a number of those arguments. The comments of my colleagues the Hon. D. J. Gay and the Hon. R. B. Rowland Smith sum up a number of my sentiments. Nevertheless, there are some matters that I want to put on the record in order to put very clearly to the House my thoughts on this bill.

First, I want to canvass an association I have had with some communities in eastern Sydney. For several years following the 1988 election I was the chairman of the police advisory committee and I worked very closely with the Minister of that time. One of my responsibilities was to go to a number of groups and talk about law and order issues. I had a very close association with the Surry Hills patrol. On a number of occasions I attended Neighbourhood Watch meetings with the local member, Clover Moore, and discussed a lot of issues. I well remember on many occasions discussion on the issue of, to put it crudely, homosexual bashing or gay bashing. Such bashings were of constant concern to the Surry Hills police patrol, as they reported to the monthly meetings of Neighbourhood Watch. I certainly had a very good understanding that this group in the community was being assaulted, quite unnecessarily and without provocation, by people who had that sort of inclination. It has been, and still is, a major problem.

I refer also to the remarks of the Hon. R. B. Rowland Smith. He spelt out very clearly the situation that a number of the homosexual communities attract a lot of attention because of their behaviour, which, unfortunately, leaves them open to attack and some sort of vilification. This is extremely unfortunate. I think that if the homosexual community wants to be accepted in the broader community and to be treated like everyone else, it would help their cause enormously and prevent a number of these cases of vilification and assault that unfortunately have occurred over recent years if they were to act like everyone else in the community and carry on in a normal way, whether in Oxford Street or any other street of New South Wales.

I understand the problems that members of the homosexual community are facing and I understand that a group in the community has sexual preferences which I do not necessarily share, but I respect their right to have those preferences, provided - as was pointed out by an earlier speaker - they do not impinge upon other people in the community who do not want to be impinged upon. I place on record that I am not prejudiced against members of the homosexual community. I treat them in the same way that I treat anyone else. People I have had dealings with over the years were obviously from the homosexual

community and I have treated them in the same way as I have treated anyone else in the community. I want that well and truly understood by the House. However, tonight we are dealing with a piece of legislation that attempts to protect that

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community from personal vilification by others in the community. We have to really assess the bill and the facts in deciding whether to support the bill.

Many people within the community are vilified for a number of reasons. They are vilified, unfortunately, because they are physically impaired or they have a feature that other people find distasteful, amusing or whatever. Members of the homosexual community fall within this category from time to time. One of the most vilified people in New South Wales is our colleague Reverend the Hon. F. J. Nile. All fair-minded members would acknowledge that. He has had to put up with his head - albeit a papier-mâché head, thank goodness - on a platter being ridiculed up and down Oxford Street. That is a clear case of vilification if ever there was one. I have witnessed on television the way he and his followers have been vilified by those opposed to his point of view during his Christian marches. We are in a free country where a person's point of view should be acknowledged and respected by others. But Reverend the Hon. F. J. Nile has been vilified to a great extent because he upholds Christian values and Christian views. That is very sad. This bill will do nothing to prevent Reverend the Hon. F. J. Nile from being vilified by those who wish to destroy his credibility and the message of his Christian beliefs that he is taking out to the people.

We must put these issues into perspective when we talk about vilification. Are we going to legislate for a certain group in the community - albeit deserving of some protection from vilification - and let the rest of the community, such as Reverend the Hon. F. J. Nile, be assailed without protection from anyone? We must assess whether the Anti-Discrimination Act can protect everyone in the community, whether they are vilified because they are members of the homosexual community, because of physical impairment, or some other reason. We should not protect one group in the community and leave everyone else unprotected. The bill will not necessarily protect the homosexual community from violence, from physical assault. Vilification is one thing; physical assault is another and is a criminal act. Criminal acts are well and truly catered for under the law of this State now and will continue to be so. Many laws protect everyone in the community from violence.

I do not believe we should protect a minority in the community with this legislation. I fully concur with my colleague the Hon. D. J. Gay. He said that the answers are in other areas such as education and explaining to the community that the vilifying of others in the community, whether or not people believe in what they are doing, does not have to be put up with in the 1990s in New South Wales and in Sydney. Apart from anything else, the problem with this legislation is that it does not protect the freedom of religious expression. I have received a number of representations on this issue, as I assume my colleagues have. I could probably belabour the point to the House for another hour and a half by reading them on to the record, but I will not do that. A letter I thought very pertinent was from the Catholic Education Commission. It stated:

The Catholic Church is opposed to all forms of vilification of individuals or groups, including homosexual persons.

That is a very clear statement. The letter continues:

However, the Commission is very concerned that the provisions of the Anti-Discrimination (Homosexual Vilification) Amendment Bill, 1993, could lead to unacceptable restrictions on the expression and exposition of sexual values and morals based on religious belief.

The Sydney Diocese of the Anglican Synod wrote:

This Synod affirms that an attitude of hatred, verbal and physical abuse, and incitement to

violence against any group in the community is totally abhorrent to us as Christian people, and calls upon the Fahey government to prepare legislation that is both compassionate and just to deal with these problems in the community.

Synod is of the opinion that the private members bill of Ms. Clover Moore currently before the Legislative Council, is not adequate to meet those problems unless it is amended extensively.

Synod expresses its preference that the Clover Moore Bill should be rejected by the Legislative Council, with a view to having more appropriate legislation enacted after the Law Reform Commission has issued its report.

I would have thought that they are two emphatic statements from the Anglican Church and the Catholic Church, the two mainstream churches in this State, saying that they are opposed to all forms of vilification of individuals and groups, including homosexual persons but with the reservations I have indicated. A number of other people and organisations have written to me, including the Coonabarabran Presbyterian Church, of which my grandfather was the minister many years ago. It meant a lot to me to receive a letter from that church. People from the churches have a legitimate concern. The people here tonight supporting Reverend the Hon. F. J. Nile are here because they have a very legitimate concern that the freedom of religious expression will be denied under this bill of Clover Moore's, and unless the bill is defeated or amended - it has been indicated that if the bill passes the second reading stage amendments will be moved - freedom of religious expression will be denied to that group in the community, and that would be a very sorry thing indeed. I have no other course of action than to reject the bill outright.

The Hon. E. P. PICKERING [8.40]: I do not intend to make a lengthy contribution this evening because, in effect, I have already addressed the Chamber on the bill and I have explained my reasons for supporting the legislation. But, for the sake and record of the debate, I will quickly state my reasons so that there is a completeness of record for future reference. I have three reasons. First, the New South Wales Government, through the Attorney General in this place and Mr Photios in the other place - before he became a Minister - gave a clear and unequivocal assurance to this House that the Government would introduce legislation to protect gays and others such as AIDS-affected people from vilification.

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That assurance was given in this House at the time that Clover Moore's bill came before this House on the first occasion. On that clear assurance, which I saw delivered not only in this Parliament but also through the processes of my party in the party room, I accepted that advice and voted against the bill, as obviously I would wish to support the bill presented by my Government. Subsequently, for a variety of reasons, the Government broke its promise. I believe that promises made in this House are important, and I do not see them lightly broken. My second reason is that, as police Minister in this State, I was probably in a fairly unique situation to see the incredible impact upon people in our society who are of the homosexual persuasion, for they are being bashed, vilified and killed because of their lifestyle.

This Parliament has passed a law, of which I was a proud supporter, that made homosexual lifestyles in this State legal. Therefore, people do not have a right at law, in my view, to vilify those who enjoy that lifestyle. The fact is that their vilification creates in the minds of impressionable people, particularly young people, a state of mind that allows them to justify the bashings and the killings. One of the great tragedies is that young people, more than others, are being adversely affected by such vilification. The figures clearly show that it is predominantly young people who murder people from within the gay community. So not only is a gay person murdered, but a young person's life is ruined for ever. And that is tragic. The biggest tragedy about it, I suspect, is that those who generally vilify are adults who, frequently and sadly, come from that element of society that would cast itself as Christian. That is a tragedy in itself.

The third reason I gave to the Parliament is that I have been in this House a long time, more than

most members in this Chamber, with the exception of my dear friend, the President, who beats me by a few years. I guess that anyone who has seen me perform in this House knows that one thing I do have is a very high regard for the Westminster system. I have even learnt to pronounce the word properly. Over the years I have grown to know that the system works, be it ever so funny in the way it goes about things, be it ever so archaic at times, and be it difficult for the community at times to appreciate because of the way we behave. But it works. For that system I have the very highest regard.

Recently, all members in both Houses of this Parliament agreed it would be appropriate to introduce vilification laws to protect homosexuals. The Labor Party, the Liberal Party, the National Party and crossbenchers in both Houses - more than 150-odd legislators - were of one mind. In that process, publicly and on many occasions, my dear friends Reverend the Hon. F. J. Nile and the Hon. Elaine Nile - whom I have worked with in this House in a very close and harmonious working relationship for years, as they would freely admit - said to the world in a public way: "If the Parliament continues in that direction, we will exercise our balance of power in this House to, in effect, prevent, where we can, government legislation per se. We are simply going to be, if you like, obstructionist". It would not matter, apparently, if the legislation was good, bad or indifferent.

That is most unparliamentary. It runs against the grain of the Westminster system. It is not what we are put here for. The system may have its imperfections and we may be bound by party rules. On this side of the House a member can bust those rules with impunity if it is done about the right way; on the opposite side, a member who busts them loses his or her job. But at least the system works. I was not, as a member of this House, willing to stand by and allow this House to be held to ransom - which I believe is the best way to describe it. So I guess I was able to come into this Chamber and demonstrate that there is another balance of power in this House.

Reverend the Hon. F. J. Nile: You broke the Premier's promise.

The Hon. E. P. PICKERING: No, I did not break anyone's promise. The Premier did not make any promise on my behalf.

Reverend the Hon. F. J. Nile: He did.

The Hon. E. P. PICKERING: I am telling you that the Premier is not in a position to make a promise on my behalf.

Reverend the Hon. F. J. Nile: We have learnt that now; we will never take it again.

The Hon. E. P. PICKERING: That is something you should understand.

Reverend the Hon. F. J. Nile: We thought he had a government.

The Hon. E. P. PICKERING: He has; and he has in me a very loyal and hard-working member of that Government.

Reverend the Hon. F. J. Nile: You destroyed it; you are disloyal.

The Hon. E. P. PICKERING: I have done probably more to support this Government to get it into power and keep it in power than most people in this Parliament. You cannot say I am disloyal. I come to this House and use my intellect to do what I think is right for the people of New South Wales.

The Hon. Elaine Nile: We will never take the word of the Premier again on behalf of his Government.

The Hon. J. H. Jobling: That shows that one thing about the Liberal Party is that if a member gives

notice, this sort of thing can be done.

The Hon. E. P. PICKERING: Reverend the Hon. F. J. Nile and the Hon. Elaine Nile ought to understand that if a member of my party comes before the party room and with open hands says, "I cannot support the Government in this matter", and explains why, and does so with due warning and is advised, as

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it were, by colleagues in an appropriate way, then that member has a right to do so. I have exercised that right once in 17 years, and I do so proudly.

Reverend the Hon. F. J. Nile: You still broke the promise of the Premier.

The Hon. E. P. PICKERING: I have not broken anyone's promises.

Reverend the Hon. F. J. Nile: Yes, you have.

The Hon. E. P. PICKERING: I have never broken a promise, as you well know. I made thousands of promises -

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! The member should address the Chair and not have a private conversation across the House.

The Hon. E. P. PICKERING: I do apologise, Madam Deputy-President; I should know that by now. I made thousands of promises in this House, to cross-benchers and to Opposition members. I do not think that anyone would ever suggest that I have even once broken my word.

[*Interruption*]

If the Hon. J. R. Johnson believes otherwise, he should put it on record.

The Hon. J. R. Johnson: I have a long memory.

The Hon. E. P. PICKERING: Keep those memories. I wish to say one more thing, and I say it advisedly: having taken the decision I have taken, I have been absolutely inundated with representational material, both in writing and by telephone from both sides of the community that would wish to see me continue the way I am going or to change my direction. Up until the last few days the vast majority of the representations I have received were from those wishing me to do exactly what I am doing this evening. But I will concede that in the past few days my office has been inundated with written material and telephone calls from those who identified themselves as Christians asking me to desist.

I am conscious, of course, of the need not to do anything, as it were, in this House which would be contrary to Christian teachings, as I understand them. I was brought up in a devout Christian atmosphere, and almost became a minister of religion as a young man. I was a lay Methodist preacher and Sunday school teacher, so I am not unacquainted with Christianity and I consider myself to be a Christian. I am very conscious of the fact that my mother, who is getting on in years, is looking from Newcastle at what I am doing down here in Sydney and I guess at times she finds it difficult to understand exactly what I am doing here this evening. That has worried me. It is a complex matter and difficult to explain to an elderly lady who grew up in a world where the word homosexual was not familiar to everyone. She certainly did not know of it. I well remember the first occasion, when I was about 15 or 16, when someone said to my mother that a person was a lesbian. She did not know what the term meant. She looked up the word in a dictionary and was appalled when she learnt the meaning. So it is difficult for my mother. Recently I received a lovely letter from the Anglican Archbishop of Newcastle. My mother is a member of the Church of England in Newcastle. The Anglican Archbishop of Newcastle wrote a splendid letter of congratulation and encouragement to me. I sent that to my mother and that

squared me off with her.

A number of people have been prepared to ring me and claim to be Christians and embark upon conversation which I would describe as most unchristian, uncharitable, vicious, bigoted, and vile. I grew up in my church to understand that God was a God of love, compassion and understanding. The comments that were made to me over the telephone have clearly and universally demonstrated to me that there is an urgent need for this legislation. There is within the community a group of people caught up with their vile attitude towards homosexuality, with homophobic views. They are contributing to the vilification of homosexuals based upon so-called Christian ethics. I find that incredibly difficult to understand, and I am appalled by it. Earlier in the debate a member said that this bill will change nothing. It will. Members of that group of people will have to be a little more careful, more temperate, and more thoughtful about what they say to the community and the influence they have on young and impressionable people, who, eventually, as a result of their intemperate and careless thoughts move off to bash someone.

The Hon. R. B. Rowland Smith: Are you saying you support this alternative lifestyle?

The Hon. E. P. PICKERING: I did not interrupt your speech, did I? I have explained to the House my motives. I act in what I believe to be my Christian conscience and I say to the House that I am enormously proud of what I am doing. I hope my mother is.

The Hon. P. F. O'GRADY [8.52]: The Opposition supports this legislation, as it has supported similar legislation that has been debated in this Parliament. It is important tonight at the outset to explain where this legislation came from. It is a shame that the Attorney General is not present to hear the debate. I should have thought that, as the Attorney General and the Minister for Justice, the first law officer of the State, it would be appropriate for him to be here. I remind honourable members of what he said on 28th November, 1992, at the Sydney Town Hall. The Attorney said:

I want to ensure that people with HIV-AIDS who have experienced discrimination and homosexuals subjected to vilification, will have a ground of complaint to the Equal Opportunity Tribunal.

They were his words. He went on to say:

My position and that of the Government is that we will bring forward a comprehensive package of legislation.

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The Hon. Helen Sham-Ho: How do you know he is not doing that?

The Hon. P. F. O'GRADY: Because you defeated him in the party room, that is how I know. The Premier did not have the gumption to defend legislation which he knows is right. The Premier is well aware why the legislation should be introduced into this Parliament and why it should be expedited. It is extraordinary that the Hon. Helen Sham-Ho -

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! I should not have to keep reminding honourable members to address their remarks through the Chair. Members will not conduct conversations across the table. I ask members to allow the Hon. P. F. O'Grady to proceed without interruption.

The Hon. P. F. O'GRADY: Of course, Madam Deputy-President, I shall address my remarks through you in this debate. However, I am responding to interjections. I assume that the Hon. Helen Sham-Ho supported the racial vilification legislation - and the honourable member nods her head in affirmation - which was debated before this Parliament in 1989. This legislation is exactly the same,

word for word. It contains the same principle, the same concept.

The Hon. R. B. Rowland Smith: Then why the need for this bill?

The Hon. P. F. O'GRADY: This legislation deals with an entirely different issue. It deals with homosexual vilification not racial vilification.

The Hon. R. B. Rowland Smith: Rubbish!

The Hon. P. F. O'GRADY: The honourable member who is currently interjecting stood on the steps outside this Parliament last evening and said, "Who are all these people, what is this?" and I said, "This is the vilification rally". He said, "What, so many poofers? I've got to see this". Well, I inform the honourable member that there are many more of them and they are everywhere, not just in the electorate of Bligh - they are in every electorate in New South Wales. Gay and lesbian people exist. The honourable member may not realise that, but it is time that he did. That is the origin of the legislation. It originated from a commitment given by the Attorney General to a community rally in November last year.

The Attorney General, in this House on 21st May, when speaking to this bill, said, "I expect it will receive the support of this Chamber when it is introduced because it addresses the more comprehensive needs of the community". What was he talking about? He was talking about his legislation which incorporated this bill and the bill relating to HIV-AIDS discrimination, which is on the notice paper. We all know what happened to the first part of this legislation - the Government put it in the dustbin because it did not have the gumption to deal with the issues at hand. The issue that the Hon. Helen Sham-Ho has to deal with is the slaughter of people because of their sexuality, and I should have thought that would be a matter of concern for every member of this Parliament.

According to police figures there have been 15 gay murders since 1991, 11 of which have been solved. At present, as a result of those crimes, 19 people are in gaol for murder or manslaughter. More than half of those offenders were under 18 years of age at the time of the commission of the offences. They are pretty extraordinary figures. I remind honourable members of the economic cost to our State budget of that. It costs approximately \$120 a day to accommodate a prisoner in a maximum security cell in New South Wales. I should have thought that this Parliament would have an interest to ensure that the tax dollars were spent well. I do not see how locking people up in gaol for hate-related crime is a particularly good way of spending taxpayers' dollars.

The Hon. D. J. Gay said that he opposed this legislation because it would not solve the problem; that what is needed is education on these issues. Unlike the Hon. Helen Sham-Ho, the Hon. R. T. M. Bull and the Hon. D. J. Gay have some concept of what we are dealing with. They realise that education is needed. This bill is part of that education, part of the community discussion. The community must deal with the issues at hand, and they are violence, murder and manslaughter, which occur on the streets of this city frequently.

Reverend the Hon. F. J. Nile: This bill does not deal with that.

The Hon. P. F. O'GRADY: The interjector says that this bill does not deal with it. This bill creates and has created community discussion. Unfortunately one cannot say that all the community discussion has been particularly valuable or informed. But one can say there has been a discussion. If one wants to look at some of the rational informed debate that has come from the crossbenches, one could perhaps spend a little time on what is promoted by the Call to Australia group in our society. This group of so-called Christian people spends extraordinary amounts of time dealing with issues such as homosexuality. This is but one quote from a Festival of Light newsletter:

In wartime . . .

That is the commencement, a particularly passive phrase:

. . . we are prepared to exert every effort and make every sacrifice, even with the lives of our loved ones, to defend our country, our freedom, our values. Nothing less is now essential for our very survival if we are to win this deadly assault from within our borders.

What an extraordinary statement!

Reverend the Hon. F. J. Nile: I did not write that.

The Hon. P. F. O'GRADY: Of course not. Innocence! Reverend the Hon. F. J. Nile is happy to wander around the State and peddle as many lies, misapprehensions and misimpressions as he possibly can. He has no problem doing that, but in this Chamber innocence is at the forefront - "I am never responsible for anything that I or my supporters do".

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I say to him that he is, and that he must be held accountable for what he and his supporters do. Earlier in this debate the Hon. E. P. Pickering referred to certain correspondence. I received the following correspondence, which I read at the rally yesterday. It reads:

Lesbian mothers murder their children. They haven't got the right to live. The only rights they should have is to die of the plague of AIDS.

These are the sorts of people one is dealing with. They think we are fair game. I say very simply to them that we are not fair game; we do not find it acceptable that because of our sexuality we should be abused, bashed or murdered. As a community we are clearly saying that enough is enough and, frankly, that people such as the Call to Australia group should pull their heads in about the sorts of comments they make. I have no doubt that the Call to Australia group is responsible for much hatred in the community. It spends a great deal of time peddling untruths about a section of the community that makes an extraordinary contribution to society in Sydney and in Australia. Some people believe the Gay and Lesbian Mardi Gras is an immoral event. I ask honourable members to remember the contribution made by the mardi gras to the economic success of this country and to remember what it does for the cultural community of our country. The gay and lesbian community, without a single dollar of taxpayers' funds, stages -

The Hon. Helen Sham-Ho: It is subsidised, is it not?

The Hon. P. F. O'GRADY: No, there is no subsidy. The Sydney City Festival, another great arts festival, receives government contributions but the Sydney Gay and Lesbian Mardi Gras Festival, which runs for a month, does not receive a single dollar.

The Hon. Helen Sham-Ho: Sydney City Council?

The Hon. Franca Arena: South Sydney Council.

The Hon. P. F. O'GRADY: For the first time, South Sydney Council has given a few thousand dollars, but there is no sponsorship of the arts festival. Our community stages that festival every year. Earlier this evening the former Minister for Sport exhibited some mirth about the Gay Games. Unfortunately, Sydney did not get the Gay Games. I hoped that it would, because once again that would have meant tourism dollars for this nation. The Gay Games would have allowed a range of people to participate in sports in a way which, perhaps, is not accepted by the former Minister. The Sydney gay and lesbian community makes an extraordinary contribution, which should be acknowledged by members of this House tonight. The Government claims that the reason it does not support this legislation is because it wants the Law Reform Commission to conduct an inquiry and to sort out what is needed in relation to vilification legislation. I say to each member of the Government that they already have sitting

in tables and in drawers the reasons why this legislation is needed. They have the documentation showing why the legislation is needed, and that is the reason it should be passed tonight. The House does not need to wait for the Law Reform Commission to hand down its report in June of next year. The legislation can be passed tonight and, hopefully, it will be.

Several members have spoken in this debate. The first contribution in opposition to the legislation was from the Hon. R. B. Rowland Smith. The House has heard a contribution from the Hon. J. F. Ryan, who demonstrated his angst about the bill. The House has already a contribution from the Hon. Dr Marlene Goldsmith. I should like to refer to her contribution because she missed one of the most fundamental points of the legislation. The bill covers women, because it covers lesbians. One of the main points made by the Hon. Dr Marlene Goldsmith was that females are not considered worthy of inclusion in the legislation. She said that vilification legislation should cover female sexuality. The answer to that is very simple: the legislation should do that, and it does. The Hon. Dr Marlene Goldsmith has missed the point in quite an extraordinary way.

The president of the AIDS Council made the following point both to the media and to the rally which was held outside this Parliament last night. I am paraphrasing Peter Grogan, but he said that this law is needed because a clear message must be sent to the community that violence is not acceptable and, if this law is not passed, young people in particular will believe that it is reasonable to abuse people who are homosexual or perceived to be homosexual and, that being so, the HIV-AIDS problem will be exacerbated. All honourable members should take that point on board. Australia has the proud record of leading the world in the fight against HIV-AIDS. That is in part because of the bipartisan way in which both sides of Australian politics have dealt with the issue.

We must ensure that the AIDS struggle is won and that we take bolder steps than we have taken to this point in time. I am sure that anyone who read the survey of new infections in the *Sydney Morning Herald* this morning will have noted with some concern the increase in heterosexual infection rates. That has happened in Africa and Asia and we do not want it to happen in Australia. Parliamentarians and governments must ensure that they take the gamble, as we have done, that we be brave, stand up and face the issues that must be confronted. This means that a great deal more will have to be done in education. We will have to be a great deal more upfront about issues of sexuality.

The bill is another step in that program or campaign. We cannot move away from the fact that there are, always have been and always will be people who are gay or lesbian. That is a reality of life. It is nothing new. It might be new to talk about it, but it is nothing new, and as a Parliament we have to confront it. As a Parliament we have to ensure that AIDS and HIV issues are dealt with, and that we continue to take the gambles, that we continue to take the bold policy initiatives, to ensure that infection

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rates, in both the heterosexual and homosexual community, continue to fall. One reason that has been put to me why we should not support this bill, why the bill will be dangerous, is that a man will not be able to tell his son or grandson that homosexuality is bad. There has been extraordinary hysteria about this legislation. I urge everyone to read the legislation and understand what it says. The explanatory note to the legislation says:

The object of this Bill is to amend the Anti-Discrimination Act 1977 to enact provisions relating to the vilification of homosexual persons. This is expressed to occur when a person, by a public act, incites hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the grounds of homosexuality of the person or members of the group.

In that opening paragraph the bill clearly states that it must be a public act which incites hatred towards or serious contempt. That is what honourable members must focus on when they are asked questions such as that I posed earlier. It refers to a public act which incites hatred towards, and that is particularly relevant to this debate. The issue of whether the bill should be carried tonight or left until a later time when the Law Reform Commission has had an opportunity to consider the issues, is one for which we

have the answer. It is an issue in respect of which consultation with the community - as the Premier might like to term it - has to continue. I have no doubt that consultation will continue, because I have no doubt that some sections of the Christian churches will continue to flog this issue for all it is worth. I am sure they will continue to incite hatred; I am sure that they will continue to incite violence. But, I have this simple message: We are not going away. We will be here and will confront their lies and their mistruths at every corner; we will confront them with the truth and with the contribution and rights that we have as members of the community.

Reverend the Hon. F. J. Nile: You will only cause a massive backlash against yourselves, as in Colorado and American cities.

The Hon. P. F. O'GRADY: The honourable member talks about a massive backlash. What the honourable member needs to look at is an opinion poll published in the *Sydney Morning Herald*. I have to say that when I saw it I was somewhat surprised. It said that 50 per cent of Labor supporters and 50 per cent of Liberal Party supporters supported this legislation. I do not think it is a backlash. A very sizeable proportion of the community accepts that it is not fair game to harass, vilify or murder homosexuals. Reverend the Hon. F. J. Nile is in a terrible minority, an absolutely terrible minority. One day he might understand; he might realise that the vast majority of people accept that gay and lesbian people exist and have a right to exist and that people such as Reverend the Hon. F. J. Nile and the Hon. Elaine Nile should go back into their closets of hatred and allow everyone to get on with their lives as they choose.

The problem is that absolute intolerance is always presented by those in the Call to Australia group and the Festival of Light. It is time that they learned some tolerance. It is time they put to rest their intolerance and became tolerant. I support the bill. It will go some way towards addressing the educational issues that are at hand in this community. The legislation, I suppose, has not gone the way I would have hoped. I had hoped that the Premier would have taken the opportunity to show some leadership; that he, too, would have stood up against the sorts of hatred which exist in our community and which he knows about. I would have preferred the legislation to be the subject of bipartisan agreement, because that is the value of the legislation. It is about bringing society along with you. It is about challenging society. I have no doubt that it does challenge society. That is not something for which I apologise. Society does have to be challenged. The Parliament has to take the positive step of sending a clear message that, whatever sexuality -

[Interruption]

Does the Hon. Elaine Nile propose to speak to this debate? Madam Deputy-President, I have been hoodwinked regarding my position in the speaking order. I approached you earlier this evening and my understanding was that the Hon. Elaine Nile would not speak to this debate.

Reverend the Hon. F. J. Nile: I have a speakers' list.

The Hon. P. F. O'GRADY: I know what is on the list. Madam Deputy-President has in front of her a list, numbered, and the Hon. Elaine Nile was scratched from that list.

The Hon. Elaine Nile: Never, never. I am all prepared to go.

The Hon. P. F. O'GRADY: Once again the honourable member, or someone in this House, has deliberately misled me as to who was to participate in the debate. I find that extraordinary, Madam Deputy-President. I find that absolutely extraordinary. There was discussion earlier tonight about the order of speakers, and my very clear understanding from you was that the Hon. Elaine Nile would not speak to this debate.

The Hon. Virginia Chadwick: It is the right of any member to speak to the debate.

The Hon. P. F. O'GRADY: Oh, indeed. Indeed it is the right of any member and I would be delighted, Ms Minister, if you would participate in the debate. I would love to hear your contribution. I am sure that, as a true liberal, the contribution which you would make to the debate tonight would be worthy.

The Hon. J. F. Ryan: I think I made a fairly liberal presentation.

The Hon. P. F. O'GRADY: The honourable member did. I said that the honourable member approached the debate with some angst. I think that
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is a fair interpretation of the honourable member's contribution. The honourable member presented a very reasonable view on this bill. I would hope that he and a number of other members would tonight vote to ensure that this legislation is carried, because that does reflect the true position which the honourable member and a number of his Liberal colleagues have in respect of this bill.

The legislation has been debated in this Parliament on a previous occasion, and in the best interests of the citizens of New South Wales I hope it will be carried tonight. It will carry the debate forward one step for the rights of ordinary gay and lesbian members of society to exist freely. The speeches that will follow in this debate will be predictable. They will detail a vast array of documents - wonderful overseas material that describes us as terrible, horrible people. We are not. We are here. We ain't going nowhere. And I assure the Hon. Elaine Nile that we will be at every barrier, carrying forth a great spirit to ensure that her lies and hatred are put to rest once and for all.

The Hon. J. R. JOHNSON [9.20]: This is neither a good nor a bad bill. The amended bill, when it finally passes this House, will satisfy the desires of the majority of honourable members. Yesterday, the Hon. Elisabeth Kirkby treated us to a most outstanding interpretation of the scriptures. It would not matter if the scriptures were silent or if they did not exist -

[Interruption]

The honourable member should not interject. The church came before the scriptures. The scriptures do not have to say a word. The bill deals not with homosexuality but homosexual vilification and its effects - the many hideous murders that have taken place. If I were to be classified as anything, I would be classified as being almost the complete pacifist. I abhor violence of any kind. I abhor those who would perpetrate it by word, deed or action. But let me say a word to those in the public gallery who do not hold the same views as I do on the homosexual lifestyle. Many people have been vilified. I have seen Reverend the Hon. F. J. Nile vilified. Fred Hollows was vilified. Indeed, when Fred Hollows made statements that drew considerable attention some time ago, he received death threats, and that can be verified. I would want to protect him, as I would want to protect the homosexual community, the Christian community, the Muslim community, the whole Australian community, including Reverend the Hon. F. J. Nile and his wife. Yesterday, as I drove into this establishment it was being picketed.

The Hon. J. F. Ryan: Did you cross it?

The Hon. J. R. JOHNSON: It was not a union picket, mate. I would not cross a union picket. We all know that Reverend the Hon. F. J. Nile suffered the misfortune of falling down the stairs when trying to fulfil his obligations to this House. Yesterday he was vilified by a placard that read, "Was he pushed or was he pissed?"

[Interruption from gallery]

The PRESIDENT: Order! I have warned the gallery previously that I will not tolerate interruptions from the public gallery. If people in the gallery interrupt again I will be sorely tempted to clear the gallery.

The Hon. J. R. JOHNSON: That is what the placard read. Did Reverend the Hon. F. J. Nile deserve to be vilified yesterday? That could not happen to me. No one could say that I was in the latter stages of being under the influence of alcohol and neither could anyone accuse Reverend the Hon. F. J. Nile of that. It may be humorous, but he was vilified. Though I can give no credence to the lifestyle that the homosexual community follows, they should not be murdered or vilified because of it. Nor should the Christian churches, the Muslim churches or those people of goodwill who hold views similar to the rubrics of those churches or organisations be vilified because they hold an opposite view. I have been a member of this House for many years and I could not let it go without saying that last night honourable members were treated to one of the best contributions to be heard in this House, the contribution of our friend and colleague the Hon. J. F. Ryan. It was worthy of any Labor man, and that is high praise.

I do not like being vilified. Fred Hollows did not like it, and Reverend the Hon. F. J. Nile does not like it. Reverend the Hon. F. J. Nile has been the subject of violence. On television we have seen him being pulled from platforms during some of his marches. The nuns are vilified every time there is a rally by the so-called Sisters of Perpetual Indulgence. I appeal to the homosexual community to put their own house in order and stop dressing up in habits, because it has done more damage to their cause than most other things. They are vilifying the same people who are in St Vincent's Hospital nursing the victims - or the sufferers, should I say - of that dreaded disease, AIDS, and there is no community in the world that is doing more than the Christian community in hospitals and mission fields for the AIDS community.

The Hon. Virginia Chadwick: Are you opposing the bill?

The Hon. J. R. JOHNSON: You have your say, if you want to. How many dying AIDS patients' hands have you held?

The Hon. Virginia Chadwick: Several. How many have you held?

The Hon. J. R. JOHNSON: A considerable number.

The Hon. Virginia Chadwick: You are opposing the bill, are you?

The Hon. J. R. JOHNSON: I intend to support some amendments to this bill. It is absolutely clear that the amendment to be moved by the Labor Party

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will add two words, that is, religious instruction. Religious instruction includes personal development classes. To say that only the Christian churches oppose the homosexual lifestyle is wrong. Numerous non-Christian religious groups throughout the world, including the Muslims, oppose the homosexual lifestyle. But that does not say we should support in any way the denigration of that community; nor should we condone, give succour to, or in any way support those who would do violence to that community, just as we should not support those who, by word, deed or action, do violence to Reverend the Hon. F. J. Nile or those who depict nuns in a style to which nuns are not accustomed.

There are new methods of intimidation that can come to all by the tyranny of minorities, and the tyranny of minorities is not always all on one side. I hope that the tyranny of minorities can be overcome and that people of good will can reach a proper accommodation with each other. However, I was a little surprised to hear my colleague the Hon. P. F. O'Grady say that Christian churches would be confronted by the legislation. Finally, the Christian churches - indeed all the churches - have the habit of burying their undertakers.

The Hon. ELAINE NILE [9.35]: Call to Australia is totally opposed to Clover Moore's Anti-Discrimination (Homosexual Vilification) Amendment Bill, because it will give special legal privilege to the 1 per cent homosexual minority. This bill does not deal directly with the increase of violence towards

homosexuals and will not reduce the number of homosexual bashings in Sydney. It may even provoke violent skinhead gangs to go on a rampage against homosexuals in Sydney. It was interesting tonight to hear the former Minister of Police saying that Christian churches and Christians rather than skinheads were bashing and vilifying homosexuals. As a Christian, I find that totally abhorrent but, of course, the word "Christian" can be used and bandied around very lightly.

Many non-Christians think that because they live in a nominally Christian country they are Christians. I totally reject the vilification of the Christian church here tonight, of my leader, and of me by the Hon. P. F. O'Grady. If ever I heard vilification, it was tonight. The honourable member did not back up anything he said with facts, names or places, and, as a member of Parliament, I find that totally unacceptable. This bill will restrict free speech. That is exactly what this bill is about tonight - restricting free speech and freedom of expression. As Clover Moore said, her bill will gag Reverend the Hon. F. J. Nile and Bruce Ruxton. That comment appeared on the front page of the *Sydney Morning Herald*, and of course Clover Moore was given a lot of coverage that day. She was asked by radio commentators to name one time that Reverend the Hon. F. J. Nile had vilified homosexuals or had threatened homosexuals, and she could not mention one instance. The objects of the bill are set out in the explanatory note:

The object of this Bill is to amend the Anti-Discrimination Act 1977 to enact provisions relating to the vilification of homosexual persons. This is expressed to occur when a person, by a public act, incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group. The provisions are substantially similar to the existing provisions in the Act relating to racial vilification.

The Bill:

- * makes it unlawful for a person to vilify another person or group of persons on the ground of their homosexuality and, consequently, enables a complaint to be made under the Act concerning the vilification of homosexual persons
- * enables a person to be prosecuted for an offence in a serious case of vilification of homosexual persons involving threatened violence (including inciting others to threaten violence)
- * provides for the making of homosexual vilification complaints under the Act.

The actual amendments cover these broad areas of concern, especially the very wide definition of public act in the bill's explanatory notes, which state further:

Schedule 1(1) inserts a new Division 4 into Part 4C (Discrimination on the ground of homosexuality) which contains the following provisions:

- * Proposed section 49ZS defines the term "public act" for the purposes of the new Division. The term includes spoken and written communications to the public, actions and gestures observable by the public, the wearing or displaying of signs and emblems and the distribution of matter to the public with knowledge that the matter vilifies a person or group on the ground of the homosexuality of the person or members of the group.

Proposed section 49ZT makes it unlawful for a person to engage in the vilification of homosexual persons. The proposed section is subject to a number of exceptions, including the fair reporting of acts of vilification of homosexuals, the communication or publication of matter subject to the defence of absolute privilege in proceedings for defamation and a public act done reasonably and in good faith in the public interest. The proposed section will enable complaints to be made to the President of the Anti-Discrimination Board and to be dealt with in accordance with the procedures currently set out in the Act.

Proposed section 49ZTA provides that vilification of homosexual persons involving threatened violence (including inciting others to threaten violence) is a criminal offence. A person may only be prosecuted for the offence with the consent of the Attorney General.

Schedule 1 (3) amends section 88 (Making of complaints) to provide that a body which represents a group of homosexual persons may lodge a homosexual vilification complaint on behalf of a named person who is a homosexual person (but only with the consent of that person).

The actual wording of the bill is even more draconian and would impress Dr Goebbels, of the Nazi ministry of propaganda. This catch 22 description is straight out of George Orwell's frightening book on a future dictatorship entitled *1984* and based on Stalin's communist dictatorship and its powerful thought police. "Public act" is defined on page 2 of the bill. The bill states:

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Division 4-Homosexual vilification

Definition

49ZS In this Division:

"public act" includes:

- (a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material; and
- (b) any conduct, not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, and insignia; and
- (c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.

Clause 49ZT is the heart of the bill. It states:

Homosexual vilification unlawful

49ZT(1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.

That clause can be enforced without any reference to the Attorney General. Clause 49ZT also includes the only exemption from the draconian provisions of this bill, such as the fair reporting, et cetera. Clause 49ZT further states:

(2) Nothing in this section renders unlawful:

- (a) a fair report of a public act referred to in subsection (1); or
- (b) a communication or the distribution or dissemination of any matter comprising a publication referred to in Division 3 of Part 3 of the Defamation Act 1974 or which is otherwise subject to a defence of absolute privilege in proceedings for defamation; or

- (c) a public act, done reasonably and in good faith for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expeditions of any act or matter.

Amazingly these exemptions cover academic, artistic, scientific or research purposes, but specifically omit religion. This bill is clearly aimed at the church, at Christians, at clergy and at Christian schools. It is an anti-free speech bill. It attacks our Christian conscience. Who are we to obey: God or man? This is very serious for Christians who take their faith seriously. Clause 49ZTA makes a new criminal offence of serious homosexual vilification, with heavy draconian penalties. The clause states:

Offence of serious homosexual vilification

49ZTA(1)A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group by means which include:

- (a) threatening physical harm towards, or towards any property of, the person or group of persons; or
- (b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.

Maximum penalty

In the case of an individual - 10 penalty units or imprisonment for 6 months, or both.

In the case of a corporation - 100 penalty units.

(2) A person is not to be prosecuted for an offence under this section unless the Attorney General has consented to the prosecution.

This is the only clause that requires the consent of the Attorney General. However, the reassurances of the present Attorney General, the Hon. J. P. Hannaford, are worthless. He could be replaced with another coalition politician. The coalition could lose the next election and the Labor Party could win. We could actually have the Hon. P. F. O'Grady as the next Labor Party Attorney General in this State. Would the Hon. P. F. O'Grady be reluctant to fine Reverend the Hon. F. J. Nile and send him to gaol on any trumped-up, false charges, if he could? I have listened to a lot of hogwash here tonight. I would not have any faith in the Hon. P. F. O'Grady if he were Attorney General. Clover Moore's bill also has a new dangerous method of operating in regard to complaints. Proposed section 87 states that any individual or any representative body could make complaints. The new section defines representative body. It states:

"representative body" means a body (whether incorporated or unincorporated) which represents or purports to represent:

- (a) a racial group of people within New South Wales; or
- (b) a group of people within New South Wales on the basis of their homosexuality,

(whether or not the body is authorised to do so by the group concerned) and which has as its primary object the promotion of the interests and welfare of the group;

Therefore, it can be seen that representative body is defined as a group of people within New South Wales on the basis of their homosexuality, whether or not the body is authorised to do so by the group

concerned. This will give a blank cheque to radical homosexual groups, such as Gay Solidarity, Homosexual and Lesbian Mardi Gras Parade Group, the ACT UP Group, et cetera, to make almost daily complaints against Christian spokesmen such as Reverend the Hon. F. J. Nile or any other person.

The Hon. Elisabeth Kirkby: Only if they incite the public to violence.

The Hon. ELAINE NILE: That is what the person has to prove to show his innocence. The sad part is that Clover Moore said this bill would gag Reverend the Hon. F. J. Nile or Bruce Ruxton. This House is concerned with the Christian church. What about the other bodies outside the Christian church? They are not mentioned at all. We were told that they could not be included and that the bill could not be made generic because of its long title. This is a homosexual bill. It will not cover other groups outside churches.

The Hon. Elisabeth Kirkby: When amended it will cover all groups.

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The Hon. ELAINE NILE: I am talking to the bill as it is now.

The Hon. Elisabeth Kirkby: It is to be amended, as you well know.

The Hon. ELAINE NILE: We will wait and see what happens there. I am talking to the bill as it stands in its present form. Call to Australia believes in protecting the free speech of Christians. Reverend the Hon. F. J. Nile's strong opposition to Clover Moore's homosexual bill defeated it in the upper House, 15 votes to 14, on 21st May, 1993. Widespread church and community opposition, as well as the joint party room revolt, then forced the Government to axe its own homosexual legislation. However, the surprise defection of the Hon. E. P. Pickering, who has broken the Government's promise, and the joint party room decision to reject Clover Moore's homosexual bill, have enabled the Australian Labor Party to support the Australian Democrats' restoration of Clover Moore's bill by 20 votes to 19 votes on Tuesday, 12th October, 1993.

Last Sunday afternoon a rally was held in the Sydney Town Hall at which Revd Barry George, President of the New South Wales Council of Churches; Revd Bruce Christian, a past moderator of the New South Wales Presbyterian Church; Mr Peter Cochran, a National Party member; and Revd Bill Beard of the Lighthouse Christian Centre spoke. Revd Bruce Christian of the Rose Bay Presbyterian Church spoke of having counselled a member of his congregation, a member of the homosexual community, who is in the last stages of AIDS. It saddened him that he could not, as a Christian minister, accept the homosexual lifestyle because the homosexual did not accept that he was a sinner, as we all are, and come for forgiveness to the Lord.

Revd Bruce Christian put four questions. He spoke about what the present law does in relation to incitement and he asked what Clover Moore's legislation would do. It will do exactly nothing as far as the bashing and murdering of homosexuals. What difference will it mean to the people who are bashing? As I said before, I am deeply offended by the allegations in this House tonight that Christians are the ones that are doing this. The fourth question asked was: Who is the target of the bill? It is the churches. I would like to read what the Bible says about homosexuality. I was sad to hear the Hon. P. F. O'Grady tonight defaming the churches and Call to Australia, which is a Christian party, a Christian group. We were formed on the basis of being Christians. Our whole aim is to uphold legislation to support family life and marriage. That is our basis. We have never said, "Go kill a homosexual" or "Go bash a homosexual". Members of the community here tonight who have been at our rallies have never heard anything like that from us.

The Hon. Elisabeth Kirkby: Then you are absolutely safe and you have nothing to fear from the bill before the House.

The Hon. ELAINE NILE: I am yet to be convinced of that. Genesis 1:27 gives the basis of God creating man and woman. It states:

So God created man in his own image, in the image of God he created him; male and female he created them.

Genesis chapter 19:4 to 7 states:

Before they had gone to bed, all the men from every part of the city of Sodom - both young and old - surrounded the house. They called to Lot, "Where are the men who came to you tonight? Bring them out to us so that we can have sex with them".

Lot went outside to meet them and shut the door behind him and said, "No, my friends. Don't do this wicked thing.

This is the origin of the word sodomy. The Crimes Act referred in sections 79 to 81B to the abominable crime of buggery, sodomy. It was repealed on a conscience vote after former Australian Labor Party Premier Neville Wran introduced a private member's bill. It is completely untrue to say that there is nothing in the Bible about what sodomy is. Exodus 2:14 states:

You shall not commit adultery.

Leviticus 20:13 states:

If a man lies with a man as one lies with a woman, both of them have done what is abomination.

This is the Old Testament. God in the Old Testament says they must be put to death and their blood will be on their own heads. Deuteronomy 23:17 says that there shall be no prostitute of the daughters of Israel nor a sodomite of the sons of Israel. Romans 1:26 and 27 says:

Because of this, God gave them over to shameful lusts. Even their women exchanged natural relations for unnatural ones. In the same way the men also abandoned natural relations with women and were inflamed with lust for one another. Men committed indecent acts with other men, and received in themselves the due penalty for their perversion.

First Corinthians 6:9 states:

Do you not know that the wicked will not inherit the Kingdom of God? Do not be deceived: neither the sexually immoral nor idolaters nor adulterers nor male prostitutes nor homosexual offenders . . .

Second Peter 2:6 and 7 states:

. . . if he condemned the cities of Sodom and Gomorrah by burning them to ashes, and made them an example of what is going to happen to the ungodly; and if he rescued Lot, a righteous man, who was distressed by the . . . lives of lawless men . . .

Jude 1:6 and 7 states:

And the angels who did not keep their positions of authority but abandoned their own home - these he has kept in darkness, bound with everlasting chains for judgment on the great Day. In a similar way, Sodom and Gomorrah and the surrounding towns gave themselves up to sexual immorality and perversion. They serve as an example of those who suffer the punishment of eternal

fire.

Compare that with Genesis 19. Therefore, homosexuality to the Christian is unnatural, abnormal, immoral, sinful and unhealthy. I say to the people in the gallery tonight that God loves homosexuals but He

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cannot tolerate and will not tolerate sin, because He is a holy God. That is why the Lord Jesus Christ, God's son, came into this world, to die for the sin of the world - not only homosexuals. He died for each individual person in this world. That is the crux of the gospel message. Jesus was not a martyr. He was not just a good man. He was the son of God. The Hon. Elisabeth Kirkby said in her speech that she had been studying the scriptures. One has to go right through the scriptures, not pick out individual parts. I was once not a Christian. I grew up in a very good home. My parents were good people. I knew what was right and what was wrong but I was still a sinner. I had to come to that place where I recognised my sinfulness, as every other member in this Chamber does. In Acts 4:18 to 20, referring to the disciples John and Paul, the Bible states:

Then they called them in again and commanded them not to speak or teach at all in the name of Jesus. But Peter and John answered and said to them, "Whether it is right in the sight of God to listen to you more than to God you judge. For we cannot but speak the things which we have seen and heard."

We cannot as Christians speak of the things that we know God wants for us and the good things that God wants for all of his creation, whether it be male, female or whatever. God wants the best for each person. The 10 commandments are written not in the negative but in the positive for the happiness of all God's creations. Thou shalt not steal.

The Hon. Elisabeth Kirkby: And not by Jesus.

The Hon. ELAINE NILE: This is God. Jesus referred to the 10 commandments. He gave us the beatitudes that we are to love one another.

The Hon. Elisabeth Kirkby: He did indeed give us the beatitudes.

The PRESIDENT: Order! Would honourable members please stop having dialogue about the scriptures.

The Hon. ELAINE NILE: It is not a bad dialogue to have. First Corinthians 9:16 states:

For if I preach the gospel, I have nothing to boast of, for necessity is laid upon me. Yet, woe to me if I do not preach the Gospel.

If we only have a choice to obey God or man, we must obey God. I am sorry to say that to those who do not accept God or do not accept the true teaching of the church. The newspapers and the media in New South Wales have come out strongly against this bill because they see it as restricting the freedom of speech. On 1st September, 1993, an article in the *Sydney Morning Herald* reported:

. . . and Rev Fred Nile says the proposed changes to the Anti-Discrimination Act will inhibit free speech . . . This final point, although not always the one most forcefully put by Mr Nile, is the one deserving most attention. That is not because it relates to homosexuals, but because it threatens a broader freedom - freedom of speech - than the one it purports to protect. And it threatens that broader freedom without necessarily adding to the protection of homosexuals.

The *Illawarra Mercury* on 31st August, 1993, reported:

We would suggest that laws that would award \$40,000 to homosexuals for incidents of vilification will only alienate further other members of the community. There is a danger, as Fred Nile puts it, of giving one group greater rights than other citizens. Bigotry is a generational notion. A community grows out of its bigotry as people mature to accept that different races come together in the melting pot that is now Australia . . . General acceptance of homosexuals is not that far away. Stricter laws will not make it happen any sooner.

The Call to Australia group produced an information kit on the Anti-Discrimination (Homosexual Vilification) Amendment Bill to inform the general public of what was happening. Ordinary members of the community would not know where they were if they read the bill. They would not know whether they were Arthur or Martha. On 24th November, 1992, Reverend the Hon. F. J. Nile criticised the decision by the Prime Minister, Paul Keating, to allow homosexuals to be admitted to the armed forces. He said that Call to Australia "today strongly condemned the disgusting limp-wristed decision of the Keating Cabinet to change our proud Australian army from an army of ANZACs into an army of queens".

The media usually ignores what is said by the group. This statement was made tongue in cheek to get the media to take note of what we were saying because the armed forces in Australia were not allowed to speak publicly on the issue. In the United States when President Clinton allowed homosexuals to join the armed forces the leaders of the armed forces were able to state publicly their thoughts on the decision. The comments of Reverend the Hon. F. J. Nile elicited a response from Steve Mark, the President of the Anti-Discrimination Board of New South Wales, who said:

Whereas vilification on the ground of sexual preference is not presently unlawful under the Act that I administer, the Board's recent report on HIV and AIDS discrimination, "*Discrimination - The Other Epidemic*", attests to the fact that many in our community believe that it should be.

He stated also that the board had received a complaint from the Hon. P. F. O'Grady, M.L.C. - ALP homosexual member of Parliament - but could not take action against Reverend the Hon. F. J. Nile, M.L.C., because the Anti-Discrimination (Homosexual Vilification) Amendment Bill was not yet law in New South Wales. That statement, according to Steve Mark, would also be taken before the board. He said further:

Also in light of the Bill before the State Parliament, it is not impossible that such comments could be taken and used as the basis of a charge against Fred Nile, if it became an Act. If passed, the Bill would take effect three months later and the President of the Anti-Discrimination Board would consider complaints - the Bill does not say that complaints cannot be made about events prior to the passage of the Bill so does not exclude the possibility of retrospectivity.

On 11th March, Clover Moore, the Independent member for Bligh, when presenting her second reading speech in the New South Wales Legislative

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Assembly, outlined her reasons for proposing the legislation and described the effects of the legislation. She sought unsuccessfully to allay widespread criticism in the media and by the church about the impact of her draconian bill. She said:

The bill will not make it illegal for people to talk about homosexuality. It will not prevent people from stating that they disagree with or disapprove of lesbian or gay lifestyles. The Bill will not affect people who state their belief that homosexuality is a sin or who quote from the Bible to support their argument.

I note that she omitted to mention Reverend the Hon. F. J. Nile and Bruce Ruxton as the only likely exceptions. Since then Reverend the Hon. F. J. Nile has been threatened for quoting the Bible. Who should one believe? Should one believe the politicians? This is the problem that people have. The Hon. Elisabeth Kirkby said that that statement should not be interpreted in that way. In fact the 1993

homosexual vilification bill contains the same definitions as those in the racial vilification provisions of the Anti-Discrimination Act. The implication is that the homosexual community is another racial group, reaffirming the old argument that homosexuals are born that way despite evidence to the contrary. Homosexuality is a chosen lifestyle. Since 1982-83, at vigils which have taken place outside this House, homosexuals have said that they choose their lifestyle. Legal comment has been sought on the bill and the following concerns were raised:

1. "A person could make a very true and balanced statement (without hatred - and even in love) expressing a view critical of homosexuality which could promote serious contempt or ridicule". What is being judged under the Act is the effect of words and actions, not the intention of one's words and actions. This is the clear implication of the word "promotes" or "promotion" as used in the Bill.
2. The amendment makes unlawful the sale or preaching of portion of the Bible.
3. Under Section 123(1) of the Anti-Discrimination Act 1977, (of which this Homosexual Vilification Bill is an Amendment), it states that "a contravention of this Act shall attract no sanction or consequence, whether criminal or civil, except to the extent expressly provided by this Act."

However, the bill provides for an initial written complaint to be sent to the President of the Anti-Discrimination Board. If the president upholds the complaint, he refers it the Attorney General. No prosecution may be brought without the consent of the Attorney General. That is covered by sections 49ZTA(2) of the amendment. Although the amendment bill provides for a maximum penalty of \$1,000 or six months' imprisonment or both for individuals, or \$10,000 for a corporation, the Anti-Discrimination Act provides for compensation of up to \$40,000. This will only be incurred if the matter is unresolved by conciliation and a determination is made by the Equal Opportunity Tribunal. On 1st April the Board of Social Responsibility of the Uniting Church issued the following statement giving its support for this legislation:

Resolution on legislation about vilification on homosexuals that the Board support the principle that there be legislation to make vilification of homosexuals unlawful on the following grounds.

Reverend Harry Herbert, the general secretary of the board, issued that statement. Uniting Church parishes have not been asked what they think of the legislation. The board is speaking on its own behalf. A number of people have defected from the Uniting Church because of this response. Among the congregation of the Uniting Church there are the biblical Christians who accept and believe the biblical injunctions that I have read. They are most upset with the statements of Reverend Harry Herbert. The Call to Australia group believes that the increase in the violent attacks on homosexuals is a direct result of the provocative actions of homosexuals on the streets of Sydney, such as the "Pitt Street kiss-in" and the homosexual mardi gras.

Last night the Hon. J. F. Ryan said that the comments made by Reverend the Hon. F. J. Nile after the lifting of the ban on homosexuals in the armed forces were repulsive - I cannot recall if that is the precise word he used. All honourable members would have seen men who were about to go away to the Korean War, the Vietnam War and World War II. Members of my family have fought in all of those wars. At such departures one usually sees husbands and wives or young men and young women kissing each other goodbye. But in public places such as parks I have seen men kissing each other, handling each other's bodies and so on. I find that repulsive. It is terrible to think that such scenes would be common among servicemen and servicewomen as a result of the Prime Minister lifting the ban on homosexuals in the armed forces. But nothing is said about what is happening in the streets of Sydney. One cannot have it both ways. If one wants something, one has to show one is worthy. This bill will not stop violence, and I hope the community realises that. I am sure that those who are willing to listen to reason will understand that. On 5th May the New South Wales Council of Churches passed the following resolution:

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

That is exactly what the Hon. P. F. O'Grady has done in this House. He has threatened the churches and Christians. That statement by the New South Wales Council of Churches rightly discerns how this so-called vilification law would work in practice. Homosexuals could make complaints to the Anti-Discrimination Board about some statement or remark which they claim involves vilification of homosexuals by a journalist or Christian minister. Once the complaint is made, the journalist and Christian minister would have to defend themselves, and that would involve expensive legal advice - which is time consuming and stressful. That is a very clever form of harassment. In the early 1980s militant homosexuals used similar complaints to try to stop

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Reverend the Hon. F. J. Nile hosting the Sunday Night Light Show on 2GB. Although their complaints were rejected, 2GB spent \$50,000 defending the program. And what happened? Some honourable members may remember that it was not Reverend the Hon. F. J. Nile who had criticised the homosexual lifestyle. A lady had telephoned and said that she had seen what homosexuals called a holy union - two men being married in the homosexual church. She said, "As a Christian I found it disgusting". In relation to those sorts of matters, we feel that we are being victimised.

The Hon. Elisabeth Kirkby: You are not being bashed or murdered.

The Hon. ELAINE NILE: This bill will not do anything to stop that.

The PRESIDENT: Order! The Hon. Elisabeth Kirkby will have the right of reply.

The Hon. ELAINE NILE: Clover Moore introduced her bill in the Legislative Assembly on Thursday, 11th March. The debate was adjourned by the Government after Ms Moore had concluded her second reading speech. On Thursday, 29th April, she successfully moved an urgency motion to recommence debate on her bill. The leader of Government business in the Legislative Assembly, the Hon. Garry West, M.P., criticised Ms Moore for breaching an agreement. He said:

If this motion is carried, it will be a very clear signal, not just to the Government, but to the Parliament and the ALP that agreements reached are not being kept . . . the Government opposes the motion.

Ms Moore's motion was passed 49 votes to 45 votes with the strong support of the Australian Labor Party and the Independents - John Hatton, M.P., Dr Peter Macdonald, M.P., and Tony Windsor, M.P. After a number of speeches, the debate was adjourned until 13th May, when Ms Moore again moved an urgency motion to give her bill priority so that a vote could be taken on it. Again the Government opposed her motion, but lost the vote 50 to 46. After a lengthy and fiery debate, the bill was finally passed 49 votes to 17 votes. All Australian Labor Party members and two Independents - John Hatton, M.P., and Dr Peter Macdonald, M.P. - voted for the bill, as well as one Liberal member of Parliament, Mr Phillip Smiles. Twelve National Party members and five Liberal Party members voted against the bill. The five Liberal Party members were Peter Blackmore, M.P., Dr Elizabeth Kernohan, M.P., Malcolm Kerr, M.P., Stephen O'Doherty, M.P., and Albert Schultz, M.P., as well as Tony Windsor, M.P. Initially the Government in the Legislative Council opposed Ms Moore's bill being debated in September because of its own legislation.

It is clear that the proposed homosexual vilification laws cross the line of separation of church and State, in that the State should not pass laws that interfere with the church and its doctrine. Such laws will force Christians to ask the question: Will I obey God or man? The answer is obviously God. Therefore

the faithful Christian will come into direct conflict with this permissive legislation. The Bible clearly teaches that homosexual behaviour is an abomination - "If a man has sexual intercourse with a man as with a woman, they both commit an abomination". If homosexuality is hated by God - and the word "hated" is used in the Bible by God - a faithful Christian cannot be silent in the face of the aggressive promotion of this lifestyle in our schools, nor can he be silent about the current moves to legalise homosexual marriages, et cetera. On radio the Young Liberals have called for the legalisation of homosexual marriages. That would again involve discrimination. Obviously the fact that God calls homosexuality an abomination does not justify violence against homosexuals. Homosexual activists have already claimed that any Christian quoting Leviticus 20:13 will be guilty of vilification under the proposed law. We in the church have a problem, and it is frightening in that sense. We need also to be aware of the creeping-gradualism approach by the opponents of Christian ethics, as described by the late Professor Ian Blaiklock when he defined permissiveness. He said:

Permissiveness is that state of the spirit in which that which once caused shame and revulsion is first tolerated - then accepted and finally embraced.

Therefore, permissiveness is the gradual reduction of all restricting regulations. Professor Blaiklock stated that a permissive society is a complete contradiction in terms and has no future at all, because society means an alliance or a grouping together of people with certain laws to their common advantage. It is completely impossible and illogical to have a permissive society, because it requires the renunciation of the covenant that lies at the heart of all communities. Professor Blaiklock said that the end result is the situation that existed and is described in the Old Testament where "every man did that which was right in his own eyes". That is a reference to Judges 17:6 and 21:25. I should like to refer to an article headed, "Church Backs Pro-Gay Bill", which reads:

The Uniting Church has thrown its support behind legislation that would make vilification of homosexuals illegal.

I note that the Uniting Church is the only church to have done that. In place of Clover Moore's bill the Call to Australia group will introduce the Crimes Prevention Bill, which has been printed. The object of the bill is to make it an offence to incite, urge or encourage the commission of any offence, including, but without being limited to, crimes of violence. To achieve that objective, the bill will create two offences. The first offence covers all forms of incitement to commit offences and will have a maximum penalty of 10 penalty units or imprisonment for six months or both.

The second offence covers incitement to crime where the incitement is by means of a public act such as an address or broadcast to the public. The maximum penalty for this offence will be 50 penalty units or imprisonment for six months, or both, when

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the offence is committed by an individual, or 100 penalty units when the offence is committed by a corporation. Call to Australia would like to see that introduced to cover all people. A legal paper has been prepared on this bill. It seems strange that there are attempts to remove protection from the church and yet provide protection to the homosexual movement. The Law Reform Commission's discussion paper on blasphemy released in February 1992 was strongly slanted towards abrogating, eliminating, blasphemy and blasphemous libel as criminal offences. In argument it was said that having a criminal offence to discourage blasphemy was impractical. The arguments put forward by the commission could apply much more aptly to homosexual vilification laws. The commission stated at paragraph 4.7:

The view for some time has been that, whatever the merits of promoting religious values and respect for religious beliefs, the use of the criminal law is incapable of achieving these aims without resort to measures which would be regarded as unacceptable infringements upon freedom of expression in modern society [which] could give rise to greater problems than they solve.

It is a tragic irony that the offence of blasphemy, which punishes those who vilify the sacred, is being

pushed out, yet great energies are being expended to make it a crime to vilify sinful and unfruitful homosexual acts. The Act declines to define "homosexual". Does it include paedophiles and pederasts who exploit young boys? Does it include lesbians who exploit young girls? Will it be unlawful vilification to speak up against paedophiles? Can they be defined? Will the age of consent, 18 for young men, be reduced next? Or will there be homosexual marriages? At paragraph 4.12 of the blasphemy discussion paper the commission quoted the Law Commission of England and Wales as follows:

It is commonplace that differences of view on religious matters run deep, and the existence of the criminal law is unlikely to deter those with a determination to express their views, even in the sharpest terms, about practices and beliefs which they consider undesirable.

These words far more aptly describe divisions between heterosexuals and homosexuals. The commission continued at 4.13:

Moreover, the crime of blasphemy may actually encourage some to do those acts which the law seeks to proscribe: many authors and publishers have in the past relished their martyrdom at the hands of the legal instrument of suppression.

This again is apt to describe the current bill. Violent youth and extremist groups may be more encouraged to behave violently towards homosexuals. The vast majority of our society are heterosexual. To create a criminal offence for condemning homosexual acts is to restrict our right to free speech. It will also restrict the right to teach publicly religious principles which declare homosexual acts to be sinful and abominations. One of our most fundamental freedoms is that of freedom of religion. This freedom has been recognised as contained in section 116 of the Australian Constitution. Acting Chief Justice Mason and Mr Justice Brennan in *Church of the New Faith v. Commissioner of Payroll Tax (Vic)* - the scientology case reported at page 17 of 1982-83, volume 154 of the *Commonwealth Law Reports* - said at page 130 of their judgment:

Freedom of religion, the paradigm freedom of conscience is the essence of a free society. The chief function in the law of a definition of religion is to mark out an area in which a person subject to the law is free to believe and to act in accordance with his beliefs without legal restraint. Such a definition affects the scope and operation of S.116 of the Constitution, and identifies the subject matters which other laws are presumed not to intend to affect. Religion is this a concept of fundamental importance to the law. (sic)

Later, at page 132, they state:

The development of the law towards complete religious liberty and religious equality to which Rich J referred in *Jehovah's Witnesses Inc* (decided by the High Court in 1943) would be subverted and the guarantees in S.116 of the Constitution would lose their character as a bastion of freedom if religion was so defined as to exclude from its own ambit minority religions out of the main streams of religious thought. Though religious freedom and religious equality are beneficial to all true religions, minority religions - not well established and accepted - stand in need of especial protection . . . it is more accurate to say that protection is required for the adherents of religions, not for the religions themselves. Protection is not accorded to safeguard the tenets of each religion; no such protection can be given by the law, and it would be contradictory of the law to protect at once the tenets of different religions which are incompatible with one another. Protection is accorded to preserve the dignity and freedom of each man so that he may adhere to any religion of his choosing or to none. The freedom of religion being equally conferred on all, the variety of religious beliefs which are within the area of legal immunity is not restricted.

Further, at page 133, they state:

The law seeks to leave man as free as possible in conscience to respond to the abiding and

fundamental problems of human existence. In all societies and in all ages, man has pondered upon the explanation of the existence of the phenomenological universe, the meaning of his existence and destiny.

At page 34 they continue:

Faith in the supernatural, transcending reasoning about the natural order, is the stuff of religious belief. Judge Augustus N. Hand said, obiter, in the *United States v Kauten*: "... the content of the term [religion] is found in the history of the human race and is incapable of compression into a few words". Religious belief arises from a sense of the inadequacy of reason as a means of relating the individual to his fellow men and to his universe - a sense common to men in the most primitive and most highly civilised societies. It accepts the aid of logic but refuses to be limited by it.

Later, at 135, Acting Chief Justice Mason and Mr Justice Brennan discussed an aspect of religious freedom which is most pertinent to the present debate, when they stated:

What man feels constrained to do or to abstain from doing because of his faith in the supernatural is prima facie within the area of legal immunity, for his freedom to believe would be impaired by restriction upon conduct in which he engages in giving effect to that belief.

The current bill provides for a new section 49ZT, which provides 49ZT(1)H is unlawful, et cetera. Note that though public acts done reasonably in good faith for academic, artistic, scientific or research
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purposes, or for other purposes in the public interest, including discussion or debate about the expositions of any act or matter, are exempted from being unlawful vilification, there is no specific exemption for public statements of religious or moral beliefs or teaching. Section 56 of the Act removes from liability under the Act the ordination of priests, ministers of religion or members of any religious order, so that refusal to ordain a homosexual as a priest, or appoint him as a minister, does not breach the Act. Exempted under section 56BR is "the training or education of persons seeking ordination or appointment as priests, ministers of religion or members of a religious order", so that one could teach seminarians that homosexual conduct is sinful and contrary to the teachings of Holy Scripture.

Section 56(c) exempts the appointment of any other person in any capacity by a body established to propagate religion. Thus, a Catholic school could refuse to employ a homosexual teacher. Section 56(d) exempts any other practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion. This would allow a religious school to forbid homosexuals from teaching their pupils about homosexual practises or interests, but if a priest, minister or a layman wished to publicly condemn homosexual practises on religious grounds, he may be liable to punishment or damages under the Act. Contrary to what Justices Mason and Brennan said were fundamental freedoms, this would impinge upon his freedom to believe, which would be impaired by restriction upon conduct in which he engages in giving effect to that belief. For example, if a film were produced depicting our Lord Jesus Christ as a promiscuous homosexual - and that has been done overseas - undoubtedly the film would be blasphemous, but if the Law Reform Commission's preferred option was enacted, the crimes of blasphemy and blasphemous libel would have been abrogated, abolished.

If a person publicly condemned the film, would he or she not be liable to damages or prosecution under the Act? This would be an abomination. One could criticise the film as poor drama with impunity, but if a Christian defended his or her faith by condemning the film and publicly discouraging patronage, the current amendments would leave him or her liable to damages and or prosecution under the Act. In 1977 the courageous British morals campaigner, Mrs Mary Whitehouse, brought to trial in a private prosecution the editor of *Gay News*, Denis Lemon and the company that published the newspaper, *Gay News Limited*, on a charge of blasphemous libel. The paper had published a poem, accompanied by a drawing, illustrating subject-matter which purported to describe in explicit detail acts of sodomy and

fellatio with the body of Christ immediately after his death, and ascribing to Him during his lifetime promiscuous homosexual practises with the apostles and with other men. The accused were convicted by the jury and Mr Lemon was sentenced to nine months' imprisonment, suspended for 18 months, fined \$500 and ordered to pay costs. Gay News Limited was fined \$1,000 and ordered to pay costs. The House of Lords dismissed its appeal and confirmed the convictions. Lord Russell of Killowan stated:

... if the only ingredient of the offence is the knowing publication of matter which will in fact shock and outrage the feelings of ordinary Christians, it must be equally made clear that, as the jury found, this publication was a blasphemous libel. It is not for your Lordships to agree or disagree with that finding, though speaking for myself as an ordinary Christian, I find the publication quite appallingly shocking and outrageous.

Lord Scarman felt that the common law of blasphemy serves a useful purpose in modern society, but also should be extended to protect non-Christians. In recent years blasphemous films have caused great outrage overseas and in Australia. Two films, "Hail Mary" and "The Last Temptation of Christ" aroused enormous public controversy in 1986 and 1988 respectively. In 1987 in a court challenge to the censorship board's classification of the film "Hail Mary" the Full Court of the Federal Court recognised in *Ogle v. Strickland* that a Catholic priest and an Anglican priest had sufficient standing to challenge the classification. I query whether, if this legislation is enacted, they would be free from punishment or damages under the Anti-Discrimination Act if the films also represented Christ as a homosexual or the Virgin Mary as a lesbian. It hurts me to even suggest this, but my rose coloured glasses were shattered years ago and regrettably I cease to be shocked at the depths of degradation to which certain elements of society have sunk. Mr Justice Lockhart in *Ogle v. Strickland* stated:

The appellants are in holy orders in hierarchical Christian Churches. As ministers of religion they are in a special position compared with ordinary members of the public in that it is their duty and vocation to maintain the sanctity of the Scriptures, to spread the Gospel, to teach and foster Christian beliefs and to repeal or oppose blasphemy. Blasphemy is the denial of the basic tenets of the Christian faith. The doctrines and teachings of the Christian faith are of 'great cultural and spiritual significance' to the appellants, (to adopt the language of Stephen J. in the Onus case . . .) and certainly are of no less significance to Christians than were the Aboriginal relics to the Gournditch-jmara community in the Onus case. The appellants are not meddlers or 'busy bodies'. Nor are they people who have mere intellectual or emotional concern about the film . . .

The decisions impinged in this case have a greater effect upon the appellants than they have upon ordinary members of the public. It is true that the appellants have no special interest in the subject-matter of the decision in the sense of legal or equitable rights or proprietary or pecuniary interests, but they are persons aggrieved because to repeal blasphemy is a necessary incident of their vocation.

The Hon. E. P. Pickering: On a point of order. Mr Deputy-President, I have been listening for quite some time to the honourable member quoting extensively from material which has absolutely no relevance to the legislation before the House. I seek your assistance in bringing her back to the bill.

The Hon. Elaine Nile: On the point of order. I believe that the Christian church and the abuse of the Christian faith and the Lord Jesus Christ, both

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overseas and here in Australia, have a great deal to do with the legislation. The Christian church is under attack.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! I find no substance in the point of order but I remind honourable members that they must address the bill before the House.

The Hon. ELAINE NILE: The sacred scriptures have at least 13 references to homosexuality. I

note that the Hon. Elisabeth Kirkby spoke about such references. Because our God is a holy God, because he is a just God and because sin is anathema to him, the quotations in the scriptures are strong. Throughout the scriptures God is talking about the family, men and women together. Homosexuality is distasteful to the Lord God. It is a slap in the face to God in regard to His creation of male and female. I am sure the honourable member does not understand that; he put his head down in disgust.

The Hon. P. F. O'Grady: On a point of order. The honourable member is not in any sense referring to the objects of the Anti-Discrimination (Homosexual Vilification) Amendment Bill or any part of it, and I ask that she be brought back to the substance of the bill.

The DEPUTY-PRESIDENT: Order! There is no point of order. The honourable member was replying to the former point of order taken by the Hon. E. P. Pickering, detailing what she felt related to the bill.

The Hon. ELAINE NILE: I apologise to the honourable member. The scriptures have been brought into the debate by the Hon. Elisabeth Kirkby who, I believe, used them out of context and misquoted them. Mr Justice Lockhart continued:

The continuing tradition of the Christian church rooted in the sacred scriptures informs the church that homosexual practise is unnatural. This disordered behaviour is contrary to the will and goodness of God. The church then, if it is to be true to its tradition, must reject any movement in her midst which would give moral approval to homosexual behaviour.

That is not to say that God loves homosexual people. It is the sin that God will not accept. I would say to the honourable member that you need to read the Bible and read it right through and understand it.

The Hon. Virginia Chadwick: You are suggesting that we have not read it?

The Hon. ELAINE NILE: I am suggesting that you have to look at the other parts of the Bible that talk about -

The Hon. Virginia Chadwick: I am sure you are implying that we have not read the Bible.

The Hon. ELAINE NILE: No, I am not. I am sorry if you have taken it the wrong way. I did not mean it that way. Examine the scriptures. I do apologise to the honourable member.

The Hon. Virginia Chadwick: You are suggesting that I have not read the Bible and that is incorrect.

The Hon. ELAINE NILE: Well, I apologise for that.

The Hon. Virginia Chadwick: I was a Sunday school teacher, for heaven's sake.

The Hon. ELAINE NILE: I was a Sunday school teacher too, and I used to go to the subject that was the subject for the lesson that day. I had to do an extensive study of the Bible.

The Hon. Virginia Chadwick: We used to sing happy, caring, loving, charitable songs.

The Hon. ELAINE NILE: Exactly, "Jesus loves me, this I know, for the Bible tells me so", and "Jesus died for all the people of the world".

The PRESIDENT: Order! Perhaps the honourable member could return to the bill.

The Hon. ELAINE NILE: Jesus died for us all. We all have to ask forgiveness for our sins, and

the sins outlined there.

[*Interruption*]

The Hon. ELAINE NILE: I move:

That this debate be now adjourned until Tuesday 1 March 1994.

Question put.

The House divided.

Ayes, 2

Tellers,
Mrs Nile
Revd F. J. Nile

Noes, 36

Mrs Arena	Mr Manson
Mr Bull	Mr Moppett
Dr Burgmann	Mr Mutch
Ms Burnswoods	Mr Obeid
Mrs Chadwick	Dr Pezzutti
Mr Coleman	Mr Pickering
Mr Dyer	Mr Ryan
Mr Egan	Mr Samios
Mrs Evans	Mrs Sham-Ho
Miss Gardiner	Mr Shaw
Mr Gay	Mr Rowland Smith
Dr Goldsmith	Mrs Symonds
Mrs Isaksen	Mr Vaughan
Mr Jobling	Mrs Walker
Mr Johnson	Mr Webster
Mr Jones	
Mr Kaldis	<i>Tellers,</i>
Miss Kirkby	Mrs Forsythe
Mr Macdonald	Mr O'Grady

Pair

Mr Hannaford	Mrs Kite
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Question so resolved in the negative.

Motion negatived.

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The Hon. ELAINE NILE: The position of the Catholic Church was clearly expressed in the "Declaration on Certain Questions Concerning Sexual Ethics", which was published by the Sacred Congregation of the Faith in Rome, on 29th December, 1975. Paragraph 8 states:

In the pastoral field, these homosexuals must certainly be treated with understanding and sustained in the hope of overcoming their personal difficulties and in their inability to fit into society. Their culpability will be judged with prudence. But no pastoral method can be employed which would give moral justification to these acts on the grounds that they would be consonant with the condition of such people. For according to the objective moral order, homosexual relations are acts which lack an essential and indispensable finality. In Sacred Scripture they are condemned as a serious depravity and even presented as the sad consequence of rejecting God. This judgment of scripture does not of course permit us to conclude that all those who suffer from this anomaly are personally responsible for it, but it does attest to the fact that homosexual acts are intrinsically disordered and can in no case be approved of.

The distinguished Australian Catholic writer, Michael Gilchrist, in his book *Catholicism in the '90s*, refers to Father John Harvey who has had experience, since 1955, in counselling homosexuals and helping them to "plan their lives and rely on God's grace and the sacraments to lead chaste lives". Father Harvey, at the invitation of Cardinal Terence Cooke of New York, established a group called Courage in 1980. The name was proposed by an early member who died of AIDS. Courage is an organisation for the homosexual who realises the need for mutual support to gain control of his life with five goals based on the program of Alcoholics Anonymous: to lead a chaste life; to serve others aided by the mass, sacraments, spiritual reading, prayer and meditation; to foster a spirit of fellowship through shared experiences and thoughts; to encourage chaste friendships; and to set an example to other homosexuals. This group has expanded in the United States and in other countries. As Father Harvey puts it, "The attractiveness of sin is a fantasy; it is part of the unreal world of Satan". Celibacy is seen as "freely accepted and joyfully lived out, a gift, not a burden, another way of living out sexuality . . ."

The Hon. E. P. Pickering: On a point of order. The Hon. Elaine Nile has been advancing an argument of late as to the attitude of churches to homosexuality, which would be relevant to the bill that passed this House some time ago. However, when she discusses celibacy she is removed so far from the bill I find it difficult to comprehend why she is discussing it. Mr President, I ask you to bring the Hon. Elaine Nile back to the bill. We are debating a bill as to whether we should legislate in this State to prevent people from vilifying homosexuals; it has nothing to do with people who might wish to be celibate.

The Hon. Elaine Nile: On the point of order. Mr President, as you would know, I am reading from the Catholic Church -

The PRESIDENT: Order! I am trying to listen to the Hon. Elaine Nile's response to the point of order.

The Hon. Elaine Nile: I believe celibacy fits in. This is the whole approach of the church to homosexuality.

The Hon. E. P. Pickering: You are talking about celibates.

The PRESIDENT: Order! This is not a debate; it is a point of order.

The Hon. Elaine Nile: This is part of what other people believe is concerned with this debate as well. It refers to the church, homosexuality and the teaching of the Catholic Church.

The PRESIDENT: Order! As the Hon. E. P. Pickering has said, this bill is concerned with the question of the vilification of homosexuals. Unless the honourable member can connect her statements fairly directly to the question of vilification, I fear that she will be digressing from the bill.

The Hon. ELAINE NILE: Peter Bailey, former Deputy Chairman of the Australian Human Rights Commission, in his book *Human Rights: Australia in an International Context*, in discussing discrimination against homosexuals, conceded:

. . . at present there appears to be no international instruments or initiatives that would provide a basis for Commonwealth legislation for protection of homosexuals.

This indicates that the international community has not been prepared to single out homosexuals as a group which needs human rights protection. In contrast to this, the International Covenant on Human Rights provides in Article 18:

- (1) Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religion or belief of his choice, and freedom either individually or in community with others and in public and private, to manifest his religion or belief in worship, observance, practice and teaching.
- (2) No one shall be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice;
- (3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others;
- (4) The States Parties to their present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

I refer to a summary of the arguments on freedom of religion. The foregoing establishes that all citizens have the right to freedom of religion and to publicly express their religious views. This bill infringes this right, and should be rejected. The charitable view would be that it appears that insufficient thought was given by the draftsman to freedom of religion in that

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the wording of the bill was adapted from the racial vilification amendment and the word homosexual replaced the word race. This underlines the lack of prudent consideration given to the complex legal and moral differences between racial and homosexual vilification. The exemptions may be appropriate for racial vilification. They are manifestly insufficient for homosexual vilification.

Freedom of religion is the fundamental right of citizens and the touchstone of a democratic society. Eastern Europeans have finally rejected atheistic communism and have embraced democracy. Despite the enormous economic and social problems associated with the transition, the change was largely brought about by the desire for religious freedom backed by a courageous Polish Pope. This Parliament will seriously undermine freedom of religion if it passes this legislation. Prudent reflection will cause honourable members to reject this threat to such a fundamental freedom. I have a document on vilification in the Anti-Discrimination Act and the proposed amendments by the New South Wales Government and Clover Moore by Professor L. J. M. Cooray, LL.B., Ceylon, Ph.D. Colombo, Ph.D. Cambridge, Associate Professor School of Law, Macquarie University. He states:

The *NSW Anti-Discrimination Act* was amended some years ago by the addition of two offences entitled "Racial Vilification" and "Serious Racial Vilification". Clover Moore MP introduced a bill into the NSW Parliament which proposed the addition of offences of Homosexual Vilification and Serious Homosexual Vilification. This Bill was voted on and was defeated. Subsequently, the present NSW Government introduced the Bill dealing with Homosexual Vilification and Serious Homosexual Vilification, along with other categories of vilification. This Bill was not proceeded with by the government . . . Where upon the Clover Moore bill has once again been brought before the NSW Parliament. It is presently before Parliament.

This . . . article focuses on the freedom of expression, the proposed homosexual vilification and

serious homosexual vilification offences in the context of the *Anti-Discrimination Act* and the provisions governing Racial Vilification and Serious Racial Vilification which are enshrined within that Act.

The writer's main argument is that the so called "vilification" is not about vilification but is about stifling comment and criticism. The existing vilification legislation and the proposed vilification legislation are not in the public interest and will have many counterproductive effects.

The Parliament of New South Wales has had legislation presented to it by the N S W Government and by Clover Moore M.P. which if enacted will have the effect of making it an offence to read a Bible in Church or any where else if there is a person present who is offended by the passage read and takes the matter up before the Anti-Discrimination Board.

This is not an exaggeration for reasons provided below . . .

There are legal restrictions developed by the common law on freedom of speech. If these are analysed it will be found that the bases for the restrictions are:

- (1) defamation, where damages are awarded on the basis of demonstrable economic loss;
- (2) protection of institutions (contempt of Parliament and the contempt of the Judiciary);
- (3) blasphemy (support of the religion of the majority);
- (4) protection of the state (offences such as sedition);
- (5) verbal threats of violence or incitement to violence.

Where extensions are made to these restrictions on freedom of speech, they must be justified on the grounds of reason and principle. There are arguments for removing some of the above restrictions. The extension of those long established restrictions cannot be easily justified.

An important underlying basis of the common law was that mere hurt to feelings is not actionable. This is in line with the rationale for freedom of speech. But incitement to violence constitutes a crime.

It is fundamental to a democratic society that persons who incite others to violence must be treated alike by law whether their actions are based -

The Hon. E. P. Pickering: On a point of order. Mr President, I draw your attention to Standing Order 77 which, as you would recall, has drawn upon cases from within the Imperial Parliament. There are decisions of illustrious Presidents before your time that would indicate that it is not proper for a member literally to just read extensively from a report as the Hon. Elaine Nile has now done for quite some time. It is customary for the matter to be paraphrased and the essence of the report to be made available to the House. A member should not simply read and read and read material on to the record. I seek your assistance, Mr President.

The Hon. Elaine Nile: On the point of order. I thought this procedure was followed just recently on the southeast forests bill. Some members read for four hours. This is a legal document that I think is very important to the debate. As a humble member of Parliament, not even a simple engineer, and not being a legal person, I feel that this is very important. The document is by Professor Cooray. As it is in simple language for people to understand, it would be good for the House to hear it.

The PRESIDENT: Order! There are numerous rulings on this question, including rulings which I have given. If the document is a public document and is readily accessible, it should be referred to and simply paraphrased or certain sections of it quoted which are pertinent to the debate. Alternatively, a

member may seek to have it incorporated in *Hansard*. That question is then determined on another basis. I suggest to the honourable member that protracted reading from a document is not appropriate and she should seek to paraphrase or point out particular portions of the document.

The Hon. Elaine Nile: Mr President, do you mean by being a public document that it has been published?

The Hon. Virginia Chadwick: It is readily available.

The Hon. Elaine Nile: Is it readily available?

The PRESIDENT: Yes.

The Hon. Elaine Nile: This is the only copy I have. What does that mean?

The Hon. Virginia Chadwick: Mr President, on the point of order.

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The PRESIDENT: Order! I have given my ruling on the point of order.

The Hon. ELAINE NILE: I will look through it and paraphrase it.

Reverend the Hon. F. J. Nile: It is a legal opinion on the bill, written by a person within the legal system. They are trying to gag you.

The Hon. ELAINE NILE: That is right, it is a legal opinion on the bill.

The Hon. E. P. Pickering: It is a paper.

The Hon. ELAINE NILE: Of course it is a paper. I feel it is very important because I do not feel I could do it justice by paraphrasing it.

The Hon. Helen Sham-Ho: Incorporate it.

The Hon. ELAINE NILE: Mr President, with your permission I would like to incorporate it into *Hansard*.

The PRESIDENT: Order! Do you seek leave to incorporate the document in *Hansard*?

The Hon. ELAINE NILE: Yes, Mr President.

The PRESIDENT: How lengthy is the document?

The Hon. ELAINE NILE: It is only a few pages.

The PRESIDENT: Is leave granted?

The Hon. Virginia Chadwick: Before I would be prepared as Minister in the House to grant leave, given the extraordinary cost to Parliament and to the taxpayer, as you and very many other Presidents before you have ruled that it is a very costly matter to incorporate material into *Hansard*, I would need to determine whether it is a document that is readily available to the public via other mechanisms and other forums. I am not privy to that information but I suspect that the opinion is probably readily available from Professor Cooray.

The PRESIDENT: Order! Would the honourable member please make the document available to the Minister.

The Hon. ELAINE NILE: It has been sent to me. It is not readily available. This is the only copy.

The Hon. Virginia Chadwick: While I truly understand the point that has been made and the sincerity with which the honourable member raises the matter, it appears that the document has been made available to other members of the Chamber. It is nine pages in length and while I am not in any way trying to be difficult, its incorporation would be very serious and costly. Unless I were convinced that, for some reason, the document was not readily available, I would be reluctant to grant leave for incorporation.

The PRESIDENT: Would the honourable member please make the document available to me? May I assist the honourable member by suggesting it would be appropriate for her to read on to the record the last two paragraphs of this document and to give an undertaking to make it available to the Legislative Council office so that it can be copied for the benefit of any members who wish to avail themselves of it.

The Hon. ELAINE NILE: Thank you, Mr President. Professor Cooray continues:

In answer to public concern about the Homosexual Vilification provisions, the New South Wales Attorney General has said that the provisions of this legislation, carefully framed, will ensure "protection from scurrilous abuse or statements which may incite hatred against a particular group, but are not cast so broadly that constructive viewpoints or measured discussion of the issue is prohibited".

The Attorney-General of NSW was making these following comments about a NSW Government Bill. This Bill applies to homosexuality and other areas but is in other respects "very similar to the Clover Moore Bill". His comments are unsupportable for reasons provided above.

Which I have not been able to read out:

The Attorney-General is speaking through his hat, (or should I say his wig).

The PRESIDENT: Will the honourable member consent to make that document available to the Clerk?

The Hon. ELAINE NILE: I do so.

The PRESIDENT: The document will be copied for any members who wish to avail themselves of it, on application to the Clerk.

The Hon. ELAINE NILE: Mr President, because the churches have really, in a sense, been put down in this Chamber, and I would say belittled in the sense of their belief tonight -

The Hon. Dr Marlene Goldsmith: Who did that?

The Hon. ELAINE NILE: The Hon. P. F. O'Grady. It was very distasteful in the way that he spoke about the churches in this Chamber tonight. Mr President, I would like to read a few segments from the Most Reverend Harry Goodhew who is the Archbishop of Sydney, a highly respected man of the cloth. Of course, the Anglican Church has so many million members and is respected; it is a mainstream church. This is what he says in regard to the Anti-Discrimination (Homosexual Vilification) Amendment Bill.

The Hon. Virginia Chadwick: That is the Sydney diocese.

The Hon. ELAINE NILE: Yes, the Sydney diocese. The homosexual movement is mainly in the Sydney diocese.

The Hon. E. P. Pickering: The Newcastle diocese.

The Hon. ELAINE NILE: And the Newcastle diocese, but if one looks at the figures and so on for AIDS and population - they even have homosexual ministers in Newcastle -

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The PRESIDENT: Order! The honourable member has the call.

The Hon. ELAINE NILE: Reverend Goodhew says that the first of these measures, a bill introduced into the Legislative Assembly by Ms Clover Moore, M.P., seeks to introduce provisions in the Act which deal with homosexual vilification. It is understood that this bill has been passed by the Legislative Assembly and is to be considered by the Legislative Council. His submission states:

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

In relation to the bill issued by the Attorney General the standing committee was concerned, notwithstanding assurances to the contrary, as follows:

. . . protections to enable the public quotation or interpretation of biblical principles are not sufficiently entrenched [either in the bill] or in the existing provisions of the . . . Act.

These comments apply to the bill introduced by Ms Moore, since the provisions of the bill proposed by the Attorney General, in so far as they relate to homosexual vilification, are based on the provisions of the bill originally introduced by Ms Moore. He has made general comments on the bill, and he said that the standing committee does not support the bill as drafted. The reasons for not supporting the bill were stated. This is a submission of the standing committee of the Synod of the Anglican Church, diocese of Sydney.

The Hon. E. P. Pickering: Which bill are you talking about?

The Hon. ELAINE NILE: The committee was looking at the first bill on the vilification of homosexuals and AIDS, but it is referring to the bill as being the same as the homosexual bill.

The Hon. E. P. Pickering: Are you quoting the Attorney's bill?

The Hon. ELAINE NILE: Comparing the Attorney's bill with Ms Moore's bill.

The Hon. Virginia Chadwick: Which bill are they opposing?

The Hon. ELAINE NILE: Proposed section 49ZT is in the following terms, and then it goes through what I have read to the House tonight, that a person must not, by a public act, incite hatred, and so on. I want to make sure that the House is aware that the Anglican Church is against this bill.

The Hon. Elisabeth Kirkby: No, the Sydney diocese.

The Hon. ELAINE NILE: The Anglican Church, diocese of Sydney, which is the main church in New South Wales and has the largest membership.

Reverend the Hon. F. J. Nile: One million Anglicans.

The Hon. ELAINE NILE: Yes, one million Anglicans. Also we have the Anglican Church diocese.

The Hon. Virginia Chadwick: You are saying one million Anglicans.

The Hon. ELAINE NILE: Sydney is the largest.

The Hon. Jan Burnswoods: That cannot be right, what about Goulburn?

The Hon. Virginia Chadwick: What about Newcastle?

The Hon. ELAINE NILE: No, Sydney is the place to be.

The Hon. E. P. Pickering: The point is that the establishment churches are not united about it.

The Hon. ELAINE NILE: Here is a statement from the Catholic Education Commission, from Bishop Murphy:

I write to you as a matter of urgency with respect to the Anti-Discrimination (Homosexual Vilification) Amendment Bill 1993. As you would be aware this commission appointed by the Catholic Bishops of New South Wales is acting on behalf of New South Wales Catholic schools, Catholic social welfare organisations and the general Catholic community. The commission has made a submission.

The Catholic Church is opposed to all forms of vilification of individuals or groups, including homosexual persons. However, the Commission is very concerned that the provisions of the Anti-discrimination (Homosexual Vilification) Amendment Bill 1993 could lead to unacceptable restrictions on the expression and exposition of sexual values and morals based on religious belief.

I want to put that on the record. There has been quite a lot of debate about this. In *Hansard* the Hon. Elisabeth Kirkby spoke about the New South Wales Council of Churches and said:

I have refrained from answering the previous interjections of the Hon. Elaine Nile. The New South Wales Council of Churches is a very small group of extreme right-wing churches.

The Council of Churches is made up of the main denominations, except the Catholic Church in New South Wales, representing the Anglican Church, the Baptist Church, the Churches of Christ, the Presbyterian Church, the Uniting Church in Australia, the Fellowship of Congregational Churches, the Salvation Army and the Reformed Church. And here the honourable member says that the New South Wales Council of Churches is a very small group of extreme right-wing churches. The council represents the main orthodox Christian churches in Australia. It represents in New South Wales the orthodox Bible-believing churches. The honourable member's comment is an insult. We know that within the churches, as in political parties, there are right-wing and left-wing branches. In the churches we have what we call liberal - not Liberal Party members - theologians, liberal theology and bible based theology.
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To put them down as a radical right-wing group is certainly offensive to members of all those churches. So the Council of Churches wrote:

The New South Wales Council of Churches has reviewed the proposed amendment to the Anti-discrimination Act 1977 No 48 and urges most strongly the Members of the NSW parliament to act upon the resolution of Council.

The resolution reads:

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

The document is signed by the secretary, R. W. Ford. Representatives of the New South Wales Council of Churches encountered a problem when they tried to arrange a meeting with the Hon. E. P. Pickering. In a letter dated 22nd September to the Hon. E. P. Pickering, the secretary said:

The New South Wales Council of Churches are dismayed that you have decided to support Clover Moore's Anti-Discrimination (Homosexual Vilification) Amendment Bill. Ms Moore's bill is identical to the Government's own Amendment which the Attorney General withdrew because of strong public concern that the legislation in its present form will not achieve its aims.

The letter continued:

We do not condone violence in any form, on any person or group.

We also believe you cannot legislate against a particular behaviour. To change behaviour you need to change "attitudes" by discussion and education. The wording of both the Government's and Ms Moore's proposed amendments will not encourage discussion or education to effectively influence attitudes.

The council would like you to discuss this matter with two or three of its representatives as soon as possible. Would you please advise me of suitable times for an appointment.

The letter is signed, "Yours sincerely, R. W. Ford". The Council of Churches was disappointed that the Hon. E. P. Pickering would not meet immediately with its representatives. He designated that the meeting would be held on 7th October, and present would be the Hon. E. P. Pickering, the Hon. Elisabeth Kirkby, Ms Clover Moore, and the Right Reverend Bishop Peter Watson, who attended the meeting as a member of the Standing Committee on the Diocese of Sydney, which was specifically set up by the Synod to pursue the amendments, especially for the religious exemptions, and to seek support from members of Parliament. That was the only task of the standing committee and that was the capacity in which Peter Watson attended the meeting. He went to present these amendments, not to express support for the legislation.

The meeting was also attended by Reverend Harry Herbert, Father Brian Lucas, Peter Collins, Bruce Grey from the Metropolitan Community Church, Ros Bragg, research officer to Clover Moore, Larry Galbraith, policy adviser to Clover Moore - I think he is the editor of one of the homosexual newspapers - Stevie, and David McLachlan, co-ordinators of the gay and lesbian rights lobby, and David Buchanan, solicitor. The churches to which I have referred represented all the churches in New South Wales. Their representatives were upset because they wanted to speak to the Hon. E. P. Pickering, the member who had the vote in that sense, not with members of homosexual groups and Ms Moore present. The Hon. E. P. Pickering was the member they wanted to speak to.

The Hon. E. P. Pickering: They spoke to me for as long as they liked. What was wrong with speaking to me with other people listening?

The Hon. ELAINE NILE: They wanted to speak to the Hon. E. P. Pickering about their concerns and they did not want to do that in the company of other people.

The Hon. E. P. Pickering: It is called democracy.

The Hon. ELAINE NILE: That is their right. That is what democracy is all about. They thought they had the right to meet the Hon. E. P. Pickering as a group representing a number of churches. They were very upset about that.

The Hon. E. P. Pickering: They did not seem upset to me. In fact, they thanked me at the end of the meeting for how well it had been conducted and how much had been achieved.

The Hon. ELAINE NILE: The secretary, Ron Ford, in a fax message dated 6th October, said:

I do not appear to have received your reply to my letter of 22 September . . .

When may we have an appointment to discuss this matter with you?

It seemed to go on and on.

The Hon. Jan Burnswoods: Why are they giving you their correspondence?

The Hon. ELAINE NILE: Copies of their correspondence.

The Hon. Jan Burnswoods: That is not very nice of them.

The Hon. ELAINE NILE: Of course it is. It shows their concern that they were not able to -

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! If the Hon. Jan Burnswoods wishes to contribute to the debate she should add her name to the list of speakers.

The Hon. ELAINE NILE: The Council of Churches also made a submission dealing with all the clauses of the bill. I will not read that. However,

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Article 19 of the International Covenant on Civil and Political Rights, which Australia has ratified, has this to say about freedom of speech:

(1) Everyone shall have the right to hold opinions without interference;

(2) Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.

The High Court has recognised the importance of preserving freedom of speech in the electoral process. In the case of the *Australian Capital Television v. The Commonwealth*, decided on 30th September, 1992, the court held that laws intended to prohibit political advertising by means of radio and television were ultra vires. The Hon E. P. Pickering might like to look at that High Court decision. I also have a letter from the Free Speech Committee to the Call to Australia group about the Anti-Discrimination (Homosexual Vilification) Amendment Bill. The committee goes through the bill with a fine-tooth comb. At the conclusion of the letter, the society says:

The Amendment Should be Rejected.

The proposed amendment is an infringement of free speech and should be rejected. In like manner, the racial vilification provisions should be repealed. This legislation attempts to dictate to people what their opinions should be and seeks to restrict their right to hold and express thoughts and beliefs. People should be permitted to express their opinions even if they are wrong and we disagree

with them.

Yours faithfully,

(Signed)

Gil Morris, Secretary

The Hon. E. P. Pickering may say that is rubbish, but that is a point of view in a democracy.

The Hon. E. P. Pickering: There is a heck of a difference between a point of view and vilification.

The Hon. ELAINE NILE: Where does one draw the line? What does one say exactly?

The Hon. E. P. Pickering: That is what it is all about, drawing lines.

The Hon. ELAINE NILE: I have a copy of a letter addressed to the Commissioner of Police, which I am sure will interest the Hon. E. P. Pickering. The correspondent asks:

1. What criteria are used in order to classify a murder as "gay-hate"?
2. What is the number of "gay-hate" murders since 1.1.90 which have resulted in the offender or offenders being convicted?
3. What is the total number of murders committed in New South Wales since 1.1.90 which have resulted in the offender or offenders being convicted?
4. Is there any evidence from the facts of the cases in 2. above that the offenders were motivated by public statements inciting hatred or violence against homosexuals?

The Hon. E. P. Pickering: How can the police possibly answer that?

The Hon. ELAINE NILE: That is right. The office of the Commissioner of Police says exactly that. The office says:

It is not possible to separately determine whether offenders are mostly motivated by:

public statements

peer attitudes

values determined by family/church

cultural attitudes.

That is the hard part. In a letter from the Commission on Social and Bioethical Questions of the Lutheran Church of Australia, which is very concerned about the legislation, the Chairman, Dr Robert Pollnitz said:

In brief, Lutheran teaching is that homosexual behaviour is sinful in that it is clearly contrary to God's will.

That is what Call to Australia is saying. It is not contrary to our will but contrary to God's will as expressed in the Christian Bible.

The Hon. E. P. Pickering: It is legal in New South Wales.

The Hon. ELAINE NILE: I am talking about churches and freedom of religion.

The Hon. E. P. Pickering: That is the law.

The Hon. ELAINE NILE: I know, but I am referring to what God says. That is the difference. Does the Hon. E. P. Pickering want to cut us off from our beliefs?

[Interruption from gallery]

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! I ask the gallery to remain silent during the debate.

The Hon. ELAINE NILE: The Wesleyan Methodist Church of Australia is concerned. In a letter Reverend Ralph Lewis, the New South Wales District Superintendent, said:

At the NSW Conference of the Wesleyan Methodist Church of Australia, it was resolved that we write to encourage you in your fight against the homosexual vilification law and express our concern for this issue. It is our conviction that we must hold firmly to Biblical Principles and moral values which God has set . . .

We would encourage you in all your endeavours.

Call to Australia has also received correspondence from an elder of the Winmalee Gospel Chapel at Londonderry. It is easy to claim that Christians are vilifying homosexuals.

The Hon. E. P. Pickering: I did not say that. I certainly said that some people who hold themselves out to be Christians were doing that.

The Hon. ELAINE NILE: The Hon. E. P. Pickering should be careful when he says that because that could be an insult to a person who is a Christian. The Lord Jesus Christ said, "By their fruit ye shall know them".

The Hon. E. P. Pickering: Exactly!

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The Hon. ELAINE NILE: That is right. There may be Christians who say, "I am in favour of this bill," but they do not get that view from the scriptures or the Bible. You get the teaching from the Bible.

The Hon. Jan Burnswoods: You have never read the New Testament. That is your problem.

The Hon. ELAINE NILE: I did my teething on it, thank you. We received letters from the Anglican Church of Australia and from the Reconciliation Centre at Lithgow. They are most concerned. I want to put this on record because these churches have written of their concern. Of course, the Anglican Church is a member of the New South Wales Council of Churches and its own Synod has spoken out against the legislation. Members of the Anglican parish of Thornleigh-Pennant Hills are also concerned. Baptist Minister, W. T. Sonners, at Taree wrote as follows:

We are very conscious that our humble submission is but one of scores of others you will have received concerning this bill: but sufficient we trust, to let you know that there are thousands of your supporters in N.S.W. [against the bill].

The Islington Baptist Church has forwarded a petition opposing the vilification bill. The Mullumbimby

Baptist Church sent a letter also. Reverend Hester of the Toongabbie Baptist Church wrote:

While we would agree that no member of society should have to fear random and unprovoked violence, the effect of this bill is to once again single out the members of the homosexual community . .

The Hon. Dr Marlene Goldsmith spoke last night of the plight of women in our society who are being bashed. There is nothing in this legislation to protect other people. If it is going to be open, it should be open for everyone. Richard Warren of the Blacktown South Baptist Fellowship wrote on behalf of the pastors, elders, officers and members. The Australian Catholic Pro-Life Association has written expressing its objection to the bill. The secretary of the Polish Christian Church wrote as follows:

Our local christian community is deeply concerned by the proposed Government Homosexual Vilification legislation . . .

Existing Crimes Prevention Act already provides the penalties for summary offences of incitement to violence, and everyone is protected by this Act.

Especially any attempt to remove existing in the Anti-Discrimination Act exemption for churches and non-Government schools could have devastating consequences because homosexual lobby groups can threaten and harass the people criticising homosexual behaviour on religious or ethical grounds

Also the Bill is a limitation of the fundamental individual right of freedom of expression.

The Church of Christ at Carramar -

The Hon. E. P. Pickering: Carramar?

The Hon. ELAINE NILE: The honourable member knows where Carramar is - it is in New South Wales. I have a letter from Pastor Anne Iuliano of the Campbelltown City Church. Worshippers at the Kogarah Bay Congregational Church are concerned and have forwarded petitions. The Full Salvation Fellowship of Crows Nest said:

I urge all God-fearing parliamentarians of every political persuasion to honour God's Word in this matter - whatever the personal cost!

The Lord has said, "He who honours me, I will honour!"

I have a letter from Pastor Gary Dench of the New Life Christian Centre at Castle Hill. Many of the Pentecostal and Assembly of God churches have thousands of members. A letter from the Coonabarabran Presbyterian Church expressed an opinion about the bill. The Presbyterian Church of Australia, State of New South Wales, Temora Charge; the Nambucca River Charge of the Presbyterian Church; and Bernard Secombe of the Presbytery of Sydney South are all very concerned. The Condell Park Christian School sent us a fax after attempting to get in touch with the Hon. E. P. Pickering. The fax states:

I telephoned the office of Mr Ted Pickering on Monday 11th October requesting that a group of 8 concerned churchmen meet with Mr Pickering to discuss the Bill (Homosexual Vilification) . . .

I was advised by his secretary that one of the conditions of such a meeting was that other M.P.s i.e. Clover Moore, Elis. Kirkby AND members of the Gay & Lesbian Lobby Group would also be present.

This is objectionable and contravenes our constitutional rights as citizens of this state to meet SOLELY, since this is our desire, with our elected government representative.

Today, I have faxed Mr Pickering's office requesting that he review this condition that he has imposed, and allow a meeting to proceed, where we have a sole audience with him.

I have asked for his urgent reply by FAX or 'phone.

We continue to pray for wisdom & strength for you all on the floor of the HOUSE and we beseech the Lord that this Bill be abandoned once & for all!

That fax was from Donald Leys. There are letters from the Sutherland Presbyterian Church and the Reform Church of Gosford. The Seventh Day Adventist Church in New South Wales wrote:

[The church] opposes the introduction of the Anti-Discrimination (Amendment) Bill 1993 at a time when the NSW Law Reform Commission has not completed its review of the Anti-Discrimination Act 1977. The draft Bill introduces significant changes and amendments to the Act concerning homosexuality and vilification which will seriously limit the freedom of expression. We also oppose the removal of exemptions to the Act . . .

There is a letter from the Uniting Church in Ebenezer, Pitt Town parish. There are many parishes of the Uniting Church and, as I said previously, there has been no consultation with those parishes to have a vote or have their say on this matter at all. Another letter, from the Woman's Christian Temperance Union, states in part:

. . . whilst deploring violence and hatred towards any section of the community, strongly urge members of the NSW Parliament to reject the Anti-discrimination Homosexual Vilification Bill 1993 on the grounds that it represents an attack on freedom of expression and Christian statements.

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That was signed by Mrs Palmer, the State legislation officer of the Woman's Christian Temperance Union. There is a letter from Goonellabah on behalf of the school community, numbering 500, the vast majority of whom share the sentiments of Roderick Nigel Dymock, the principal.

The Hon. E. P. Pickering: Students?

The Hon. ELAINE NILE: Yes, this is from the principal of the school. The 500 students did not all put their names on the piece of paper. I have a letter from the Southern Highlands Christian School, which is in the Premier's electorate. We received a letter from Sister Maur Woodbury of the Marist Convent. The Mayfield Christian Community School Limited has also written, in the following terms:

Please find enclosed six signed petition forms for the No Homosexual Privileges. We have had it on our school counter and are encouraging our parents to come in and sign.

The letter was signed by Michael Budden, the principal. The Coverdale Christian School Limited at Riverstone also rejects the bill. Bedford Business College has also rejected the bill. An interesting letter signed by Ali Roude from the Islamic Council of New South Wales states:

On behalf of the Muslims of Australia, the Islamic Council of New South Wales is writing to support the Rev Fred Nile and the Call to Australia in opposing the push by the member for Bligh, Mrs Clover Moore, to introduce a Homosexual Vilification Bill that is divisive and immoral.

The Muslim community like all religious communities of Australia regards homosexuality as a "sin".

It does not agree with human nature and breaks all natural laws.

Despite the instability and utter confusion that homosexuality had induced to societies that allowed it to flourish, men and women who held respect to their natural roles had contributed immensely towards the betterment of societies and had improved the quality of life.

In all Holy Scriptures, homosexuality is absolutely forbidden and is regarded as one of the worst crimes against humanity and society. It spreads sickness and diseases.

The Islamic Council believes that Homosexual Vilification Bill, if allowed to be introduced in Australia, will tear the society apart and this should be opposed.

We also support the right to a healthy society and the right to a healthy living.

Chris Baxter, the rector of All Saints Anglican Church, Oatley West, wrote that he opposed the bill. The Gymea Baptist Church social action group and St Michael's Church, Blacktown South, oppose the bill also. The Women's Federation for World Peace Australia wrote:

We wish to thank and support you for your courageous stand to oppose the antivilification legislation.

We sincerely hope that you are not in too much pain or discomfort since we know that you left your hospital bed in order to continue this task.

That letter was signed Tracy De Geer, the chairman. A letter I received from two CTA co-ordinators of Wollongong stated:

We take it that you have seen or heard about the editorial in the Illawarra Mercury, dated 11.9.93, in which Peter Cullen, the editor, criticises the N.S.W. government and in particular Rev. Fred Nile. The contention was caused by the Call to Australia Parties opposition to the Anti-Discrimination (Homosexual Vilification) Amendment Bill 1993.

One editorial that I have read was scathing in its criticism of this proposed legislation. The Alpha and the Omega Christian Book and Gift Shop Pty Limited is concerned about the bill. The comment has been made that scriptures quoted by Reverend the Hon. F. J. Nile in Festival of Light and Call to Australia material could be grounds for vilification. We received letters also from Cameron and Associates, data security consultants and private investigators, and Barrett Newton and Associates of Springwood. All people in society, not just Christians, are concerned about the bill. These people have a right to their opinion and it should be made -

The Hon. Elisabeth Kirkby: On a point of order. The honourable member is holding up documents and mentioning the names of various organisations. She is not quoting from those documents but she is suggesting that they support her argument. We have no means of knowing. I suggest, Mr Deputy-President, that you direct the honourable member to seek leave to have the documents incorporated in *Hansard* rather than the honourable member give the House her interpretation of them.

The Hon. ELAINE NILE: I seek the leave of the House to have the documents incorporated in *Hansard*.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! I suggest that the honourable member seek leave to table the documents so that members might peruse them, rather than seek the expensive alternative of having the documents incorporated in *Hansard*.

The Hon. ELAINE NILE: I seek leave to table the documents.

Leave granted.

We received a letter from the Liberal Party. I do not know whether the honourable member would like me to read out that letter.

The Hon. Elisabeth Kirkby: I will be happy to read it at a later date.

The Hon. ELAINE NILE: The letter reads:

Dear Mr Premier,

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

A vote in these circumstances should be No!

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

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The letter was signed by Max Wilkinson from the Terrey Hills branch. Most people would respect the view of the former Anglican Dean of Sydney, Lance Shilton, who has done considerable social work for the Anglican Church. He said:

While the Christian rejects homosexual behaviour we should never reject the homosexual or lesbian person. Christ loves them also.

That is what I have been saying in this Chamber all night. I have a letter also from St Peter's Anglican Church of East Lindfield. The homosexual lobby group is seeking protection from harassment and vilification, but I remind them that for the past 18 or 19 years the Nile family has been vilified, pushed and shoved. At a Father's Day rally held in the Domain a number of years ago, the former Dean of Sydney, Lance Shilton, was speaking on fatherhood. Our pamphlets were laid out on the grass. During the dean's speech a number of homosexual men came and pushed me over. My four children were young at that time. Our leaflets were picked up, ripped up and thrown in the air. We could not find a police officer to complain to anywhere that day. In 1982 the Reverend Jerry Falwell came to Sydney. Honourable members will recall the demonstrations that were held outside this Chamber at that time. Homosexuals in Sydney had registered the name Moral Majority, and that is the name of Jerry Falwell's group in America. At Ryde Civic Centre, where he was speaking, the glass doors were smashed by homosexuals wearing strange garb and carrying imitation rifles. The people who were trying to attend the meeting could not get through the crowd. They said that they had tried to get in to the meeting but became frightened when some people were punched. They were most fearful.

Much has been said about vilification of and violence against homosexuals, but I remind the House that Christians are being vilified also. At a meeting at Bathurst that was attended by students from the Mitchell College of Advanced Education - it was a meeting of family groups with their young children - we were greeted by a demonstration outside a public building. It was most offensive. Homosexuals confronted those family groups holding inflated condoms. Though some members of this House might regard that as quite hilarious, to family people it was most offensive. Over the years we have had to put

up with quite a lot. During the International Year of the Child, the publication *Honi Soit* depicted Mary Whitehouse, who was visiting Australia at that time, with a meat cleaver in her back above the caption, "Let it bleed". Some members may regard that as amusing also, but I do not regard such a threat to life as amusing.

The Hon. Dr B. P. V. Pezzutti: What does this have to do with the bill?

The Hon. ELAINE NILE: Homosexuals were responsible for the depiction. The walls of St Andrew's Cathedral and the Sydney Town Hall were painted with similar slogans. What was the cause of this violence towards people who were caring for children? In 1990 we marched up to Taylor Square. That was a Christian march; we were not going around stripping our clothes off. We were not offensive in our behaviour. It was a Christian march to Taylor Square by Christian men, women and family groups. We had been told by the mardi gras committee that there would be no problems. The police had been told there would be no problems

The mardi gras committee came to Parliament House with the Hon. P. F. O'Grady, and I was presented with a bouquet of flowers. Reverend the Hon. F. J. Nile was presented with a beautiful pink key to Oxford Street. When we went into Taylor Square, though a promise had been made that people would stay on the footpaths, we were completely surrounded. Men in tutus and skirts were grabbing Reverend the Hon. F. J. Nile and trying to kiss him.

Women in the back of the Chamber may think that is funny, but when you have a crowd of people pressing on to you and eggs and water bombs being thrown, it is quite scary. The Christian people did absolutely nothing to deserve that. We do nothing to offend anyone during the homosexual mardi gras, yet we had to put up with this! All we do is march, and sing Christian songs. We were not allowed freedom of expression, or indeed any freedom. I remember that one of the men who spoke on that occasion was hit by an egg and his jacket was completely ruined. We then marched to Kings Cross. Last night I listened to the whistles being blown outside Parliament House. At least those with whistles stopped blowing them to allow the various speakers to be heard. At Kings Cross an Aboriginal pastor who had been an alcoholic, who had literally been in the gutters, was on the platform giving his testimony. A prostitute who had been on the streets for about 18 years was booed and the whistles were blown. We had present a former drug addict.

[Interruption]

I am amazed at the reaction. I have a great deal of compassion for those in society who suffer. When people at that Christian march stood up to speak they were treated differently from the way the speakers were treated outside the Parliament last night. The former police Minister and other members were allowed to speak and be heard last night. At Kings Cross the whistles, screaming and four-letter words were sickening and disgusting. At the march to Taylor Square the most beautiful thing happened: a young man was present and as he stood up on the platform to speak -

The Hon. Dr B. P. V. Pezzutti: What does this have to do with the bill?

The Hon. ELAINE NILE: I am talking about vilification.

The Hon. Dr B. P. V. Pezzutti: No vilification was involved. The honourable member said it was beautiful.

The Hon. ELAINE NILE: Reverend the Hon. F. J. Nile was speaking from the back of a tabletop truck and was being booed and hissed at. They would

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not let him speak. This young man had tears in his eyes and was upset. He stood on the back of the truck and said to the homosexuals who were present, "You know me, because I was once one of you".

He used to prostitute himself up at the Wall at Darlinghurst. He spoke to those present and you could have heard a pin drop. He proceeded to tell them how he had given up that life. One night at Kings Cross he had intended to kill himself by an overdose. This young man actually prayed and asked, if there was a God, would He help him. For 20 years these people have harassed others and now they want protection themselves. If there is protection, it should be across the board, for everyone. This should be a generic bill. The problem is that it seems to be all right for Christians to be castigated and pulled down in a crowd.

The Hon. Dr B. P. V. Pezzutti: It is not all right.

The Hon. ELAINE NILE: In that respect it seems to be. When the last Jesus march was to be held, because this bill was about to be debated the police were notified, as usual, but no one turned up except the media representatives, who were there ready to film the violence. I have been asked why we attack homosexuals. We have never attacked homosexuals.

The Hon. Dr Meredith Burgmann: That is rubbish.

The Hon. Dr B. P. V. Pezzutti: That is not true.

The Hon. ELAINE NILE: That is true. We have never attacked homosexuals. The honourable member needs to open his eyes and watch television coverage of our marches through the streets of Sydney.

The Hon. Dr B. P. V. Pezzutti: I have seen the honourable member and Reverend the Hon. F. J. Nile on television.

The Hon. ELAINE NILE: We are entitled to speak and express our opinion. Whether people accept what we say because we are Christians is another matter. The honourable member is saying that because we are Christians and say what we believe -

The Hon. Dr B. P. V. Pezzutti: The honourable member should not verbal me.

The Hon. ELAINE NILE: That is the purport of what the honourable member has said. The honourable member should have been in the Chamber when I spoke about Bible orthodox believing Christians. In 1991 at Belmore Park when we were commencing our march the tyres of the truck were let down. The police inspector who was present was literally pulled down by a group and hurt his leg. Reverend the Hon. F. J. Nile was pulled down by a group of homosexual men as he was coming into the park. As he attempted to get on to the tabletop truck his clothes were pulled from him. It is interesting that some Opposition members regard such behaviour as funny. On that occasion the sound equipment was stolen from the truck and that resulted in a court case. Christians had banners, which they were waving, ripped from their hands. We proceeded to march and finally arrived at Hyde Park. The most interesting aspect of this event was the lack of restraint. A children's choir of about 20 young people from Camden Uniting Church sang on the platform and were abused. I have never heard such language in my life. Every four-letter word was used.

The Hon. Elisabeth Kirkby: On a point of order. The honourable member is making statements for which she has no corroboration. She has given no dates or times when these events occurred. Her comments may be complete fabrications. It is not proper that she should be permitted to continue to include these matters in the debate.

The Hon. Elaine Nile: On the point of order. This was shown on television. The television reporters have always been there to film the violence. I am sure that the Hon. Elisabeth Kirkby does not want to admit that this happened, but it was recorded on television. Year after year we have been attacked. If anyone in Sydney is not aware of that, they should be. People have asked why we did not

have a march this year, because they had not seen the violence on television.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! No point of order is involved.

The Hon. ELAINE NILE: Earlier this year in Tasmania Reverend the Hon. F. J. Nile arrived at the airport in Hobart.

The Hon. Elisabeth Kirkby: On a point of order. The honourable member has commenced to speak about an event that took place in Tasmania earlier this year. This debate is on the Anti-Discrimination (Homosexual Vilification) Amendment Bill as it affects the citizens of New South Wales. The House is not debating what may or may not have happened to Reverend the Hon. F. J. Nile in Tasmania. That has no relevance to the bill and the honourable member should not be permitted to proceed along that line.

The Hon. Elaine Nile: On the point of order. I am concentrating on Reverend the Hon. F. J. Nile because members of the homosexual movement have said, "Wherever you go we will follow you". And they have done so. They followed us to Canberra when we were concerned about pornography.

The Hon. Jan Burnswoods: On a point of order.

The DEPUTY-PRESIDENT: Order! There is already a point of order under discussion. The Hon. Elaine Nile has the call.

The Hon. Elaine Nile: In speaking to the point of order, Mr Deputy-President, I am saying to you that the homosexual movement has said to Reverend the Hon. F. J. Nile, "Wherever you go, we will go - Page 5515 we will be there". That has happened in Canberra and in other places. I believe that Reverend the Hon. F. J. Nile is being vilified. I believe the whole thing fits together.

The Hon. P. F. O'Grady: On the point of order. Although I am not sure that the statement the Hon. Elaine Nile has made is true, I still do not understand how it relates to this bill. We are a State Parliament and deal with matters within our borders. Unless the geography of Australia has changed tonight, I am not aware that Tasmania is in New South Wales. Mr Deputy-President, I urge you to bring the Hon. Elaine Nile back to the bill.

The DEPUTY-PRESIDENT: Order! There is no point of order. I do not accept that citing examples from outside the State has ever been a restriction in this House. I remind the Hon. Elaine Nile of the standing order which states that when a member becomes repetitious there is a risk of breaching the standing order. Though points are valid, numerous points elaborating the same matter may breach other standing orders of the Parliament.

The Hon. ELAINE NILE: I am saying that these are all separate incidents.

The Hon. Dr B. P. V. Pezzutti: I shave every morning, for goodness' sake. It is exactly the same thing.

The Hon. ELAINE NILE: No, it is not. I will bring the House back to events in New South Wales. Last year at the Croydon Park Uniting Church Reverend the Hon. F. J. Nile was preaching at a church service. The church was picketed by homosexuals, lesbians and women from abortion clinics. The church said to these people that they could come in if they would leave their banners outside. The church was filled on that special occasion with family groups and small children. These other groups broke through the glass doors and went down the aisles of the church. The police were called, but by the time they did anything the people had all gone.

The Hon. Dr B. P. V. Pezzutti: On a point of order. The Hon. Elaine Nile is not speaking about homosexual vilification; she is speaking about Reverend the Hon. F. J. Nile being attacked aggressively by homosexuals, which is quite a different matter. It has nothing to do with this bill. Mr Deputy-President, I ask you to bring the Hon. Elaine Nile back to the bill. As I said earlier, I shave every day, but it does not mean that I have to tell the Parliament every day that I have shaved.

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

The Hon. ELAINE NILE: We have suffered for 20 years.

The Hon. Dr B. P. V. Pezzutti: That is not the point.

The Hon. ELAINE NILE: It is the point: we are talking about vilification of homosexuals.

The Hon. Dr B. P. V. Pezzutti: We are not talking about you.

The Hon. ELAINE NILE: We are saying that we disagree with this bill because it covers homosexuals only; it should be a generic bill. That is what I am saying to the Chamber tonight. Recently, at the Gerringong Uniting Church, which I attend -

The Hon. Dr B. P. V. Pezzutti: I shave every day.

The Hon. ELAINE NILE: This has nothing to do with shaving; I do not care what the honourable member does every day. Recently at the Gerringong Uniting Church homosexual men dressed up as Catholic nuns and went on to church property. A lot of the people were deeply offended by that. They were dressed as Catholic sisters. Over the years the Catholic sisters at St Vincent's Hospital have telephoned us because of the activities of homosexuals dressed in the old garb of the Catholic sisters in Green Park. They have been most upset. They have asked us to do something. We have said, "You do something". Because they are timid women -

The Hon. Dr B. P. V. Pezzutti: Table the letter.

The Hon. ELAINE NILE: I do not have a letter; I am just talking about this. The AIDS medical conferences have been taken over by the homosexuals, the ACTUP groups, et cetera. The Hon. Elisabeth Kirkby will object to this, but I think there is good reason to say it because it shows the fear caused to a lot of people by what has happened in New South Wales. A bill has passed in New Zealand -

The Hon. Dr B. P. V. Pezzutti: You should be talking about New South Wales, not New Zealand.

The Hon. ELAINE NILE: In New Zealand a bill has been introduced by the National Party, which is the liberal party -

The Hon. Dr B. P. V. Pezzutti: No, it is not. It is the conservative party.

The Hon. ELAINE NILE: It is called the National Party; it is supposed to be conservative, like this Government is supposed to be conservative. We had meetings on the two New Zealand islands. One of the men said to me, "Mrs Nile, please do not talk about homosexuality, education or health involving them". I asked why. He answered, "Because these people are here tonight and we fear violence". Should anybody in society have to be frightened of their meeting being taken over? People are afraid of physical violence. In 1972 the gay rights movement put out its own platform.

The Hon. Dr B. P. V. Pezzutti: In 1972?

The Hon. ELAINE NILE: That is right, that is how far back it goes. Gradually the movement is getting all the things it asked for - gradualism. The *Australian* of 27th February this year made a political statement. It stated:

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State Independent M.P. Clover Moore who credits the support of the local homosexual community as 'very important' in her winning the seat of Bligh in 1988, says attending the Mardi Gras has become an accepted part of her schedule as an M.P. "It is on the agenda. And when we were having discussions about our charter of reform (in the New South Wales Parliament) with respect to four year fixed terms, I made it quite clear ... that you cannot have an election in February because it is the Mardi Gras. And so the four year fixed term is now in March". For its participants Mardi Gras remains essentially a political statement "To be gay or lesbian and to take space in the public streets, to shut down the traffic in this city and to claim that space as ours and to claim the right to promote our identity, is a political statement", says Susan Harben, "because the gay and lesbian community is an oppressed community".

No other group has been able to do that. I do not believe that it is a minority group. They are getting all these rights and literally are able to close down the city. The article continued:

That political statement has been evident at every Mardi Gras. Indeed, the first, in June 1978, was held specifically as a political rally and forum for gay law reform, with a planned street parade and party intended as a celebration to mark the end of the International Gay Solidarity Day. "We have never before provided a method of celebrating rather than being angry", says Ken Davis, of the idea behind the original Mardi Gras.

As has been said by many honourable members, the mardi gras incites people because of the offensive activity and the lack of dress. Many years ago, before Frank Walker changed the Summary Offences Act, it would have been deeply offensive.

The Hon. P. F. O'Grady: On a point of order. Mr Deputy-President, I know that you have not ruled favourably on previous occasions, but we are now revisiting the Summary Offences Act, which was removed and reintroduced, with about 10 years between those two events. I urge you to request the honourable member not to give us a lecture on what Frank Walker did with respect to the Summary Offences Act in, I think, 1979.

The Hon. Dr B. P. V. Pezzutti: On the point of order. It becomes more and more obvious as this goes on that the Hon. Elaine Nile is not talking about homosexual vilification but about the attacks on the Reverend the Hon. F. J. Nile and herself by various groups, which is not the same thing. In fact, it is exactly the obverse of the issue before the House. Mr Deputy-President, I ask you to bring her back to the topic of the Anti-Discrimination (Homosexual Vilification) Amendment Bill. If she has something to say about that I will be interested.

The Hon. Elaine Nile: On the point of order. I am saying why we should reject the bill: because it does not cover other groups in society and other people. Attacks can take place on other people who are not of the homosexual community.

The Hon. Elisabeth Kirkby: On the point of order. I appreciate the fact that the Hon. Elaine Nile and Reverend the Hon. F. J. Nile do not like to be personally attacked. No member of this Chamber believes that they should be personally attacked. But the bill before the House is the Anti-Discrimination (Homosexual Vilification) Amendment Bill. It is not a bill that deals with any previous vilification that may or may not have taken place against Call to Australia in any State of Australia. We are dealing with something specific: the vilification of the homosexual and lesbian community in New South Wales. If at a later date it is the Government's intention to introduce legislation to make generic amendments to the

Anti-Discrimination Act to prevent vilification of Reverend the Hon. F. J. Nile or the Hon. Elaine Nile I am certain it will get the support of every member of this Chamber. The Act could then be amended. But at the moment we are talking specifically about the vilification of the homosexual community in New South Wales, not about any attacks that may have been made on Call to Australia.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! The bill quite clearly states that it is a bill for an Act to amend the Anti-Discrimination Act 1977 to render vilification on the grounds of homosexuality unlawful and to create an offence of serious homosexual vilification and for other purposes. Though the contribution of the Hon. Elaine Nile has been relevant, the area that she is entering is not relevant to the bill and I ask her to return to the bill.

The Hon. ELAINE NILE: I abide by your ruling, Mr Deputy-President. I refer to an article in the *Australian* of 27th February which refers to discrimination. A statement was made by Peter Chadwick, whose business is situated in Oxford Street. He was involved with the homosexual mardi gras. The article reads:

Fair or otherwise, there is a measure of discontent. "This is almost like the reverse of homophobia," says model agency manager Peter Chadwick, whose business is situated in Oxford Street. Chadwick claims to have been refused an application to have a float in this year's parade following concerns about his entry last year which was staffed by eight heterosexual men who were observed running into the crowd and kissing women. "They (The Mardi Gras Committee) saw it as straight boys or heterosexual men trying to assert their sexuality in a gay parade, which in my opinion wasn't the case," says Chadwick, adding that his purpose was to express a local business' support for the Mardi Gras and for AIDS research. Mardi Gras could not be contacted last night to comment on the claims. As a result of that experience, Chadwick says that he now worries that the event is becoming too political. "This year when I applied to put a float in again they knocked it back saying it wasn't -

The Hon. Dr B. P. V. Pezzutti: On a point of order. At no time during the one hour I have been in the Chamber listening to the speech of the Hon. Elaine Nile has she spoken about homosexual vilification, or anything close to it. Mr Deputy-President, I ask you to give the Hon. Elaine Nile some direction about bringing her speech back to the bill.

The DEPUTY-PRESIDENT: Order! I thank the honourable member for his advice and remind him that that advice has already been tendered in response to an earlier point of order. Since my previous ruling I have not had time to establish whether the Hon. Elaine Nile is getting back to the bill but I will listen intently to establish whether she is.

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The Hon. ELAINE NILE: The article is entitled "Politics on Parade". I hope that politics is not taking over this whole debate because of the seat of Bligh and the various parties looking to stand candidates. This could be a problem. John Laws is one of the many people in the media well known for his views. He said, to paraphrase a former socialite, "Some of my best friends are homosexual". Yet he has come out against the bill. It is interesting that one of the advisers to Clover Moore is the editor of *Outrage*. The Hon. P. F. O'Grady sent a copy to Call to Australia for us to have a look at it, and we appreciate his thoughtfulness. I move:

That this debate be now adjourned.

Question put.

The House divided.

Ayes, 2

Tellers,
Mrs Nile
Revd F. J. Nile

Noes, 35

Mrs Arena	Mr Macdonald
Mr Bull	Mr Manson
Ms Burnswoods	Mr Moppett
Mrs Chadwick	Mr Mutch
Mr Coleman	Mr Obeid
Mr Dyer	Mr O'Grady
Mrs Evans	Mr Pickering
Mrs Forsythe	Mr Ryan
Miss Gardiner	Mr Samios
Mr Gay	Mrs Sham-Ho
Dr Goldsmith	Mr Shaw
Mr Hannaford	Mr Rowland Smith
Mrs Isaksen	Mrs Symonds
Mr Jobling	Mr Vaughan
Mr Johnson	Mrs Walker
Mr Jones	<i>Tellers,</i>
Mr Kaldis	Dr Burgmann
Miss Kirkby	Dr Pezzutti

Question so resolved in the negative.

Motion negatived.

The PRESIDENT: Is Reverend the Hon. F. J. Nile seeking the call?

Reverend the Hon. F. J. NILE: Yes.

The PRESIDENT: Before I give the call to Reverend the Hon. F. J. Nile, I would like to point out for the purpose of the record that he has been admitted to the floor of the House in a wheelchair, clothed as he is, this being the result of his hospitalisation due to an injury caused by accident. I understand that there is precedent for this from the 1930s and or 1940s and, therefore, Reverend the Hon. F. J. Nile's circumstances so permit him to address the House from a seated position.

Reverend the Hon. F. J. NILE [12.27 a.m.]: I commence my address to the House on the Anti-Discrimination (Homosexual Vilification) Amendment Bill by stating that Call to Australia opposes the bill, and I will give the House the reasons. As members know, the object of the bill is to amend the Anti-Discrimination Act 1977 to enact provisions relating to the vilification of homosexual persons. This is expressed to occur when a person, by a public act, incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group. The provisions are substantially similar to the existing provisions in the Act relating to racial vilification.

The bill seeks to make it unlawful for a person to vilify another person or group of persons on the ground of their homosexuality and, consequently, to enable a complaint to be made under the Act concerning the vilification of homosexual persons; to enable a person to be prosecuted for an offence in a serious case of vilification of homosexual persons involving threatened violence - including inciting others

to threaten violence; and to provide for the making of homosexual vilification complaints under the Act. The bill defines what constitutes a public act. That definition is all-embracing and covers any form of communication to the public, speaking, writing, printing, notices, broadcasting, telecasting, screening, playing a tape or other recording material. The definition also includes actions, gestures, wearing or displaying clothing, signs, flags, emblems, and insignia and the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for or severe ridicule of a person or group of persons on the ground of the homosexuality of the person or members of the group.

The definition of a public act is all-embracing. Very few bills that have come before this House and have become law have been so all-embracing and, to that extent, so draconian. The bill spells out two categories of what one might call vilification. Proposed section 49ZT provides that homosexual vilification will be unlawful. The proposed section merely states that it will be unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group. That initial definition includes hatred, serious contempt or public ridicule. I do not regard those as being related in any way, but only as one or the other. All members of the House will agree, particularly those members who debate the meaning of words in bills, that hours could be spent discussing what those words mean and the confusion that may arise in the mind of the public when an attempt is made to enforce the legislation, if by some chance it ever becomes law.

Proposed section 49ZTA refers to a second category of more serious homosexual vilification. It refers to threatening physical harm towards, or towards any property of, a person or group of persons, or inciting others to threaten physical harm towards, or towards the property of, a person or group of persons. If the bill reaches the Committee stage, the Call to Australia group will move an

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amendment to delete proposed section 49ZT but to retain proposed section 49ZTA. There seems to be some arguable legal basis for claiming that proposed section 49ZTA could relate to the activity which has been described in our society as gay bashing. However, some time ago the Call to Australia group gave notice of the Crimes Prevention Bill, which is based on the Crimes Prevention Act passed in 1916. The bill will make it an offence to encourage or incite the commission of an unlawful offence.

All members of the House would assume that inciting someone to bash another person - the bashing being unlawful - would be encouraging someone to break the law. Our bill, of which we have given notice, will pick up some of the thrust of proposed section 49ZTA but not proposed section 49ZT, which I intend to show deals with free speech. If the House passes the bill, one does not need to be a prophet to know that there will be some serious problems in this State in trying to implement its provisions. Already there have been signs of the problems that will arise. I have received a number of threats that action will be taken against me under this bill as soon as it is passed. A complaint has been laid by the Hon. P. F. O'Grady, a member of this House, with the Anti-Discrimination Board. Correspondence from the board to me has indicated that the board sees some basis for action when and if the bill is passed. That raises the question of whether the bill is retrospective or, if the statement is still in existence, whether a complaint will be laid.

The Hon. R. S. L. Jones: If you still publish it.

Reverend the Hon. F. J. NILE: How does one withdraw a statement that could be published in a newspaper? It could appear months later in another journal. It could appear in another State or be reprinted in this State. How does a word ever stop? To that extent, I believe the bill will work retrospectively. A homosexual activist in Sydney has lodged another complaint, which claims that because of Call to Australia's quotations of certain biblical passages, a complaint could be laid under this legislation as soon as it is passed and action will then be taken. I hope I could defend myself before the Anti-Discrimination Board or a tribunal. The point is that I am a target, but any member of this House may become a target. One may be able to prove one's innocence, but one will have to go through all the

court processes before the Anti-Discrimination Board or a tribunal. Eventually the complaints may be rejected.

The next day the same person or another person could make another complaint about a related matter in another document or in a speech. The Hon. Elaine Nile was seeking to show in her contribution that we have already experienced vilification, intimidation and violence from militant homosexual groups in Sydney. We have no doubt that they will regard the bill as a golden opportunity or as a weapon they can use, and that they will use it. As I said, I have already received a written threat that the bill will be used. I would then have to engage solicitors to advise me on how to explain my actions and words. Recently I referred to a case involving a lady who appeared before the Anti-Discrimination Board and won her case, which involved discrimination by a subsidiary of TNT, a multinational company. She received \$20,000 damages. However, the fairly powerful company she was up against obviously employed lawyers to defend the charge of discrimination. I assume she also had to employ lawyers to present her complaint. She spent \$80,000 in legal fees.

That lady, who won the case, is now \$60,000 out of pocket. How much would she have been out of pocket if she had lost the case? I and other members of this House, members of the church, clergy, parish priests, schoolteachers and others in Catholic schools or the newer Protestant Christian schools could easily have complaints laid against them. I am emphasising that, because in all of the correspondence I have received - and this is why there will be strong resistance to any exemption of religious institutions - the militant homosexual groups have argued that discrimination does occur. Where does it occur? They claim it occurs in the church and in Christian schools. That is the main area of discrimination and that is why a fairly intensive campaign has been waged to remove the exemption of the church and of Christian schools, either at a State or Federal level, or both.

Therefore, those areas in a free society will be watched by certain individuals. It has already been mentioned that protest groups have disrupted church services. Someone could simply tape record the church service and seek to use that as the basis of a complaint. As I have said, after a drawn-out case the complaint may be dismissed. In those circumstances, the person making the complaint will have won because of the degree of harassment that has been caused in a legal sense by the use of this legislation. Because of that, I foreshadow that Call to Australia will be moving amendments to the legislation, should it be passed. I am able to count numbers but I still hope that the bill will be defeated on the second reading. If it is not, Call to Australia will move amendments to try to reduce the damage it may cause. Copies of these amendments have been distributed.

The fact that so many amendments have been suggested by prominent persons - Bishop Murphy, Archbishop Goodhew, professors of law and so on - is further evidence that the legislation is badly drafted. If it needs major surgery to make it work, it must be flawed. That is another strong argument in favour of accepting the approach of the Government, led by the Hon. J. P. Hannaford, the Attorney General, which is to agree that the Government's legislation, which incorporates one of the proposed sections, be referred to the New South Wales Law Reform Commission for detailed inquiry, report and recommendations in 1994. That would be the desirable way to proceed. I hope the report will not in any way be based on emotion or will not reflect the views of lobby groups which either support or oppose the legislation but will be a calm analysis of the problem of so-called gay bashing - or the bashing of anyone - in this State and the best way to deal with it.

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I wait with interest to see what the Law Reform Commission will recommend. It may be that their recommendations will be acceptable to the wider community and to the church. I am sure by then they also would be successful in eliminating any of the possible abuses of the legislation that could occur under this particular bill. As I said, it is a badly drafted and flawed bill. I state that it is specially flawed because it is a bill on which the Government, until tonight, has not expressed an opinion about. It is unusual for a private member's bill to pass through the lower House and all senior members of the

Government to abstain from voting. I know there were reasons for that but, on face value, they did abstain; they did not vote for the legislation. I see that as another important reason that this bill should not be passed by this House but should be deferred or rejected until such time as the Law Reform Commission can consider the whole matter.

Call to Australia has drafted amendments to cover those areas. The first one would be to focus merely on the area of vilification, so-called, that relates directly to threatening physical violence or physical harm, which I understand is the main concern of the supporters of this legislation. That will not be the area on which it will focus. The second amendment is the one proposed by the churches as a fall-back position - the Catholic Church, the Anglican Church and others - to insert after the word "scientific" on page 3, schedule 1(1) the words, "religious (including religious instruction)". My only concern with that - and I raise this publicly - is Call the Australia could have the accusation made against it that, "You are happy to move such an amendment which at least protects you or your followers, members of the churches or of the Festival of Light and so on, but what about members of the RSL and other non-religious organisations?" That is my concern. It would appear to be a self-centred amendment, but at least it is an improvement.

The amendment obviously does not protect those other groups that may be quite sincere in the views they hold. The third amendment is to delete all words on lines 20-37 on page 3, and to insert amendment No. 4, a new defence of religious belief that, "Nothing in this division applies to anything done by a person in pursuance of any conscientious belief held by a person on religious grounds and nothing in this division prevents a person from reading aloud or quoting from any religious scripture, whether in church or at any other place or by means of public broadcast or otherwise". Amendment No. 5 makes quite clear the necessity for clear incitement to be required. The amendment deals with that thrust, "This division does not apply to a public act of incitement". Amendment No. 6 deals with the defence of moral belief. This could be useful for people involved with the RSL and other non-religious groups who have strong moral beliefs that may not be identified as religious.

Amendment No. 7 may be a controversial amendment because of the controversial nature of the legislation, if it does proceed, that there be a sunset clause that it only ceases to apply on a day three years after its commencement. If it is working satisfactorily and our concerns have not been demonstrated, it would be quite easy for the Parliament to simply continue the bill for a longer period or remove the sunset clause, but it would at least force the Parliament, in three years' time - which would be after the next election and there may be a different membership - to fully consider the legislation and decide whether it needs to be amended or repealed.

During the debate the inference is often made that somehow I, the Hon. Elaine Nile, the Festival of Light or Call to Australia spend all our time attacking homosexual groups. We are involved tonight, again, in responding to the demands made by homosexual groups. This is another direct response to an initiative by the homosexual groups. It is what they want. I believe that, in a democracy, we have a right to express our views in respect of their demands. Here we are again in this situation. As honourable members know, it seems as though we have been debating these types of issues on and off ever since I was elected to Parliament in 1981. Call to Australia has never launched out of the blue - that I know of, and I am happy to be proved wrong - any identifiable attack on individual homosexuals or the homosexual movement. We have never done that, but we have responded to homosexual initiatives, anti-discrimination legislation or homosexual kits in schools.

I note that the Hon. E. P. Pickering has referred to three reasons for taking the very unusual stance that he has taken in this debate, of joining with the Labor Party and the Australian Democrats to support legislation in opposition to the Government. This is at least the second occasion on which he has stated his three reasons. I believe I have an obligation to respond to those three reasons because I believe they are unjustified, and they have no substance. I know that the honourable member wants to justify in his own conscience what he is doing. This may relieve some of his own internal conflict, but I believe he should not be using these three reasons. There may be other reasons, but not these three.

First, the Hon. E. P. Pickering has said that he feels he is justified in doing what he has done because of the Attorney General's pledge on the announcement of homosexual vilification legislation and HIV-AIDS vilification legislation and other matters announced in February. The Attorney General has made it very clear, as has the Premier, both publicly and in discussions with Call to Australia in respect of these matters, that it was never intended that the distributed draft was the final copy; it was a draft that would be discussed in the community and would be reviewed after responses had been received from the community, particularly the church community. I have been informed by members of the coalition that even though the draft may have been adopted by the Cabinet - and there is some doubt about that - certainly it was never adopted in the coalition party room.

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Members of the coalition have told me that they have attended all meetings and the bill has never been adopted, prior to its release when it was made a public document. Therefore, to say that there was some binding promise on the Attorney General and that the Hon. E. P. Pickering is somehow playing the role of the white knight in forcing the Attorney General to keep his promise, is not justified. In other circumstances he would not be doing it because he knows that on many occasions draft papers are distributed and sometimes they take weeks or months of community consultation to finally get them polished up as a workable piece of legislation.

Second, the Hon. E. P. Pickering says that he is supporting what is now an urgent motion because he is not prepared to wait for the New South Wales Law Reform Commission - which is investigating the matter and conducting an inquiry - to report; he is circumventing that. He says he is concerned about the number of gay bashings in Sydney and, therefore, that justifies him in taking this unusual step of crossing the floor and voting with the Opposition. I am sure that all honourable members are concerned about the so-called gay bashings. I use the expression "so-called" because I am reluctant to get into the trap of using the word "gay" in this context. I would rather say "bashings of homosexuals". Even to say "gay bashings" could sound as if the bashings are being carried out by homosexuals. It is not a very descriptive term, so I am using the term "so-called", not because I question that they do occur but because it is not a satisfactory description of them.

I believe that honourable members from both sides are concerned about the bashings of homosexual persons in Sydney, as they are concerned about any violence in Sydney. Last night a report about homosexual men taking part in a patrol of Sydney streets, particularly the homosexual ghetto area of Oxford Street, in an attempt to reduce the number of bashings was shown on television. They admitted that they felt threatened. They have now cancelled the street patrol, and homosexuals will be entirely dependent on action by the police. When Call to Australia met with the Premier, we expressed to him - and I am sure the Premier and the Attorney General would tell the Hon. E. P. Pickering this - our deep concern over the bashings and asked the Government what it proposed to do about them, leaving aside this legislation.

Though I am not an expert, I believe a number of practical things should be done. I have asked what are the police numbers in the area; the numbers of police involved in community policing of the area where the bashings are occurring - that would be a priority for an increase - and whether an attempt could be made to try to remove the potential bashers from the area. I know that will not be easy but I believe many of the skinhead gangs are easily identifiable and I would support the police, as they do on other occasions, preventing those young hoods from roaming the streets, and encouraging them, with whatever force is needed, to get them out of the area - in other words, preventive action, rather than simply picking up the pieces of broken bodies.

The Hon. Dr B. P. V. Pezzutti: On what basis can they do that?

Reverend the Hon. F. J. NILE: To a degree they do it now. It is police discretionary action, if you

like. If persons appear to be troublemakers the police ask them to move on. They say, "Move on. Go back to where you came from"; or even talk to them before some action takes place. That may at least make them wary that they are under observation while they are roaming around the streets. Third, the Hon. E. P. Pickering has made much of his support for the bill, voting for it and crossing the floor, by referring to my threats not to support Government legislation. That lack of support would mean that in most cases the legislation would be defeated if the Australian Democrats and the ALP voted against it. To be quite frank, and I do not like to always blame spiritual insight or God for these things, but I was deeply troubled that we were facing, from Call to Australia's point of view, a dilemma about how to stop the vilification bill announced by the Government. We knew we could stop the bill of the honourable member for Bligh, because the Government was against it. She was pre-empting the Government's policy. She had virtually pinched the bill from the Government's planning system and jumped ahead with her bill.

The Hon. Dr B. P. V. Pezzutti: This is nothing like the Government's bill.

Reverend the Hon. F. J. NILE: It is similar to the homosexual vilification section of the Government's bill. I believe at that point the honourable member for Bligh pre-empted the Government and jumped ahead for obvious political advantage for her homosexual constituents. The concern of Call to Australia was how to influence the Government; people such as the Hon. P. F. O'Grady and others who support this legislation openly and have scornfully said, "We have got you now on this one because we have the numbers. We have the Liberal Party-National Party and we have the ALP. No matter what you do with your balance of power, you cannot stop this bill".

The Hon. P. F. O'Grady: We still have the numbers tonight.

Reverend the Hon. F. J. NILE: That made me go into high gear.

The Hon. E. P. Pickering: Almost 99 per cent of the Parliament supported the bill.

Reverend the Hon. F. J. NILE: With the recognition that the joint party room had not supported the legislation. A number of members wrote to me expressing strong opposition to the legislation, so do not keep quoting 99 per cent.

The Hon. Dr B. P. V. Pezzutti: Members of the Parliament wrote to you?

Reverend the Hon. F. J. NILE: Yes, members of the coalition Government wrote to me. It is wrong for either the Hon. Dr B. P. V. Pezzutti or the Hon. E. P. Pickering to claim that 99 per cent of the coalition or the whole Parliament support this legislation.

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The Hon. Dr B. P. V. Pezzutti: We did not say that.

Reverend the Hon. F. J. NILE: You implied that. I know that many Labor Party members are strongly opposed to it. The question is -

The Hon. Dr B. P. V. Pezzutti: I do not believe that anyone wrote to you about that.

Reverend the Hon. F. J. NILE: You can do what you like. You do not have to believe me.

The PRESIDENT: Order! Reverend the Hon. F. J. Nile has the call and I will not permit interrogation.

Reverend the Hon. F. J. NILE: We considered, one might say, in a flash of divine guidance, that

the way to handle it was the way the Government handled the bill of the honourable member for Bligh. The Government took the brave, courageous step of simply abstaining, knowing that by doing that it was voting for the legislation.

The Hon. Dr B. P. V. Pezzutti: We are not doing that in this House.

Reverend the Hon. F. J. NILE: No, the other place did. Therefore, it is hypocritical to accuse Call to Australia of breaking convention when it was the Government that took that action. There was a revolt in the joint party room. The media has reported two stories: that Fred Nile, by his own stand, prevented the Government's bill going ahead. That was a cheap headline.

The Hon. Dr B. P. V. Pezzutti: That is not true.

Reverend the Hon. F. J. NILE: I know, but that was the headline in the newspaper. The Hon. E. P. Pickering implied that it is true. It is not true and he knows it. A coalition backbench revolt stopped the legislation.

The Hon. J. F. Ryan: It was not a revolt.

Reverend the Hon. F. J. NILE: It was. The National Party as a group said it was totally opposed to the legislation. I believe it is not sufficient for the Hon. E. P. Pickering to say that those three reasons are sufficient justification for his breaking ranks with the Government. He took a serious step in that he broke the Premier's promise that was made to Call to Australia. When the Premier makes a promise on behalf of the Government, it implies support by all members of the Government. If it does not imply that, and the Hon. E. P. Pickering is saying that is so, it would mean that every time Call to Australia had an arrangement with the Government - and we will have a number of arrangements as time goes on and the honourable member knows that in the past there have been arrangements - we will now have to obtain a signed document. It will not be sufficient for the Premier or the Attorney General to promise. I need to know that every member of the Legislative Council will sign the agreement.

How does one function in this House when one cannot take the word of the Leader of the Government? Previously I took the word of the Hon. E. P. Pickering when he was Leader of the House. I never insisted that documents would have to be signed by other members. His word, on behalf of the Government, was his bond. He has now destroyed that trust by his own actions. Even the Hon. P. F. O'Grady, in a flash of truthfulness, stated correctly that the bill was withdrawn not because of me but because of the opposition encountered within the coalition and the community. Therefore, I do not believe that Call to Australia should be loaded up, if you like, with the full responsibility and blame in the way it has been by the Hon. E. P. Pickering.

There seems to be some inconsistency in the honourable member's reasoning and I do not believe the reasons he gave are sufficient to justify his action. As I said, the bill is flawed and, therefore, we will be moving a number of amendments based on submissions to us from the Catholic Church, the Anglican Church and other groups. I want to put on record that it is difficult to speak strongly on this issue and to oppose it because people like the Hon. P. F. O'Grady and Harry Herbert of the Uniting Church make false accusations that in some way we support violence against anyone, particularly homosexuals, that not only are we in favour of it but somehow we rejoice over it.

The Hon. Jan Burnswoods: Of course you do.

Reverend the Hon. F. J. NILE: We do not. That is a misrepresentation. By making that smear attack -

The PRESIDENT: I call the Hon. Jan Burnswoods to order.

Reverend the Hon. F. J. NILE: Making that kind of smear attack obviously has not affected me in the sense that it has intimidated me, but I know that it has intimidated other leaders in this city, who do not wish to be accused of being in favour of violence against homosexuals. Neither do I, and I believe it is a very cruel approach in this debate to try to say that because you question this legislation. You raise, in a valid way, submissions made by many church leaders and by legal experts as to how this bill will work; also based on information from other countries where there has been similar laws and debate. It involves the whole issue of free speech and the right of Christians to have a conscience and to obey it. But, when one follows that particular pathway and is consistent, one is falsely accused.

From the Beatitudes in the Gospel of Matthew, chapter 5 Our Lord said that, "Blessed are you when men shall falsely accuse you and say all manner of false things about you, for my name's sake, for great shall be your reward in heaven". I take some comfort from those words because our Lord knew many situations like this would occur in future days, as has been proved in our day and generation. This is a flawed bill, as I have said. If it is passed without amendments, it will be an albatross around the neck

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of Ms Clover Moore, the member who drafted it. The full weight of responsibility for that will rest with the Hon. Elisabeth Kirkby, who restored the bill in this House, and especially the Hon. E. P. Pickering, because it will not be passed unless he votes with the Labor Party and the Australian Democrats.

The Christians of New South Wales will not forget what has been done here tonight if this bill goes through. There has been a rejection of the silent moral majority in favour of the vocal immoral minority, and that again will be an albatross around the necks of those involved in pushing this bill through tonight rather than adopting the normal procedure of waiting for the New South Wales Law Reform Commission report. As I said earlier, in the *Australian* today the Hon. E. P. Pickering is reported as saying: All members of Parliament on all sides agree that there ought to be homosexual vilification laws. He said all members, but I have indicated that the National Party members, almost to a man, have great reservations about this legislation.

The Hon. Dr B. P. V. Pezzutti: That is not true.

Reverend the Hon. F. J. NILE: I said almost. I do not have the authority to speak for all members, but I have spoken to nearly all members personally and they support my stand on this. That applies also to a number of Labor Party members of this House and the lower House.

The Hon. Dr B. P. V. Pezzutti: One.

Reverend the Hon. F. J. NILE: Certainly far more than one. At least three members in either House have indicated they support my stand on this legislation. But, they are bound to vote with the party. So it is not right to say that all members support the bill, as the Hon. E. P. Pickering claimed in the interview reported in the *Australian* today. It is misleading when that happens. The Hon. Elaine Nile has pointed out that if anyone knows about vilification Call to Australia knows, because we have experienced a great deal of vilification from the militant homosexual groups. When I was preparing my speech I noticed a newspaper headline about the Tasmania election earlier this year, which said: Day of shame. Reverend Fred Nile forced to flee airport protest. I was simply going to conduct a meeting. There was a violent protest group and the police said to me, "If you don't leave the airport and go with us in the police vehicle we cannot guarantee your safety". I said, "I am not going to leave the airport. I want to get my bags from the baggage area and walk through with my baggage".

The Hon. P. F. O'Grady: On a point of order. We are now travelling round Tasmania once again. The bill has nothing to do with travel arrangements or the baggage of the honourable member, Mr President, and I request you to direct Reverend the Hon. F. J. Nile back to the substance of the bill.

Reverend the Hon. F. J. Nile: On the point of order. The sarcastic comment by the Hon. P. F. O'Grady is indicative that no point of order is involved.

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

Reverend the Hon. F. J. NILE: The question we have to face with Clover Moore's politically correct homosexual bill is: what would be the impact of the bill if it is passed? I emphasise politically correct. We hear a lot about PC and this seems to me to be perhaps one of the most outrageous examples of PC that has occurred in our State. As I said earlier, if I criticise or reject the bill, somehow I am in favour of bashing homosexuals; I am put into a corner and labelled, and in fact vilified, as I have been vilified outside Parliament House regularly over the past few weeks by a large section of homosexuals. I have even been vilified by members of the House who address gatherings in Macquarie Street and fuel the anger of the homosexuals. I in no way seek to pour oil on troubled waters, but I was challenged to go out and speak to the crowd. The police said, "We wouldn't be able to guarantee your safety if you walked out there, Mr Nile; that would be a very foolhardy thing to do". I think they were right, because by that time the crowd had been whipped up almost into a frenzy by members of this House talking about how we must get rid of vilification.

Apparently there are separate packages of vilification. It is wrong in one situation, but it is right in another situation. I think it should be wrong in all situations. As the Hon. Elaine Nile said, if there is an argument for reducing violence in our society it should not be aimed at certain groups. Certain groups should not receive special legal privileges; the law - as it usually does - should apply to the whole of society. We should not have laws that relate to attacks on or vilification of lefthanded people, short people, fat people, Baptists, Catholics, employed people, the unemployed, the rich, the poor, and so on. It is a bad precedent to introduce legislation that only benefits a certain group in society.

Where does it end? We could argue that this legislation, if it is passed, will discriminate against all the other groups in society who are vilified. So, we are opposed to the legislation because, first, it certainly is claimed by those who support it, by the homosexual movement, that it is a further endorsement of the homosexual lifestyle. The legislation will not only endorse, but will provide legal protection for it. Second, it will attack Christian doctrine and Christian teaching and will threaten and harass churches and Christian schools. Third, the legislation will gag free speech in its widest possible meaning, by newspapers and talkback radio commentators such as John Laws, Alan Jones, Brian Wiltshire, Stan Zemanek and others. Though we may not agree with them, these persons should have the right in a free society to express their views and to debate them with callers, as they do on openline radio. We are opposed to the legislation because it will be an endorsement of homosexuality, the homosexual lifestyle and behaviour, the homosexual act. It would make it very difficult to criticise in any sense what homosexuals do. For example, I might sincerely seek to criticise the link between anal sex
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and AIDS, which is the proven main method of transmission. But homosexuals could say, "This is an attempt to vilify us and, through your statements, to encourage the bashing of homosexuals". So we are in a very dangerous area with the way the legislation has been drafted.

I see this as a further slide in what I call the moral slippery-dip that had started in this State, as I said earlier, by 1981 when I was first elected to this House. At that time we were involved with debates about homosexual law reform with such members as Mr Wilfred George Petersen, the former honourable member for Illawarra, and others. That went on year after year when the checks were made and it finally succeeded following the intervention of the then Premier, Mr Wran, who introduced a private member's bill and sought the support of members of Parliament on both sides of politics to get the bill through. We saw also this special treatment - the kick God treatment - of the homosexual minority, in anti-discrimination legislation that refers directly to them with regard to the use of powers, employment services, education, and so on. Special discrimination laws have been put in place and this activity has been legalised.

I have visited other States where people perceive this debate to be about a law preventing discrimination against homosexuals. So confused has the debate become, and because this legislation

seeks to amend the Anti-Discrimination Act, they are not aware that we went through all of this 10 years ago. We are now dealing with a bill that would make it very difficult to criticise homosexuals. When I have explained that to church leaders in other States there has been massive shock reaction. I know that my statements have been laughed at by the Hon. P. F. O'Grady but I have evidence from the United States of America that if you push and push, there is a point when public tolerance snaps and reverses into a backlash. The attitude of the Hon. R. S. L. Jones is encouraging it. This will be a very sad situation for some homosexuals.

Peaceful homosexuals who want to live their own lives will be lined up with the militant homosexuals, and all will suffer. That is why this legislation does not have the uniform or unanimous support of all homosexuals, who are aware of it. They have enough brains to know that if one is subjected to demands, demands, demands, there will finally be a backlash. This is happening now in the United States, where some States are reversing their anti-discrimination legislation. Having been passed, homosexual legislation has been repealed, and no one could ever have thought that would happen. There is quite a public reaction now right across America. This is a disadvantage to the homosexual strategy here, and now they need to assess whether they have pushed too hard. If they push too hard they will lose whatever gains they have made over the past 10 years. So in their minds these are gains.

In the late 1980s and early 1990s the New South Wales Government allowed homosexuals and lesbians to adopt children. I never thought that would happen. But I have been told by Government representatives, "Don't be too worried, Fred. It's only disabled children; it's only handicapped children that nobody wants". I surely object to that. Children who have limitations or handicaps should be given the very best assistance. They should not be in a special category whereby if nobody else wants them we will let a homosexual or lesbian couple adopt them. Apparently that is what is happening.

Lesbians are now boasting that they are producing children with no male in the relationship - although I know they need male semen. There will be no male in the relationship, so the baby will have two mothers and no father. In 1992 I was involved in a debate on this subject with Prime Minister Paul Keating, when he issued his imperial decree to force the proud Australian army, navy and air force defence services not to discriminate against known, practising, professing homosexuals in the services. President Clinton was forced to back down on this approach in the face of strong opposition by Congress. It was never debated in the Australian Parliament; there was just an imperial decree, which I know is causing much unhappiness within the services. This Parliament has mentioned it a number of times.

Other developments are the availability of the homophobic kit produced for our schools by the Department of School Education, which falsely claims that homosexuality is natural and that homosexuals comprise at least 10 per cent of the population. More recently, the Federal Health Minister, the Hon. Graham Richardson, launched a new AIDS-HIV kit for all Australian primary schools. That kit presents anal and oral sex, particularly anal sex, in graphic diagrams, as natural provided condoms are used. Parents I have spoken to cannot understand why seven-year-old children would need that sort of information. I should like to refer to a statement by Peter Grogan, the President of the AIDS Council of New South Wales, which, sad to say, has become a front for the homosexual movement. Regarding the debate in this House Mr Grogan issued a statement - it talks about my accident of falling down the stairs, so it must have been issued recently - in which he says that he wants this bill to be passed. He continued:

The issue it addresses is urgent. But the whole debate is focusing our energies on something that should well and truly be over with. It is crucial for us to get this legislation in and out of the way so we can talk about our real reform agenda.

I went through what has happened in this regard over the last 10 years and I thought there was enough reform agenda there to satisfy anyone. But apparently there must be another agenda. I do not know whether the Hon. Elisabeth Kirkby, the Hon. P. F. O'Grady or other members of this House know about it. What is the real reform agenda? The Hon. Elisabeth Kirkby might tell the House in reply what will be the

next step once this vilification legislation goes through. I know that some people have already made statements that there will be some attempt to legalise same-sex marriages. I do not know whether that will be done through legislation. So that may be part of the real reform agenda. I know there is a push in the Uniting Church to ordain known homosexuals, so maybe they are the sort of things referred to.

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The Hon. Elisabeth Kirkby: I might suggest that the Catholic Church has already done it.

Reverend the Hon. F. J. NILE: I am not suggesting the church is perfect but certainly if it has done that, it is against the teachings and the practices of that church. Previously I said that as far as I can interpret this legislation it appears to be unique - and again the Hon. Elisabeth Kirkby might correct me if I am wrong. If it is so vital and so serious why is it that no other State has anything like it, and why is it that not even other countries appear to have any other vilification legislation along these lines? Recently when I was overseas I saw similar legislation, but it did not go as far as this one. However, they have introduced homosexual anti-discrimination legislation.

So this would be pathfinder-style legislation and I will carefully monitor its implementation. I am certain that if it is passed in this State it will be used as a moral lever to try to push legislation through in other States and in other countries. It is a serious situation. The brutal demands and threats by militant homosexuals will produce an increasing backlash; a heterosexual, Christian backlash where even moderate, homosexual anti-discrimination laws could be repealed in the future. It might not be violent, but there could be a backlash saying that enough is enough. So we do have a sort of catch 22 situation.

Those who express a legitimate concern - church leaders, Christians and CTA - find that our positions are distorted and have been misrepresented. False claims are made that if we oppose the bill, we are in favour of so-called gay bashings, gay murders, and violence against homosexuals. This is an evil lie and because of those evil lies I have had people write to me and threaten, "The next person that's murdered in Sydney or bashed will be on your conscience, Fred Nile. You are personally responsible". I believe this is done to intimidate genuine opposition in our democracy and genuine criticism of the legislation, and I believe that that is a serious allegation. I said that a number of churches have expressed their strong opposition to the legislation. In fact the only supportive denominational church has been the Uniting Church, and, as my wife the Hon. Elaine Nile has said, it is quite clear that that is coming from a bureaucratic group within the Uniting Church who are terrified of consulting the parishes. I have challenged them to do that, but they will not. If they were confident of winning, they would do it. It is an easy administrative task simply to ask the parishes to endorse the legislation or give their support for it, but they will not do so.

The Hon. Elisabeth Kirkby: Why have they withdrawn from the New South Wales Council of Churches?

Reverend the Hon. F. J. NILE: They have not withdrawn from the New South Wales Council of Churches. They have passed a motion to review their membership and to consider it at their March meeting.

The Hon. Elisabeth Kirkby: They are obviously dissatisfied with the New South Wales Council of Churches.

The PRESIDENT: Order! The Hon. Elisabeth Kirkby will have the right of reply.

Reverend the Hon. F. J. NILE: The Hon. Elisabeth Kirkby makes a very good point. The Uniting Church was established to promote the unity of churches, the unity of Christians, but now spends all its time issuing statements in total opposition to all the other Christian churches. I go to many meetings where I meet other Christians who are critical of Uniting Church Christians, and I have had to defend that

church's actions under the leadership of those modernised Christians. Just because its head office says something, it does not mean that the parishes or the members are in favour of homosexuality. They may not be in favour of it. In many cases they are not. Many Uniting Church members are upset because they have been labelled, because they have been burdened with statements made by Harry Herbert, and they have to live with them. Other Uniting Church members do not worry any more. They just simply say, "As of this weekend, Fred, I have resigned. I am no longer with the Uniting Church. Thank the Reverend Mr Harry Herbert's statements in favour of homosexuals or divorce or whatever it may be." So it is clear that Mr Herbert's statements are not in any way designed to reflect the grassroots beliefs or opinions, and they are certainly often out of step with the mainstream denominations in the State.

My attitude has been - and I have said this to the Uniting Church hierarchy - that the churches may have on occasions different points of view. Once a church - it need not be the Uniting Church, but any denomination - realises that its statement is completely contradictory to that of all the other churches, I believe it is honour-bound to have some discussion and consultation about why that church is moving in one direction while other churches are moving in another direction, that is, to maintain Christian unity. If that church still desires to go ahead on its own, it has a very heavy responsibility to consult its member parishes on that issue. That need not be on every issue, but where it is going to go it alone and split the Christian unity in this State, as Mr Harry Herbert has done on a number of occasions, it is honour-bound to do that; but it has not done so, I think for obvious reasons.

I know there has been some criticism in this House of the Anglican Church Diocese of Sydney, which, no matter what is said, represents, as I understand it, one million Anglicans. I gather that half the wealth of the Anglican Church of Australia is tied up in the Sydney Diocese. There might be other diocese of only 20 churches and 20 ministers, but Sydney diocese, numerically and financially, is the most powerful diocese in the State, stretching from Gosford down to Wollongong and across to the Blue Mountains. It is really a diocese made up of about five dioceses, with a western region, southern region and so on. I am not here to judge the Anglican church, if that is the structure it has developed, but one could argue that the Anglican Church Diocese of Sydney is really composed of a number of dioceses.

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The Sydney diocese is a multidocese, and I do not believe it is right for any member of this House to shrug off lightly the views of the Synod, as has happened tonight in this House. I would be making sure that the members of the Synod have conveyed to them the attitude of some members of this House. I am not just speaking of the Hon. Elisabeth Kirkby. I thought that the Hon. Virginia Chadwick was disrespectful. Just because other dioceses have different views, that does not mean that the Anglican Church Diocese of Sydney should be treated with disrespect or ridicule. The Synod has made its position very clear in a number of statements. Most recently, on 27th October it said, "The Synod expresses the preference that the Clover Moore bill should be rejected by the Legislative Council". I do not think that statement could be clearer. It should be rejected. However, if the Legislative Council is inclined to pass the bill - and this has been my approach - let us move an amendment.

The Hon. Elisabeth Kirkby: There is an opportunity -

The PRESIDENT: Order! The debate must not be conducted by way of a discourse across the Chamber between Reverend the Hon. F. J. Nile and the Hon. Elisabeth Kirkby. The Hon. Elisabeth Kirkby will have a right of reply. She should reserve her remarks until she speaks in reply.

Reverend the Hon. F. J. NILE: I am just making the point that members must be careful not to misrepresent the Anglican Church's position. I emphasise the word rejected in my earlier comment. However, if members are surmising that the Hon. E. P. Pickering will continue to support the legislation, there are numbers -

The PRESIDENT: Order! The honourable member will address the Chair, and not the Hon. Elisabeth Kirkby.

Reverend the Hon. F. J. NILE: The view of the Anglican Church Diocese of Sydney should not be regarded lightly or in any way be ridiculed. I know that members of the House have respect for Pope John Paul II, who has been a strong moral leader on this matter and has stated his position without compromise on a number of issues, whether it is abortion or homosexuality. He has just issued *The Splendour of Truth*, which is a very fine document that I urge members of the House to read because in many ways we are debating some of the points that he made in that document. Although it is addressed to the Catholic Church, many of the points it makes are relevant in discussing the aims and objectives of legislation that deals with moral or social issues that confront us.

We are discussing the absolute teaching of the church, which does not change just because we have a gay bandwagon or women's-lib bandwagon or a child-lib bandwagon. Some things are true; some things are false. Some things are right; some things are wrong. Nothing changes. The public or the media cannot change it; and I believe that applies to what we are discussing tonight. Section 81 of Pope John Paul II's recent statement says:

In teaching the existence of intrinsically evil acts the Church accepts the teaching of Sacred Scripture.

What we call the Bible:

The Apostle Paul emphatically states, "Do not be deceived: neither the immoral, nor idolaters, nor adulterers, nor sexual perverts, nor thieves, nor the greedy, nor drunkards, nor revilers, nor robbers will inherit the Kingdom of God". (1 Cor 6:9-10).

If acts are intrinsically evil, a good intention or particular circumstances can diminish their evil, but they cannot remove it. They remain "irremediably" evil acts; per se and in themselves they are not capable of being ordered to God and to the good of the person. "As for acts which are themselves sins . . . St Augustine writes, like theft, fornication, blasphemy, who would dare affirm that, by doing them for good motives . . . , they would no longer be sins that are justified?"

Consequently, circumstances or intentions can never transform an act intrinsically evil by virtue of its object into an act "subjectively" good or defensible as a choice.

The point that Pope John Paul II is making there - and obviously I have nowhere near the expertise that he has - is that some things were wrong at the time of creation, in the days of Jesus Christ, and are still wrong today. No matter what changes there may be - the so-called broadening of the mind on some of these issues - an orthodox Christian in the sense of a Christian who accepts what Pope John Paul II is saying, accepts the Bible and the sacred scriptures as an authority, and want to be faithful to that.

I have had tremendous pressure put on me by homosexual individuals and groups who would love me to compromise. The easiest thing for me to do would be to say, "It does not matter any longer. Though the Bible says it is sinful, you people can go ahead and do what you like because Fred Nile says it is now all right". They want me to say that, and the easiest thing in the world would be for me to say it. That would then, of course, be a fallacy. I would get cheap popularity for telling a lie, but I cannot do that. I have an obligation. Harry Herbert may be able to do that, but I cannot. I must speak the truth with love, because the Bible is very clear that for those who are false teachers, who do not speak the truth, the plight of the individuals who suffer is on the head of the false teacher. I may not completely comprehend that, but I try very hard to be truthful, to be sure that what I say and do is based on orthodox Christian teachings. It may be hard for a practising homosexual or a person committing adultery to say that what they are doing is wrong, but I can forgive them if they repent. But I cannot say that what they are doing is right, no matter what pressure is put on me to try to win their popularity. The verse that is often quoted to me in these debates is something along these lines:

Jesus said, "I forgive you". What did you say? I say, "You have left off the second part of the

sentence. "Jesus said, "I forgive you. Go and sin no more".

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What homosexuals and others want today is for the church to say, "I forgive you. Go and sin some more". The Church cannot say that. It has to speak the truth, as revealed to them through God the Creator by Revelation. I personally believe that God feels far more strongly about homosexuality than I do. I am certain of that from my reading of the bible, and I have tried to ask the question, why? I believe that God sees homosexuality as an act of rebellion against God's creative purposes; a most serious act, and one which we as human beings find it hard to consider from His perspective. I believe that in the beginning God had a plan for his creation. He created Adam and Eve, male and female, and homosexuality was not part of His plan. Some say that in the sight of God it is an act of rebellion against God's creative purposes, and is so strongly condemned that the original penalty for homosexuality was a death sentence. I find it very difficult, if not impossible, to support a death sentence for a homosexual act. Though some Christians in Sydney would be quite happy to see that law restored, I would find it very difficult.

The Hon. Elisabeth Kirkby: Christians, Mr Nile?

Reverend the Hon. F. J. NILE: Yes. If capital punishment is justified.

The Hon. R. S. L. Jones: Legal murder?

Reverend the Hon. F. J. NILE: I do not want to debate that issue now. When the State carries out capital punishment, it is not legal murder.

The Hon. R. S. L. Jones: That is God's will? To kill somebody?

Reverend the Hon. F. J. NILE: Yes. It is the state that God has created. God governs through human governments, depending on the offence or the crime. I am saying that it is very hard for human beings, even those who are devout Christians, to put themselves completely in the place of God and see why God condemns homosexuality so strongly, and why the leaders of the day imposed the death penalty with no qualification. Moslems today still apparently do that in some of their countries. However, as I said, I do not support that. It is hard for us to see why it is so strongly condemned, but I believe one is on the track if one sees this as an act of rebellion against God's creative purposes.

I have already discussed in some detail why there is a distinction or division between the Uniting Church and some of the other denominations. Obviously, one of those reasons is that the Uniting Church leadership - Harry Herbert and others - do not take the Bible seriously as their authority and therefore they believe they can diverge and make up their own rules, standards and commandments. Of course, in due course that would lead to the destruction of their Church because the Church is meant to be a continuing body, generation after generation. So there must be a body of teaching that is handed on generation by generation. No generation can rewrite the teachings; each generation has a duty to pass them on.

I am very unhappy, too, that the *Sydney Morning Herald* on 19th September accused me of deceitful behaviour. This, again, showed me the double standards that operate. Mr Harry Herbert and Mr Steve Marks, the President of the Anti-Discrimination Board, discovered what they thought was an error in our CTA kit, which, I might add, was produced by our secretary, not by me. There was reference to a media release that was not provided in the kit. It is certainly in the kit now. We had not realised that there were two media releases, but both of them are now in the kit. There was never any intention to conceal the media releases from the public or the church leaders. But it is amazing that, without consulting me, public statements were made vilifying me. I just wonder, therefore, how sincere they are about vilification. I had nothing to do with the introduction of the media release in the kit, but it was publicly

stated in the *Sydney Morning Herald* that I was guilty of deceit and of unconscionable behaviour during the campaign against gay vilification laws. One of the statements, by Harry Herbert was:

Mr Nile, it appears, was tempted to misrepresent the position as far as the Church goes in New South Wales which is unconscionable.

It seems to me contrary to the tenets of the very religions that he is trying to gain support from.

And so on and so on. I am not suggesting that I or the kit should not be criticised, but I am amazed that there was this heavy condemnation of me by people who do not know the truth. Without quoting the facts these people engaged in a vicious, untrue attack on me and vilified my name. The *Sydney Morning Herald* was happy to print the headline, "Fred Nile accused of deceitful behaviour". I believe that shows a degree of hypocrisy. People who say they feel so strongly about vilification are quick to falsely accuse others. That is a pity.

I was upset that the Uniting Church is acting on its own against the other churches, which has resulted in headlines such as, "Church split develops on homosexuals". It is disturbing also that Reverend James Murray, who is apparently an Anglican Minister - I gather he must be of the High Church variety of another diocese - and regularly writes in the *Australian*, and attacks me in spite of my attempts to give him correct information. Though he supports this vilification legislation, he misrepresents and vilifies me. There seems to be a double standard operating somewhere. I wonder whether these people really are sincere, because their actions do not support their words. In a statement supporting the anti-discrimination legislation dated 26th June, 1993, Reverend James Murray, under the headline, "Niles and dirty waters, went on to state, "He castigates at every single opportunity the homosexual or gay community." As I have said before, I would rather ignore homosexuals and the Hon. P. F. O'Grady absolutely and not have to discuss homosexuality. However, I believe I can document that I am responding to the attacks and initiatives by homosexuals.

The Hon. P. F. O'Grady: You are obsessed.

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Reverend the Hon. F. J. NILE: I am not obsessed. I do not give a thought to it. I do not think about it. It irritates me. We are dealing with a homosexual bill now and you are trying to silence me and intimidate me by saying, "The minute Fred Nile mentions it he seems obsessed with it." You are obsessed with it and you are the one who keeps pushing it in this House all the time. So it is a tragedy that I am misrepresented in this way by leading commentators who do not bother to check the facts. They know that in my statements in this House I am responding to initiatives by militant homosexuals, whether it is about homosexual legislation or the homosexual kit. I would be going against my duties as a member of Parliament if I were to ignore a plea from a constituent saying, "Please raise these issues; discuss these matters on our behalf; protect our family; protect our children." I have a responsibility, and I object to the Hon. P. F. O'Grady - who reinforced this a minute ago - saying that I am obsessed. I regard that as malicious.

The Hon. P. F. O'Grady: You are. It is common knowledge.

Reverend the Hon. F. J. NILE: It is not common knowledge. In your mind it is. You are obsessed by it. I never give a thought to it. Each time I raise it in the House - I invite you to check the dates and the documents - I am replying to genuine issues that are raised. I get no satisfaction in raising them at all. I would rather not discuss them, as I am sure our Lord Jesus Christ would have been happier if he had never had to confront them either. Reverend James Murray misrepresents me by saying I claim to be the voice of Australian Christian morality. I have never claimed that, but I do believe I have a right as a member of Parliament and as a leader of a political party and of a moral issues organisation to at least state my views on this issue. That is my duty and my obligation. He also says

that I find it difficult to understand in discussing this legislation that there is no justification in the scriptures for what I am saying. As I have said, as has been shown by the other speakers, there is a great deal of justification in the scriptures, in the Holy Bible, and that is the only reason that we take this stand.

The other tragedy is that anyone who questions these issues is accused, as I am by Reverend James Murray, of a lack of compassion. What goes through my mind is what motivates me and why am I concerned. I am concerned because of compassion. The Hon. P. F. O'Grady, in a throwaway line, referred to my attitude to prostitution. Again, I could not care less about prostitution as such, but I am concerned about girls who are abused and exploited by prostitution. I am concerned about homosexuality if young people and children are recruited into that lifestyle. It is my compassion that leads me to this position.

The Hon. Elisabeth Kirkby: On a point of order. The House is debating the Anti-Discrimination (Homosexual Vilification) Bill, which has nothing whatever to do with prostitution. I have been listening to Reverend the Hon. F. J. Nile for about one hour now and, as the Hon. Elaine Nile did previously, he is stating a whole list of events in which the Niles, as they say, have been vilified. Now Reverend the Hon. F. J. Nile is talking about prostitution, which has absolutely nothing to do with this bill. I request that you ask the honourable member to return to the bill.

Reverend the Hon. F. J. Nile: On the point of order. I was simply replying to the Hon. P. F. O'Grady's interjection. It has been said that the only time I mentioned prostitution was in this debate, and I was briefly responding to his interjection.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! I ask Reverend the Hon. F. J. Nile to confine his comments to the bill. However, members seeking to sidetrack Reverend the Hon. F. J. Nile should limit their interjections.

Reverend the Hon. F. J. NILE: It is said if you question the homosexual vilification legislation your approach is twisted, and you therefore lack love and compassion. It is love and compassion that motivates me. That is why I -

The Hon. P. F. O'Grady: Oh, Fred!

Reverend the Hon. F. J. NILE: You can question; that is democracy. But I am telling you that is what motivates me.

The Hon. P. F. O'Grady: No. It is for the television camera.

Reverend the Hon. F. J. NILE: It is not for the camera. I am pleased to have the opportunity to try to show love and compassion in action. I seek in this House to respond to the constituents who expressed their concerns to me. Because I have questioned the homosexual vilification legislation, Mr Murray - again without talking to me - has said, "Mr Nile must support aversion therapy". I have never spoken in favour of aversion therapy, which I understand to mean very severe aversion therapy involving electrical impulses and so on undertaken by homosexuals. I do not support that. What I do support - and I have seen it happening all over Australia and overseas - is the number of homosexual men and women who are being converted; who are becoming, happy, well-adjusted heterosexuals. I would say that more homosexuals are being converted now than probably at any time in history. It is an amazing situation, and I can bring these people before the House if members wish to interview them and discuss these matters with them. These people are not children; some of them are men who were formerly aggressive leaders of homosexual activity.

The DEPUTY-PRESIDENT: Order! The honourable member is straying from the bill, which relates to homosexual vilification.

Reverend the Hon. F. J. NILE: No, Mr Deputy-President, I am simply indicating what my attitude is when I am misrepresented if I oppose legislation. As I said earlier, I believe the legislation should be rejected. Many people have no
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understanding that this legislation will be used against Christians in this city. There is no doubt about that. I have already shown that in the threats that have been sent to me already, and the recent threat about quoting the Bible. In a technical sense, a person who publicly quoted from the Bible would be breaking the law. Christians will be subject to charges of vilification being laid against them if they speak about homosexuality with either ridicule or contempt because, as I said before, there are two parts to this legislation. One part refers to severe vilification, encouraging acts of violence against homosexuals; but the most dangerous part uses very vague terms in relation to words that, in the minds of the hearer, might constitute severe ridicule or contempt or vilification. I emphasise that.

Some people, including the Hon. E. P. Pickering, have said that I have no idea what is going to happen. The question is: What is in the mind of the homosexuals? The homosexuals will answer, not the Hon. E. P. Pickering or anyone else in this House. People will say, "I am vilified. Mr Nile spoke of me with ridicule and contempt. I am going to make a complaint against him to the Anti-Discrimination Board". All I am doing is quoting from the Bible, which is the basic source of doctrine for the Christian churches of the world: Catholic, Anglican, Baptist, Presbyterian and so on. We know that some members of those churches and some clergy reject that teaching. That is why the statement quoted earlier from Pope John Paul was issued: because some so-called moral theologians in the Catholic Church do not accept Catholic Church teaching based on the Bible, and the Pope has had to bring them into line. There are some individuals in the Uniting Church also who do not accept this teaching. But, the main body of that church is still orthodox, despite its denominational term. So it is very clear that were I to quote scriptures or extracts from the Bible, a homosexual could accuse me of vilification. Genesis 1:27, states:

So God created man in his own image, in the image of God he created him; male and female he created them.

Genesis relates the story of Sodom and Gomorrah. It was interesting that during the debate the Hon. Elisabeth Kirkby said that this had nothing to do with homosexuality. The whole context of the story deals with homosexuality and the abuse, by a group of men, of two men who visited the city of Sodom. Genesis 19:4, the key verse, says:

Before they had gone to bed, all the men from every part of the city of Sodom - both young and old - surrounded the house. They called to Lot, "Where are the men who came to you tonight? Bring them out to us so that we can have sex with them". Lot went outside to meet them and shut the door behind him and said, "No, my friends . . ."

The exact interpretation of "No, my friends" -

The Hon. Elisabeth Kirkby: Not according to other biblical scholars.

Reverend the Hon. F. J. NILE: All the biblical scholars. No one has ever denied that that passage related to homosexuality. If the Hon. Elisabeth Kirkby is correct, I invite her to read the rest of the passage, which says:

Lot went outside to meet them and shut the door behind him and said, "No, my friends. Don't do this wicked thing".

The passage says, "Don't do this wicked thing", yet the Hon. Elisabeth Kirkby suggests the interpretation is that they were just getting to know them. I suggest, madam, you have not read the context. If you read the context you will not have the slightest doubt about the meaning.

The Hon. Elisabeth Kirkby: I read the context into *Hansard* yesterday.

Reverend the Hon. F. J. NILE: Well, you misled the Parliament. You misrepresented a key teaching. To make it clear I refer to Peter 2, in which the Apostle Peter made it quite clear. He explained that passage for anyone who may be confused. He said:

If [God] condemned the cities of Sodom and Gomorrah by burning them to ashes, and made them an example of what is going to happen to the ungodly; and if he rescued Lot, a righteous man, who was distressed by the filthy lives of lawless men . . .

Again, it is not just inhospitable.

The Hon. Elisabeth Kirkby: Was it less filthy than offering virgin daughters?

Reverend the Hon. F. J. NILE: It was not just a question of hospitality. They wanted to sodomise the men. Lot would not permit that. The word sodomy derived from the city of Sodom. Let me make it perfectly clear that the Bible is a commentary. You ought to check the whole Bible and not just someone's comments on it. Jude states:

And the angels who did not keep their positions of authority but abandoned their own home - these he has kept in darkness, bound with everlasting chains for judgment on the great Day. In a similar way Sodom and Gomorrah and the surrounding towns gave themselves up to sexual immorality and perversion. They serve as an example of those who suffer the punishment of eternal fire.

Again there is not the slightest doubt; it is all in context. It is all related, chapter by chapter, verse by verse, so there is no doubt.

The Hon. Elisabeth Kirkby: Perversion is homosexuality too, Mr Nile.

Reverend the Hon. F. J. NILE: Homosexuality is against God's creative purposes, and therefore it is unnatural. Of course, heterosexual sin is also sin, but it is natural. Homosexuality is unnatural and abnormal, as well as being immoral, sinful and unhealthy. That rebellion against God's creative purposes arose on planet Earth. The homosexual vilification legislation of the honourable member for Bligh could stop us - would stop us, because of the threats we have already had in writing - quoting passages from the Bible and making statements under threat of fines, gaol, or damages up to \$40,000. There is a rumour that the State and or the Federal Government are reviewing the damages figure of \$40,000 because it is not sufficient. The suggestion is that it should be increased to \$250,000.

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That would put Christians in the difficult position of having to choose between obeying God or the Government. I am sure I speak on behalf of all Christians when I say that if this Parliament passes a law that is against my Christian conscience, I would have to obey God and therefore break the law that possibly we are going to pass today. It is a very serious matter. It will put Christians in conflict; their consciences will be in conflict with the law of the State. We should not be faced with the possibility of a State law doing that. This is a very serious matter. I know other members of the House have supported our concern and raised similar concerns.

As I have said, this legislation would be a direct attack on Christian doctrine, on the Judeo-Christian ethic, from creation until the present time; and it will cause many, many problems. This point was made during one of the recent homosexual mardi gras parades. A huge float, which probably cost hundreds of thousands of dollars, was chosen to lead the parade. It had been cleverly constructed with palm trees, and a park bench, above which was a large banner. On the float were two men who, as far as could be

seen, were naked and were embracing each other. There may have been just a leaf somewhere, but I doubt that. They appeared to be naked. The intention was that they were to be seen to be naked. The banner said, "In the beginning God created Adam and Steve".

That is why we get angry. We say that the mardi gras parade is not only indecent and obscene but is often blasphemous. Certainly that kind of float is directly blasphemous. I have debated this matter with a number of prominent homosexual leaders. One of them was the Minister of the homosexual church in Sydney, the late Don Johnson, who has since died of AIDS. He quite seriously argued with me - I talk to these people, I have no hatred of them, no rejection of them as persons. I will talk to them and they know that. They ring me up and talk to me. If they think a person hates them and vilifies them they would not have that kind of contact, but they do. Obviously, they are trying to influence me. This chap, the Revd Don Johnson, said that I should not be critical of homosexuals because I should accept the possibility that not only should we have laws like this homosexual vilification law, we are living in the age of the homosexual; that this is the homosexual age and this is all part of God's plan. I said I do not understand it and he said, "Well, is not the world overpopulated?" I do not think it is but he said it was. I said, "Say it is for the point of argument". He said, "This is God's way of reducing the population by having the age of the homosexual".

The Hon. P. F. O'Grady: On a point of order. I do not believe that any of this is relevant to the bill and ask that the honourable member be brought back to the bill and the matters before the House.

Reverend the Hon. F. J. Nile: On the point of order. The bill is very clear that vilification can include a whole range of activities described as a public act, and that includes any form of communication with the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, spreading and playing of tapes or any other recorded material. I can indicate already, from the advance notices I have received, that homosexuals regard the quoting of the Bible, as I am quoting now, as coming under this law and they will make complaints under this bill. What I am saying is central to the direction and implementation of this measure - not a peripheral, not a red herring, but central to it.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! I uphold the point of order. I do not believe that the matters the honourable member has canvassed are relevant. I urge the honourable member to confine his comments to the bill.

Reverend the Hon. F. J. NILE: As was stated also, there is no doubt that even though we obviously are defensive of Christianity because we are members of the Christian Church, other religious groups - including the Jewish church, or Judaism, and the Moslem religion of Islam - feel very strongly about this issue as well. I was most pleased that the Islamic Council of New South Wales expressed its strong opposition to this legislation and its support for our stand on it. It just says, "May Allah bless you." Because of our ready acceptance by non-religious groups, they come and talk with me - even some of the groups with which we are in opposition as well as other religions. We do have that degree of respect and links of communication and co-operation. I know there has been another argument raised that in the Christian teaching there has been an attempt to try to relate Jesus Christ to homosexuality from two points of view. One is to say that Jesus himself was a homosexual and was having homosexual relations -

The Hon. E. P. Pickering: On a point of order. I cannot for the life of me see whether Jesus Christ was a homosexual has anything to do with the bill. The bill is about a very simple matter - whether or not people within our society should be free to vilify homosexuals. The sexual bent of Christ has nothing to do with it.

Reverend the Hon. F. J. Nile: On the point of order. Even though the point of order refers to vilification, the bill includes contempt or ridicule. It is quite obvious that the meanings of references from the Bible can be in the ears of the hearer - not necessarily the Hon. E. P. Pickering's, but the ears of the hearer. They think it is contempt or ridicule and would proceed with the complaint. They have said they

will make a complaint. Therefore, the bill should not be passed. That is the point I am making. The bill will be abused.

The Hon. P. F. O'Grady: On the point of order. The sexuality of Christ is not relevant to this bill. The member is trifling with the House. He knows very well that the point he was referring to Page 5530 earlier has nothing to do with this bill. He is now seeking to misrepresent his earlier statements and I ask that you uphold the point of order.

Reverend the Hon. F. J. Nile: Further to the point of order. The point I was going to make was that homosexual groups are arguing that Jesus was supportive of homosexuality, may even have been a homosexual, is not seen to condemn homosexuality in an absolute way and, therefore, Christians should be happy to accept it. Therefore there is no vilification. That is the logic of what I am arguing. It is not my argument; it is the argument of those who support this legislation. It is one of their defences for the legislation.

The Hon. Virginia Chadwick: On the point of order. It has been a longstanding tradition in the Westminster system that there is a separation between church and State. We are dealing with this bill in a manner that I find personally distressing. We are confusing those two issues. Given that under the Westminster system there has been a separation of church and State for many centuries, I point out that it is the decision on how to vote on this bill that Cabinet has endorsed. The bill before the House is from an independent member of the Parliament. The bill has nothing to do with the St James Bible or the Old Testament. Though we have very strong views on these sorts of matters, it is very distressing to a number of us to have government make judgments which clearly relate to religious conviction, rather than to matters of State. Those matters are quite separate. I understand that Reverend the Hon. F. J. Nile has strong views on the matters of monarchies versus republicanism and whether, in fact, we should have a president in Australia as opposed to supporting the monarchy. I point out that under the monarchy, under our system, we made a determination about 400 years ago that there would be a separation between church and State. You cannot have it both ways.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! At some stage I may have to direct members taking points of order to speak to the point of order. The original point of order related to Reverend the Hon. F. J. Nile's concerns over statements that Jesus Christ was a homosexual. Though I can understand his concerns, I do not believe they are within the scope of this bill. I uphold the point of order and ask him to return to the bill.

Reverend the Hon. F. J. NILE: I appreciate the intervention by the Hon. Virginia Chadwick, who has completely made my point. That is the whole point of my speech. The State has no role and no right to interfere in the functions of the church. I have received letters threatening that as a result of my activities I will be charged under this legislation.

The Hon. P. F. O'Grady: On a point of order. Standing Order 85 speaks of repetition and this matter is well into repetition.

The DEPUTY-PRESIDENT: Order! No point of order is involved.

Reverend the Hon. F. J. NILE: To please the Hon. P. F. O'Grady, I shall deal with a completely new concern, and that is the gagging of free speech. So not only is the threat of the axe hanging over the head of Christians, the clergy and others, as a result of this legislation the axe will also be hanging over the heads of John Laws, the editor of the *Sydney Morning Herald*, and all those who wish to exercise their right of free speech. When editorials of leading newspapers attack major legislation before this House and raise the spectre that it will restrict free speech, this Parliament would not be doing its duty if it did not face up to those criticisms of the legislation, which I believe are totally justified.

The editorial published in the *Sydney Morning Herald* on 31st August concerns me because the Australian Democrats and others who profess to be such defenders of free speech are adamant in their support of this legislation. "Free Speech in Unstable Times", says the editorial, and I believe it is an excellent editorial. I do not always agree with editorials and they very seldom agree with me. The editorial reads:

The Government's Anti-Discrimination (Amendment) Bill could stand some alteration but not because the Rev. Fred Nile says so. The Attorney-General, Mr Hannaford, has said the Government intends to pursue the bill but he has also said it is under review. That suggests the Government is confused or is losing control of this particular agenda. More likely, it means the Government has, right from the start, been moved as much by opportunism as principle and now finds the political pressure to change parts of the bill - especially those Mr Nile objects to - overwhelming.

Mr Nile wants all reference to homosexuals removed from the Government's bill. He says the proposal to enable homosexuals to sue and be awarded up to \$40,000 where they could prove they had been vilified would effectively give homosexuals more rights than other citizens. He also claims that such a concession to homosexuals could lead to further pressure on the Government to give legal recognition to marriages between homosexuals. And he says the proposed changes to the Anti-Discrimination Act will inhibit free speech.

This final point, although not always the one most forcibly put by Mr Nile, is the one deserving most attention. That is not because it relates to homosexuals, but because it threatens a broader freedom - freedom of speech - than the one it purports to protect. And it threatens a broader freedom without necessarily adding to the protection of homosexuals. The kind of behaviour that would give rise to a complaint to the Equal Opportunity Tribunal (and possible monetary compensation) is, it is pretty safe to say, already covered by the law of defamation. The kind of more extreme behaviour that would give rise to the new offence of "serious homosexual vilification" (for which the punishment is up to six months' gaol) is, it is also pretty safe to say, already covered by the ordinary criminal law. Fundamentally, however, the proposed changes raise questions about free speech, whether it be satire claimed to fall outside the proposed exception for "artistic" or other "public acts" of alleged vilification.

Quite properly, homosexuals enjoy protection under State and Federal laws against discrimination in housing, employment and a range of other areas. Unfortunately, they are still subject to verbal and physical attack. The answer, however, is not a doubtful extension of existing anti-discrimination laws. It is proper enforcement of those laws and, in more serious cases, the criminal law.

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The powerful arguments against attempts to legislate away the problem of racial hatred apply equally to these attempts to legislate away the problems of homophobia. The causes of both are deep and effectively dealt with only by education and consistent enforcement of the ordinary laws. Only in the areas of practical discrimination already covered by existing anti-discrimination laws is this constant educational effort likely to be further assisted by the law. Attempts such as the Government's current proposals go beyond that to the realm of words and ideas, where the problem is more subtle and where the use of the blunt instrument of the law is likely to be counter-productive. Mr Hannaford's proposed amendments to the Anti-Discrimination Act will enjoy public support to the extent that they strengthen existing sanctions against acts of discrimination. But to the extent the proposals attempt, in a new way, to outlaw words they are dangerous and do not deserve to survive.

That very strong editorial of condemnation makes the point very clearly that we are dealing with a bill which is a direct threat to free speech in this State. Whether one is Christian or non-Christian, whether one is concerned about religion or not, I believe very serious note should be taken of this legislation. It has been referred to the Law Reform Commission and we should wait for its report. The Hon. E. P. Pickering said we can pass the bill tonight and amend it later if need be. Why pass legislation that is

flawed? I do not understand that. Where is the urgency to pass legislation when many people both within the Parliament and outside the Parliament have serious reservations? There is some other agenda at work here which deeply troubles me. Rational statesmen like Frank Devine of the *Australian*, the former editor of the *Readers Digest* and a respected journalist, have made it clear that this legislation is a threat against free speech. Frank Devine said in a statement, published on 6th September:

The NSW Attorney-General, John Hannaford, seems up to another bit of shiftiness in a clause that makes it okay to run the risk of inciting "hatred or serious contempt for or severe ridicule of" homosexuals if a public act is "done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest".

Of course, that is a quote from the Clover Moore bill. As I said earlier, the bills to my mind are identical. He continued:

Homosexual conduct is most often criticised on religious grounds, but Hannaford's bill gives these no exemption as it does academic and artistic considerations. Hannaford says that, of course, criticism of homosexuality for religious reasons will be lawful, but it seems nothing will move him to add the sensitive word to his draft.

Neither has it been added to the legislation before the House. He continued:

Both the Federal and NSW Governments pretend they want ultimately to protect racial minorities, the disabled and homosexuals - an unnaturally joined trio, to be sure - from violence. That is fakery. It is already a crime in both jurisdictions to incite people to violence.

However, the jostling of the homosexual lobby is only a side issue of the Hannaford misadventure. Of greater importance is the demonstration being given in NSW of the way politicians cheat and connive when they sniff the possibility of anti-vilification laws generally.

We cannot afford to let governments cut us short at any point on the rhetorical scale.

I believe Mr Devine has made some very strong points. John Laws, who I believe most members of the House would agree is a broad-minded Australian and certainly would not be regarded as having views identical to mine, said:

Forget Fred Nile, forget Clover Moore. They forgot the ugly threats by sections of the gay community to "out" alleged closet homosexuals in the Coalition.

He is saying that the withdrawal of the legislation by the Government was a victory for common sense, decency and equality. He went on to say in his statement in the *Sunday Telegraph* of 12th September:

The point I am making is not that homosexuals are not excluded from anything. In other words, they already have the same rights as a heterosexual male. Now they want more. And wishy-washy governments want to give them more because they want the homosexual vote.

I stress that they want the homosexual vote. Is this debate all about the Bligh electorate at the next State election? The average Australian does not get the opportunity to vote in the Bligh electorate.

The Hon. P. F. O'Grady: You are generating the issue.

Reverend the Hon. F. J. NILE: I am generating the issue? You fellows generate the issue. I am responding to your initiative. John Laws said:

Freedom of choice, one of our basic rights, encourages discrimination. If you don't like something

you don't eat it, or drink it - or you don't go to the movies and see it, or you don't read it - in other words, you exercise your discrimination.

So John Laws says, and I agree with him, "Let us have done with all this vilification garbage. We should not vilify anyone - beginning and end of story". The other alarming factor about free speech is that the Council for Civil Liberties, which has stated it never ever would agree with me, has come out publicly and supported my stand on the legislation.

The Hon. Elisabeth Kirkby: That is not true. I have the latest statement.

Reverend the Hon. F. J. NILE: I have three. Which is your latest one?

The Hon. Elisabeth Kirkby: Following the last statement you made to the House it put out another statement refuting your allegations.

Reverend the Hon. F. J. NILE: The latest one it has just put out is dated 3rd October, 1993. The man from the Council for Civil Liberties who came out supporting the legislation strongly is Mr John Marsden. He is the chairman of the council and a close friend of the Premier. So the question is, who was the spokesman for the Council for Civil Liberties? Who was the power behind the throne? There have been comments on television and in other places and in a printed statement. I saw it myself in the *Daily Telegraph Mirror* of 7th September, 1993, where it said:

The Niles along with the New South Wales Council of Churches argue that the bill would have given gays and lesbians rights denied to other groups. Support for the Niles
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came from unexpected quarters, Council for Civil Liberties spokeswoman, Mary McNish said, "I must say this is the first time I have even mildly agreed with Fred Nile". She said other members of the community would have been put out by the perceived advantages the bill would have bestowed on their homosexual counterparts. We are against any form of violence or discrimination but we feel the current laws do cover that. The legislation would have banned any form of communication expressing hatred, serious contempt or ridicule towards a homosexual person. It would have included distribution of written material and could take the form of action and gestures in the wearing and display of clothing, signs, bags, and insignia.

So we have the statement from John Marsden, who I believe has had a great deal of influence on this debate, and probably an influence on the Hon. E. P. Pickering as well. In its most recent statement dated 3rd October, the *Sun-Herald* states:

The bill to outlaw inciting hatred of homosexuals is a threat to free speech according to the Council for Civil Liberties (CCL).

The council singles out the criticism of the bills ban on "severe ridicule" of gays, claiming it was too broad a prohibition.

The stand gives some support to Revd. Fred Nile, MLC, who claims the bill is out to gag him over statements such as "the disgusting limp-wristed decision of the Keating Cabinet to change our proud Australian Army from an army of Anzacs to an army of queens".

The Hon. R. S. L. Jones: You do not find that offensive, do you?

Reverend the Hon. F. J. NILE: I found totally offensive what Mr Keating said he would do.

The Hon. R. S. L. Jones: You made a very offensive statement.

Reverend the Hon. F. J. NILE: I deliberately made it offensive to Mr Keating. Like a dictator and emperor, he sought to make an imperial decree and force his will on the servicemen and servicewomen of Australia.

The Hon. R. S. L. Jones: So you were offensive to him.

Reverend the Hon. F. J. NILE: I was offensive to him in response to his dictatorship. People talk about freedom and liberty and rights of minority groups and then trample all over them. I have not seen a withdrawal of that statement published on 3rd October but would be happy to have one. It raises the issue as to who the spokesman for the Council for Civil Liberties was or whether Mr Marsden has simply overruled the council and imposed his will. I am stressing that because there have been many reports and apparently Mr Marsden has made public statements that he is a proud practising homosexual.

The Hon. Elisabeth Kirkby: He has every right to make that statement.

Reverend the Hon. F. J. NILE: And that is correct, is it?

The Hon. Elisabeth Kirkby: He has made the statement. He has every right.

Reverend the Hon. F. J. NILE: I have not seen it. I believe he has a vested interest in this legislation and may be using his position as Council for Civil Liberties chairman to gag the council and influence a decision. It has twice issued statements, yet you are saying the statement has been withdrawn.

The Hon. Elisabeth Kirkby: On a point of order. Not only is Reverend the Hon. F. J. Nile being repetitious, he is now putting into other people's mouths statements that he can have absolutely no way of substantiating. They have absolutely nothing to do with the debate before the House and I suggest that he be asked to withdraw, particularly because he is now being repetitious.

Reverend the Hon. F. J. Nile: On the point of order. It is the first time I have referred to the Council for Civil Liberties and its statements in opposition to the proposed legislation.

The Hon. P. F. O'Grady: On the point of order. Reverend the Hon. F. J. Nile has now been talking about the Council for Civil Liberties and associated matters for almost 11 minutes.

The Hon. Elisabeth Kirkby: Further to the point of order. I refer to Standing Order No. 85, which relates to continued irrelevance or tedious repetition. Reverend the Hon. F. J. Nile has become far too repetitious over the past hour and is canvassing the same ground over and over again. He is now canvassing previous debate on this matter. I ask that you inquire whether Reverend the Hon. F. J. Nile has further new information that he might introduce. I ask that he not go over old ground.

Reverend the Hon. F. J. Nile: Further to the point of order. This certainly is new material that I have only just introduced into my speech. Other members may have referred to it in their speeches, but I am not aware of that.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! I cannot uphold the point of order. At this stage Reverend the Hon. F. J. Nile has not become repetitious. He may have become tiresome to the honourable member but not by any stretch of the imagination has he been repetitive in relation to this issue. Reverend the Hon. F. J. Nile may proceed.

Reverend the Hon. F. J. NILE: I do not often agree with the Council for Civil Liberties, but I believe the House should take note of its statements. I would not be doing my duty if I did not bring these matters to the attention of the House. For those members who are criticising the time I am taking, the time has absolutely nothing to do with me. There have been three or four motions to adjourn this debate

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The Hon. P. F. O'Grady: We will adjourn it if that is what you need.

Reverend the Hon. F. J. NILE: Let us adjourn the debate and all go home. I was supposed to be back in hospital by midnight.

The Hon. P. F. O'Grady: He looks that terrible.

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Reverend the Hon. F. J. NILE: At midnight, yes.

The Hon. P. F. O'Grady: What is this about the wedding you went to?

Reverend the Hon. F. J. NILE: A wedding I went to?

The DEPUTY-PRESIDENT Order! I ask the people in the public gallery to remain quiet.

The Hon. R. S. L. Jones: You were walking around with your suit on a couple of days ago.

Reverend the Hon. F. J. NILE: I was not.

The Hon. R. S. L. Jones: That is what they have been saying.

Reverend the Hon. F. J. NILE: They can say anything they like.

The Hon. R. S. L. Jones: You were walking around fully clothed.

Reverend the Hon. F. J. NILE: That is a lie.

The Hon. R. S. L. Jones: You were walking around fully clothed.

Reverend the Hon. F. J. NILE: Contact the hospital staff and you will know the truth.

The Hon. R. S. L. Jones: The nurses say that.

Reverend the Hon. F. J. NILE: There was not even any clothing in the room until yesterday.

The Hon. R. S. L. Jones: The nurses saw you walking around fully clothed. How come you are now wearing pyjamas?

Reverend the Hon. F. J. NILE: I am wearing the same clothing I have worn since I first went into hospital.

The Hon. R. S. L. Jones: You have been walking around.

Reverend the Hon. F. J. NILE: Are you calling me a liar?

The Hon. R. S. L. Jones: I say you have been walking around.

Reverend the Hon. F. J. NILE: Are you calling me a liar?

The Hon. R. S. L. Jones: I do not accept that.

Reverend the Hon. F. J. NILE: I have just told you.

The DEPUTY-PRESIDENT: Order!

Reverend the Hon. F. J. NILE: I have told you the truth. I have just told you the truth. Do you accept what I am saying as the truth?

The Hon. R. S. L. Jones: I do not accept what you are saying at all, no.

Reverend the Hon. F. J. NILE: I am sorry about that. If you do not accept what I say, I cannot accept what you say.

The Hon. R. S. L. Jones: That is not what the nurses are saying.

Reverend the Hon. F. J. Nile: On a point of order. As Hansard would have reported what has been said I ask the Hon. R. S. L. Jones to withdraw his malicious statement that I have been walking around in the hospital clothed in a suit. I think another member interjected that I have been to a wedding as well. I have not been dressed in any clothing other than pyjamas or bed clothing.

The Hon. R. S. L. Jones: There was a -

Reverend the Hon. F. J. Nile: He may vilify other people, but he is not going to vilify me.

The Hon. R. S. L. Jones: A person outside the House today said that the other day the honourable member was fully dressed and walking around, not necessarily wearing a suit. That person asked why on earth was he now wearing pyjamas, was it just a publicity stunt?

The DEPUTY-PRESIDENT: Order!

Reverend the Hon. F. J. Nile: I ask the member to withdraw that statement. He has reinforced the insult.

The DEPUTY-PRESIDENT: Order! Reverend the Hon. F. J. Nile has asked for a withdrawal. Will the honourable member withdraw?

The Hon. R. S. L. Jones: I do not think I need to withdraw.

Reverend the Hon. F. J. Nile: I ask you to withdraw it and apologise.

The Hon. R. S. L. Jones: I withdraw it then.

Reverend the Hon. F. J. NILE: And do not repeat it. The other point regarding the vilification legislation is that people such as the Hon. P. F. O'Grady believe that people's attitudes can be changed by legislation. It has been stated quite clearly on a number of occasions that that is not possible. It is more appropriate to achieve the aim of changing people's attitudes through education campaigns and open discussion rather than through suppressing and prohibiting the expression of alternative views. The view that freedom of communication rather than suppression is the best antidote for obnoxious views is expressed most clearly by the Hon. Justice Brandeis and Justice Holmes in the Supreme Court of the United States of America in *Whitney v. California* when discussing the beliefs and intentions of those who won American independence. Their Honours stated:

They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would

be futile; that with them, discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American Government. They recognized the risks to which all human institutions are subject. But they

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knew that order cannot be secured merely through threat of punishment for its infractions; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones.

The judgment noted the following quote from Thomas Jefferson, which is particularly relevant to any question regarding vilification:

We have nothing to fear from the demoralizing and reasonings of some, if others are left free to demonstrate their errors and especially when the law stands ready to punish the first criminal act produced by the false reasonings; these are safer corrections than the conscience of the judge.

Similar points are being made by our own Chief Justice Mason and Justice Brennan. The Chief Justice stated:

In weighing the retrospective interests involved and in assessing the necessity for the restriction imposed, the court would give weight to the legislative judgment on these issues. But, in the ultimate analysis, it is for the court to determine whether the constitutional guarantee has been infringed in a given case.

A new publication has been put out because there has been a lot of this type of politically correct thought control being proposed around the world. It is interesting that some people who are strongly opposed to it are homosexual leaders of the more thoughtful variety. It has been presented by an active homosexual editor in the United States of America in a recent publication called, "Kindly Inquisitors - The New Attacks on Free Thought" by Jonathan Rauch, University of Chicago Press, Chicago and London, 1993. He said that in a university where he was involved action was taken because a student had a sign on his door saying, "Fags are Sick". He did not mean cigarettes but was, I understand, referring to homosexuals. That editor supported the view that no action should be taken against this particular person. This man, who supported freedom of speech to this degree is in fact a homosexual himself. He stated:

Nonetheless, I am preaching that this student ought to be allowed to have his say, and nothing at all should be done to stop him. If he wants to be rude about it, if he wants to post a sign on his door sign saying, "fags are sick", he should not be stopped. In fact, I am preaching that if he believes that gay people are curably ill, he should say so and try to prove his point.

How can I say that?

I believe these are very important principles emanating from a homosexual leader criticising this whole vilification approach. He says further:

First, because punishing him won't work. No hypothesis has been laid to rest by suppressing it. The only way to kill a bad idea is by exposing it and supplanting it with better ones.

Second, because homosexuals, like all minorities, stand to lose far more than they win from measures regulating knowledge or debate. Today, true, the regulators may take gay people's side. But the wheel will turn and the majority rule reassert itself, and, when the inquisitorial machinery is turned against them, homosexuals will rue the day they helped set it up.

I interpose that it may be that eventually, when public opinion comes to reverse these moves, groups such as the Festival of Light and Call to Australia may make much use of this or similar legislation and anti-discrimination boards to do exactly the opposite to what some people are intending here tonight. I am not suggesting it will happen; I am just conjecturing that the very machinery that is being set in place, the legislation that is being established, could eventually work against the minority groups it is trying to protect. The third reason given in the quotation should appeal to the Hon. E. P. Pickering and other liberals, because their approach as liberals is to allow free discussion and free speech, believing that out of the debate truth will win.

The Hon. D. F. Moppett: Free speech is democratic.

Reverend the Hon. F. J. NILE: That is right. Totalitarian societies gag free speech. The quotation continues:

Third, because the liberal system is working. It has been bringing forth the truth about human sexuality from the murk of superstition and taboo. If homosexual political activists short-circuit the process by using intimidation and inquisition, the general public will soon see that universities are enforcing knowledge rather than searching for it. The researcher's credibility - science's credibility - will be shot. Prejudice then really will have the field to itself.

Fourth, because inquisitions are wrong, and because the advancement of human knowledge through the open-ended public search for error is much more important than my feelings. Though I have been told that I am "sick", though my feelings have suffered, I live a far fuller and happier life than I could in a society where powerful people's feelings were protected by an inquisition.

To the homosexuals - and blacks and feminists and Christians and so on - who want to silence the wrongheaded, I want to say: Yes, misinformation about homosexuality's being a "disease", or blacks being inferior or whatever, does hurt people. But all misinformation hurts people. It used to be believed that human sacrifices helped the crops, that witches hexed villages and had to be destroyed, that bleeding the body was a good way to treat a fever. What hurts us is not wrong-thinking people but propaganda and ignorance; and unfettered criticism - liberal science - is the cure, not the disease.

I believe the author, Jonathan Rauch, has made some good points, which should be taken into account by those who are promoting this legislation. They are against the principles that are being enacted for our State in this Parliament. The statement that explains the strategy was issued in *Focus on the Family Citizen*, Volume 6 No. 4, dated 20th April, 1992. An article titled, "Oppressed Minority, or Counterfeits?" reads:

One of the most ambitious public image campaigns in American history is under way with the mass media's generous help. Its message: Homosexuals are an oppressed, disadvantaged minority, much like African-Americans and Hispanics, and they deserve special legal status and privileges.

Two marketing experts outlined this campaign's goals in a homosexual magazine article, "The Overhauling of Straight America".

I have been able to get a copy of that strategy. This group was leading the campaign in the United States of America for legislation similar to what we have

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before us. I have copies of the article which I can make available. The strategy contains the following advice:

Portray gays as victims, not as aggressive challengers. In any campaign to win over the public, gays must be cast as victims in need of protection so the straights will be inclined by reflex action to assume the role of protector . . . Straight viewers must be able to identify with gays as victims. Mr.

and Mrs. Public must be given no extra excuses to say 'they are not like us' . . . Our campaign should not demand direct support for homosexual practices, but should instead take anti-discrimination as its theme.

That is the strategy. The article continues:

Homosexuals claim that they need special legal privileges that, among other things, would permit them to silence or punish their critics, coerce businesses to pay spousal benefits to their all-too-temporary partners, and express their sexuality whenever, wherever and with whomever they choose.

Do homosexuals warrant the special legal status they seek? Historically courts and civil rights authorities have employed three "touch-stones", in awarding special protected status to disadvantaged minority classes.

It says that they do not meet these three criteria. There is a history of discrimination, evidenced by lack of ability to obtain economic means or income, and never having educational or cultural opportunities. It is now clear in the United States that homosexuals have an average annual income of \$55,000, whereas it is \$32,000 for the general population. So they are not disadvantaged financially any longer. Also, 59.6 per cent of homosexuals are college graduates, whereas only 8 per cent of the general population are college graduates. They are not disadvantaged in education either. As 49 per cent of homosexuals in America hold professional or managerial positions, they are not disadvantaged in the job market either. I could go on.

The Hon. E. P. Pickering: On a point of order. The member is not speaking to the bill.

Reverend the Hon. F. J. Nile: To the point of order. This bill presents homosexuals as victims and seeks sympathy. I am saying that a year ago in the United States of America that suggestion was issued as a strategy by a public relations company as to exactly the approach to be adopted in seeking public support. I see it as relevant to disclose a strategy behind the piece of legislation.

The PRESIDENT: Order! I do not think there is a point of order at this stage, but the honourable member might avoid further points of order if he would quite clearly demonstrate with each argument just how it relates to the bill.

Reverend the Hon. F. J. NILE: I will move on from that matter. The other point I would like to make is in regard to free speech. I know it can easily be argued by members of the House that this is a case of imagination and there will be no impact on free speech. If we might take note of the Anti-Discrimination Board itself, and if it raises the issue of free speech, perhaps there is a genuine ground for concern. I hope the Hon. E. P. Pickering would agree with that. It is relevant to refer to the Anti-Discrimination Board's attitude on this matter. In its report for the year ended 30th June, 1991, under the heading "Homosexual Vilification", it reports:

Currently the anti-discrimination law only covers public vilification on one ground, race. For some time members of the gay and lesbian communities both within the board's gay consultation and the street watch committee -

That deals with street violence.

- have suggested that it might be useful if the law could be amended to cover homosexual vilification (public incitement to hatred, serious contempt or severe ridicule of gays and lesbians).

This is a point that I found quite strange and alarming and I believe justifies the concern expressed by the *Sydney Morning Herald*, John Laws, the *Australian* and many others. I am quoting again from the

report of the board:

This would mean that some of the common problems that occur now, for example, homophobic coverage of gays and lesbians in the media would be handled by the board. While the most extreme version of homophobia, gay-related bashings and murder can clearly be dealt with by the current criminal provisions, it is conceivable that the general climate of homophobia and silence surrounding gay issues could be changed if vilification became unlawful. This in turn might help reduce bashings.

It acknowledges that the extreme version of homophobia, hate related bashings and murder, which are supposedly the main interest of the Hon. E. P. Pickering, can clearly be dealt with by the current criminal provisions. This is the Anti-Discrimination Board speaking. That is bad enough. It confirms our whole approach to the legislation; we have already said that we believe that is the case, and other speakers have said the same. But, I believe that the statement "Homophobic coverage of gays and lesbians in the media would be handled by the board" is more sinister. That means we are going to have some kind of censorship board operating through the Anti-Discrimination Board, dealing with the media - radio, television and the press - when there are complaints of supposedly homophobic coverage in the media.

So this legislation meets the desire of the Anti-Discrimination Board. It is quite happy to handle the media. I hope the Hon. E. P. Pickering and others who are pushing the bill through will live with the cry of anger when the first media outlet, whether it is John Laws or someone else, is up before the Anti-Discrimination Board. They will know at least that I tried my hardest to delay the bill and adjourn debate to allow time for the Law Reform Commission to look at these very sensitive matters, to weigh it all up and to finish up with the best kind of legislation for all concerned. Another point that was made in the *Illawarra Mercury* editorial of 31st August, 1993, even though it was critical of me as it is normally, was:

But is a major change or an Act of Parliament the road to altering the general community's perception of a minority group? We would suggest that laws that would award \$40,000 to homosexuals for incidents of vilification would only alienate further other members of the community. There is danger as Fred Nile puts it of giving one group greater rights than other citizens.

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That is part of an editorial from the *Illawarra Mercury*. The point made there is that a damages award is not a fine. The persons making the complaint can argue that they have been offended, that they as a homosexual believe something that Reverend the Hon. F. J. Nile said or John Laws said, or somebody else said, has treated them with contempt, ridicule, and vilification. They are upset, they have made a complaint to the Anti-Discrimination Board and the board awards them damages. In other words, we have a bounty hunter situation. The man making the complaint can financially benefit from the complaint. Not only does he get some satisfaction out of harassing people, which some would get out of harassing me, but also there is the strong possibility that the board could actually say it could not award more than \$40,000, but will award \$40,000 damages, and Mr Nile will have to pay that to the person because he has been hurt by his statements.

That to me, again, is blackmail and also would be an incentive for the homosexuals to lay complaints. It is one thing for a fine to apply where the fine goes to consolidated revenue. It is another matter for damages to go to the individual who makes the complaint. That is why this legislation is most dangerous. We are moving very much into an unknown area as to how it will operate, and I believe we should do all we can to try to assess those situations before the bill becomes law. Already I have had complaints. I notice that even after Mr Fahey made some critical remarks there was a report in the *Australian* of 9th September, in which the leader of the Gay Rights Lobby said:

Mr Fahey would not be welcome to walk down Oxford Street.

Was that a threat? Are these people saying that unless you can agree with us you do not have the right,

even as a Premier, to go down a main street of our city? As has been suggested to me, I need now to have special security for myself, my family and home as I am at risk from physical attacks and violence from homosexuals in our State, because of my stand on this issue. That is an insult to members of Parliament who are discussing legislation supposedly to protect that minority group, who are quite free to make threats against others.

I stated before that the comment has been made by Ms Clover Moore in another place that her bill would gag Reverend the Hon. F. J. Nile and Bruce Ruxton. Again, we have crocodile tears from these minority groups - homosexuals - saying you cannot hurt us or upset us, but apparently Bruce Ruxton and I are fair game for them. I note that in their mardi gras this year they had a 5-metre high effigy of Victorian RSL President, Bruce Ruxton, carrying his head the same way as they carried my head a few years before. As the Hon. J. R. Johnson pointed out, on that occasion they displayed the blasphemous activities of men, very committed homosexual men who dress as nuns - which is blasphemous - and are perverts because they have distributed photographs of themselves engaged in acts of perversion; apparently they live in a building they call a convent. Those men are the ones who normally parade carrying my head in the mardi gras parade. The other day, while I was in Melbourne, they even raided the United Church at Gerringong where I attend and offended the people there -

The Hon. E. P. Pickering: On a point of order. The material that Reverend the Hon. F. J. Nile is now canvassing has absolutely nothing to do with the bill and I ask that the Chair insists the honourable member come back to the legislation before the House.

Reverend the Hon. F. J. Nile: On the point of order. It is simply that the mover of the bill said the bill would gag Reverend the Hon. F. J. Nile and Bruce Ruxton, and I believed that would make it very pertinent to the bill.

The PRESIDENT: Order! The point of order is not an issue for debate. Does the Hon. Elisabeth Kirkby wish to speak on this point of order?

The Hon. Elisabeth Kirkby: Yes, Mr President. The honourable member is being repetitious. Under Standing Order 85, continued irrelevance and tedious repetition are not permitted in this Chamber. He has previously referred to the fact that he believes that this bill has been designed to gag him and Mr Bruce Ruxton. In fact, I think this is the third time he has referred to it.

The PRESIDENT: Order! I have heard enough on the point of order. I must say that this illustration has been given by the honourable member on numerous occasions and he is becoming repetitious. I would also remind the honourable member of my previous injunction, that the issue to which he is speaking is that of vilification. I remind people in the gallery that if they wish to conduct audible conversation they should leave the Chamber.

Reverend the Hon. F. J. NILE: I will not make any more references to Bruce Ruxton's head. I believe much was said in the other place by Mr John Hatton, who has strongly supported the bill. I was surprised to find that he was very critical of me and said that he regarded my actions as in some way not supporting the Government and I should be behind this legislation. He made a statement that I was endangering our prime credit rating. That was to me a very extreme statement. If anyone has been endangering the credit rating of New South Wales it has been Mr Hatton and the other Independents who forced the resignations of Mr Greiner and Mr Moore.

The Hon. Elisabeth Kirkby: On a point of order. Once again I request that the honourable member be called back to the subject of the bill. The triple-A rating of this State has absolutely nothing to do with the bill before the House, nor have the views of the member for the South Coast towards Reverend the Hon. F. J. Nile. They are totally and absolutely irrelevant. The fact that Reverend the Hon. F. J. Nile believes that this bill is personally directed against him also has nothing to do with the debate.

The Hon. R. S. L. Jones: On the point of order.

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The PRESIDENT: Order! I have heard enough on the point of order. The Hon. Elisabeth Kirkby's point of order is one that I must uphold. Reverend the Hon. F. J. Nile stated that in earlier debate it was alleged by another member that he was holding the Government to ransom on this issue. Therefore, he is entitled to reply. To my knowledge, this is about the fourth or fifth time he has replied to that issue, and I would ask him to move to a fresh point.

Reverend the Hon. F. J. NILE: As I mentioned, I was surprised at Mr Hatton's criticism in discussing this legislation when we all know the actions he took which forced the resignation of Mr Greiner and Mr Moore. Other speakers have referred to the survey that was conducted by the *Sydney Morning Herald* on 5th October, 1993, to indicate the support for the legislation. I am arranging for another company to take another survey, a more objective one, which unfortunately, unless the bill is delayed, will not be prepared in time for this debate. I believe that the question that was asked of only 600 voters on 28th September, 1993 - and one must bear in mind that very few members of the public fully understand the legislation or its impact on them - was:

You may know that the State Government considered making a law which would make it an offence to threaten or to seriously ridicule people who are homosexual. Would you favour or oppose such a law?

With what I regard as such a vague and loaded question, that survey could only still get 50 per cent in favour, 45 per cent opposed and 5 per cent unsure. Other speakers in this debate have argued that was overwhelming support by the community for the legislation. I certainly do not see that.

The Hon. Elisabeth Kirkby: But 50 per cent is not bad.

Reverend the Hon. F. J. NILE: I believe the question was misleading. If a question had been asked along the lines that this was a bill that would restrict free speech or would restrict Christians from quoting the Bible, I think you would find it would shoot up to 80 or 90 per cent. Some of these surveys, particularly those that come through from the *Sydney Morning Herald*, often have a leaning in a certain direction and are not necessarily objective. Another statement made in regard to the vilification legislation - a very strong one that I know will upset some members of this House, the Hon. Elisabeth Kirkby in particular - was the one published in the *Daily Telegraph Mirror* on 28th October, 1993, on page 12. In his article journalist Piers Akerman, made a very strong attack on this bill, an attack I support. Obviously, I have had no contact with him and I do not know him personally. It is interesting to see the number of media people who, now that they have had time to consider the legislation, are coming out adamantly opposed to it. He wrote:

There can be no more valid vivid indicator of the decline in values of our society than the Anti-Discrimination (Homosexual Vilification) Amendment Bill before the NSW Parliament.

The Bill, which seeks to give a special place in law to homosexuals, reflects, unfortunately on those politicians who are supporting it and illustrates both the political and financial clout of the homosexual lobby in this State.

It would amend the Anti-Discrimination Act of 1977 to include special reference to the vilification of homosexuals similar to the provisions in the Act which relate to racial vilification.

However, homosexuality is not about race - it is about sexual choice, nothing else.

And, at the risk of breaching the putative legislation it should be pointed out that the Gay and

Lesbian Rights Lobby - one of the Bill's principal backers - is a co-member of an international homosexual association with NAMBLA, the reprehensible North American Man Boy Love Association, an insidious group which advocates paedophilia.

Because of the historic cultural rejection of homosexuality, homosexuals in the past 30 years have sought to make their cause a mainstream human rights issue.

This has seen the diversion of vast amounts of cash to support politicians sympathetic to the homosexuals cause, attempts to include educational material favourable to the acceptance of homosexuality as an "alternate" lifestyle in the school curricula, and an ongoing campaign to get homosexuality the same legitimacy as heterosexuality.

The stridency with which the homosexual lobby and its media supporters attack those who question the homosexual agenda has silenced all but most fearless critics. But many oppose the sweeping acceptance demanded by the activists.

This is no way to support any campaign of vilification against homosexuals but to acknowledge that homosexuality exists and that it has its legitimate critics.

The *Eastern Express* newspaper recently carried a story headlined "How it Pays to be Gay". This article detailed the big bucks funnelled to the homosexual community by the Labor movement or by South Sydney Councillor Vic Smith. The benefits included subsidised office space in Darlinghurst, a ban on games centres in Oxford Street, funding for the annual mardi gras parade and for the use of the showground by the homosexuals' heroine Madonna. According to the newspaper more than 30 per cent of the voters in Bligh, held by Independent Clover Moore, may be homosexual. Mr Smith is expected to challenge her at the next election. Stevie, a woman who was co-convenor of the Gay and Lesbian Rights Lobby, confirmed that the group's rent was subsidised and said they received no other Government funding. She admitted also that the lobby and the paedophile advocacy group NAMBLA were co-members of the International Lesbian and Gay Association but said the Australian group did not have a position on paedophilia.

The Hon. E. P. Pickering: On a point of order. I have been listening for some time now. The politics of the seat of Bligh have absolutely nothing to do with the bill before the House.

The PRESIDENT: Order! I take it that Reverend the Hon. F. J. Nile is quoting from a newspaper in support of his argument. There is no point of order.

Reverend the Hon. F. J. NILE: The point that the journalist is making is to link the current homosexual movement with NAMBLA but that many members of the Australian group have indicated their rejection of paedophilia.

The PRESIDENT: Order! I think the honourable member is now straying from the bill before the House.

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Reverend the Hon. F. J. NILE: The article concludes that "while it may be politically correct to accept unquestionably all matters of perverse activity, there are solid groups within our society who do not accept that homosexual sex is intrinsically the same as heterosexual sex, and that, religious arguments aside, biological reality is that heterosexual activity can lead to the propagation of the species, homosexual activity cannot". I commend that article to all members to read and to have an open mind to it. They may be surprised to see the network that is operating in the United States, and I believe a similar operation is occurring here in Australia. I know some members have expressed their concern about some of these events. We need to be on our guard about those developments here in our State.

The other point that has been made by other speakers in arguing for this homosexual vilification legislation is to take the evidence of people like Alfred C. Kinsey and others that over 10 per cent of the population is homosexual; some homosexual publications even say 20 per cent - some people say it may be made compulsory at some stage - but the figure claimed is 10 per cent. The 10 per cent figure is, in fact, quoted quite dogmatically in the official homophobic kit produced by the official New South Wales Department of School Education and distributed in New South Wales schools. I believe that should be a matter of concern for members of this House. Views on homosexual vilification legislation should not be based on false statements from the Kinsey studies, which have now been totally discredited. It is quite clear what Mr Kinsey did - and I have evidence from some of the people who assisted him in his investigations - and this is based on the recent publication "Kinsey, Sex and Fraud", subtitled "The Indoctrination of a People", an investigation into the human sexuality research of Alfred C Kinsey, Pomeroy, Martin and Gebhard, published by Lockinvar - Huntingdon House Publications. I quote -

The Hon. E. P. Pickering: On a point of order. The question of the percentage of the population who are homosexual has absolutely no impact upon the legislation. It does not matter whether the number is small or large, there is a population being vilified and the legislation is about vilification. I would ask the member to return to the bill.

Reverend the Hon. F. J. Nile: On the point of order. All bills before the House must be debated from a factual concrete basis, and it has been presented in the debate up until now that people who support the legislation think that 10 per cent of the population is homosexual. This justifies the time of the House and special legislation for that particular group. However, if it is only 1 per cent, I believe that should be relevant to the debate.

The PRESIDENT: Order! I do not believe that an analysis to establish the validity or invalidity of the Kinsey report is relevant to the bill.

Reverend the Hon. F. J. NILE: I hope that all members will have serious reservations about anything that people quote from the Kinsey publication in support of their statements. It was also raised by other speakers that even though the Hon. E. P. Pickering, amongst others, seemed to have it in his mind that there are a certain number of literal gay bashings and so-called gay murders -

The Hon. Dr B. P. V. Pezzutti: There is absolutely no doubt about that.

Reverend the Hon. F. J. NILE: You will not let me make the point. The point is no one knows for sure whether they were bashed because they were homosexuals or males on their own with money in their pockets; or whatever it may be. I am not suggesting none of them were attacked because of that, but you may be jumping to conclusions. Similarly, Japanese tourists are being bashed at Kings Cross. But is that racism, or is it because Japanese tourists are more in number and have large amounts of cash in their pockets and are very vulnerable? I think people who support the legislation are grasping at straws and building a house of straw or a house of cards in saying that there is this huge population, we have all these confirmed murders. But I will argue that I know some of these murders are homosexuals murdering homosexuals, or homosexual prostitutes murdering homosexuals they are servicing. The point is they are making out that heterosexuals are the villains and we must stop them doing it. There may need to be some education within the homosexual community not to bash or kill other homosexuals. That seems to be one of the serious problems at the moment.

The Hon. Elisabeth Kirkby: The only person clutching at straws is you, Mr Nile.

Reverend the Hon. F. J. NILE: Not really. Some of those murders involve large amounts of inheritance and the victim has been murdered by a homosexual. Quite often the murdered or bashed homosexual has been bashed in the middle of some sexual activity which would only have taken place with another homosexual and that has been shown in many of these cases that have been reported. To

indicate again why the Christian community has great concern over the whole approach to this legislation, I have only just received - and you might say this is a complete coincidence - from the United States an alarming report as to what happened in one of the churches with whom we are working in San Francisco, where they have similar problems to Sydney and are confronting a very vocal and militant homosexual movement. I read an extract from a report they have written to me to illustrate some of the concerns Christians have, and rightly so. This is a letter from the Hamilton Square Baptist Church at 1212 Geary Street, Franklin, San Francisco, California, sent to me by the minister in charge, Reverend Dr David Innes:

The following events took place on Sunday evening, September 19th, 1993, revolving around the regularly scheduled 6 p.m. Sunday evening service of worship at
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Hamilton Square Baptist Church 1212 Geary Street, San Francisco, California. Rev. Lou Sheklon, of the Traditional Values Coalition was invited by the Church to be the guest speaker.

Only the church's membership and regular attendants were notified of the service, through the church's own Sunday bulletin. No public notice or invitation was made in addition to this. However, in the 16th September, 1993 edition of the *Bay Area Reporter* the meeting was announced in a front page article using intemperate inflammatory language. A three by five ad. on page 5 of the September 15th, 1993, edition of the *San Francisco Central* announced a protest of the Sunday night service.

The Hon. Elisabeth Kirkby: On a point of order. I cannot see what this has to do with the bill before the House. Standing Order 77 states that it is competent for members to read extracts from papers, subject, however, to such limitation and restriction as may be enforced in analogous cases in the imperial Parliament. I presume that means that we are now going to have to look up Erskine May, but I cannot see that quoting cases that happened in California or anywhere else in the world have anything whatsoever to do with the legislation before the House. You are filibustering, Mr Nile, and trifling with the Parliament.

Reverend the Hon. F. J. Nile: On the point of order. There is a direct relationship between San Francisco and Sydney in regard to homosexual percentages, communities and problems. This Parliament would be foolish not to consider some of the trends in that city as to how they relate to this Parliament and the legislation before the House at this time. I believe this information should be conveyed to the House.

The Hon. Elisabeth Kirkby: It is a newspaper report, a sensational newspaper report.

Reverend the Hon. F. J. Nile: It is not a sensational newspaper report -

The PRESIDENT: Order! We are considering a point of order and not having a discourse across the table. Does Reverend the Hon. F. J. Nile wish to say anything more on the point of order?

Reverend the Hon. F. J. Nile: Only that I have been misrepresented by the member. It is not a garish headline; I am simply quoting from a report sent to me from this particular Minister, it has not been published in the newspapers. The honourable member and everyone is totally unaware of it. I can see why the honourable member is trying to gag me.

The Hon. P. F. O'Grady: On the point of order. The debate should be about the piece of legislation which is before the House. For at least the last 10 minutes the debate has rambled around a whole variety of subjects perhaps of interest to Reverend the Hon. F. J. Nile, but they do not relate to the substance of the bill. Can I urge you, Mr President, to bring the member back to the substance of the bill or - I might even go further by saying - perhaps he might actually say something relevant to the bill, which he has not done to this point.

The PRESIDENT: Order! I ask Reverend the Hon. F. J. Nile, if he is to continue quoting from this document, to relate its relevance to the issue of the bill, which is homosexual vilification. If he continues to quote from the document, he should quote extracts and not read the entire contents.

Reverend the Hon. F. J. NILE: I shall quote one or two extracts from this bill.

The Hon. Dr B. P. V. Pezzutti: What is the relevance?

Reverend the Hon. F. J. NILE: The relevance is - members can make their own decision about the relevance, I say it is very relevant -

The Hon. Dr B. P. V. Pezzutti: The President asked you to describe the relevance -

Reverend the Hon. F. J. NILE: That is what I am in the process of doing. Mr President asked would I read extracts rather than the whole document, so I shall read an extract.

The PRESIDENT: Order! My ruling was that if the honourable member is to continue quoting from this document he should relate this document in terms of its relevance to the subject-matter of the bill. Then, if he quotes, he should do so by using extracts.

Reverend the Hon. F. J. NILE: I was referring to this particular case as an example of the whole area of vilification in regard to the bill we are dealing with.

The Hon. Dr B. P. V. Pezzutti: Homosexual vilification -

Reverend the Hon. F. J. NILE: Yes, the member is most sensitive in focusing on the homosexual vilification.

The Hon. Dr B. P. V. Pezzutti: That is what the bill is about.

Reverend the Hon. F. J. NILE: I know, but the member is most sensitive about that, and does not accept the fact that they are vilifying other people.

The PRESIDENT: Order! These cross-Chamber exchanges have gone on far too long. They are prolonging the debate. I ask honourable members to desist.

Reverend the Hon. F. J. NILE: I will finish off this one paragraph:

The homosexual lesbian demonstrators began gathering around the Church property as early as 5 p.m. The police -

The Hon. Dr B. P. V. Pezzutti: On a point of order. Mr President, Reverend the Hon. F. J. Nile is flouting your ruling. He has not explained what the relevance of these extracts are before he reads them. I ask that he be redirected and whether he understands what your ruling was?

The PRESIDENT: Order! The honourable member will please relate to the House how this document is relevant to the bill.

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Reverend the Hon. F. J. NILE: We are dealing with a bill concerned with homosexual vilification. I acknowledge it deals with homosexual vilification, but it deals with the whole issue. This is the first time we have had a bill of that sort dealing with a moral category rather than a race category. People cannot choose to be yellow, black, Chinese and so on; they are born that way. I believe this legislation is a

complete innovation and therefore it is relevant to see how vilification works both ways by the group that is the centre of this legislation:

Homosexuals and lesbian demonstrators began gathering round the Church property as early as 5 p.m. The police were immediately notified by telephone of their presence. As people entered the building, demonstrators handed out flyers purporting to be published by the Church. These were also placed on automobile windshields in the immediate area. By 6 p.m. a riot was underway. The rioters assumed complete control of the exterior property and grounds of the Church. In spite of and despite several requests to have them removed the officer in control insisted that everything was under control and that police procedures and regulations would not allow him to do so.

At about the time of the beginning of the service, an usher stationed himself in the courtyard to assist members in gaining entry to the building. The usher witnessed the destruction of church property and notified an officer who turned away and ignored him. The rioters recognised him as a church member, surrounded him and completely denied him any freedom of movement.

I could go on. The point is that this group has alleged - I believe there is some truth in it - that because of the focus on the homosexual groups, not only are the Christian groups being vilified but the homosexual groups actually have control over the San Francisco police force who will not take any action to defend Christians from physical attacks on their church buildings. So the squad could stand by. The Hon. E. P. Pickering is obviously not very well informed about San Francisco. That city has a number of homosexual alderman - supervisors they call them - who are on the San Francisco council who run the police force. It is not very difficult to have homosexuals controlling the police force in San Francisco.

So they stand by idly while Christian churches are smashed and Christians are intimidated and threatened. I am saying that if we are not very careful we are on that particular pathway, by this one-sided view of simply focusing on one group in our society - the homosexual community - and saying that we are going to protect that one group, which may be less than 1 per cent of population. Of course, those involved as the target of vilification would be far fewer than 1 per cent. They would be the exhibitionists and so on. There would be many others living in other parts of New South Wales who would not be under any threat at all and perhaps are being threatened by this legislation going through the House tonight; that is, homosexuals who lead a law-abiding life. When one comes to discuss what is vilification of homosexuals, the language in the bill uses the term severe ridicule and also the word contempt. What would happen if it could be shown that homosexual publications often use this terminology to describe themselves? I know the Hon. P. F. O'Grady may have some simple explanation for this, that another homosexual can call him a poofter or a dyke or a fag and he would accept that from another homosexual. But, if I said it that would be vilification. He might explain that to us.

The Hon. P. F. O'Grady: There is a Joe Jackson song with a line in it, "Don't call me a fag unless you are one too".

Reverend the Hon. F. J. NILE: But in the homosexual literature it has become quite a prominent point. They use these terms in their own literature to discuss and describe themselves, which would make it very difficult if even a sincere heterosexual was actually quoting from a homosexual publication thinking that this is language used by their own authors, but suddenly finds that he has been accused of vilification. They even have some organisations called Poofters and Dykes Youth, which is a youth centre, and another called Fags and Dykes. The first one is abbreviated to PADY and the other to FAD. There seems to be a double standard operating whereby homosexuals could demand compensation for heterosexuals calling them those names, while other homosexuals are calling each other a queen - a term which is apparently used quite often by them - with immunity.

A headline in a recent issue of *Outrage*, of August 1993, is quite relevant. I do not read these magazines, but I get more reports on this material from all over the world than anybody else. I am very well informed of its intelligence system. That is the only way I can keep up with what they are doing and

planning. The heading was: "See Any Queens in the Laundromat?" and it puts it in such a way that this is quite acceptable to the homosexual community. So it would help the members of this House before they vote on this bill to know what terms are in fact in the mind of the Hon. E. P. Pickering, whose vote will be the determining vote in this bill. Members should be made aware which terms he thinks would come under the legislation, for we are passing a bill which will outlaw certain vilification and therefore we should know what we are talking about.

Members should know what are the terms that will come under this particular law. It does seem as if some of the homosexual magazines have become quite outrageous - *Outrage* is one of the titles of the magazines - in their cartoons and descriptions of homosexuals. I am assuming that the editors of the magazines are homosexuals; maybe they are not. Maybe a homosexual could take *Outrage* to the Anti-Discrimination Board for vilification. So, it does seem strange to have those terms being used quite widely within the homosexual magazines. We find that in many of the homosexual magazines there are what are called classified advertisements, seeking or offering various sexual favours. Many of those advertisements are clearly racist and discriminatory and involve vilification.

The Hon. Dr B. P. V. Pezzutti: Racial vilification?

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The Hon. Elaine Nile: Yes, racial vilification.

The Hon. Dr B. P. V. Pezzutti: Why don't you object to it, then?

Reverend the Hon. F. J. NILE: I will send it to the honourable member and he can object to it and see what success he will get. The point I am making is that the very groups that are talking about vilification practice racial vilification in their own publications, in the way in which they present their material. So there is, again, a double standard. The House should be very clear as to what the legislation means and what terminology would come under it - terms where vilification would occur and the case could proceed before the Anti-Discrimination Board. I have made out a case that it is vital that if this legislation goes through the second reading it should have a provision in it as a protection, at least for the Christian community - we will have to let the RSL and the other ones struggle on their own - to follow its conscience and obey God rather than man. That includes the State Parliament, or any member of this Parliament, even the Hon. E. P. Pickering. I am sure from my discussions with many Christians that they will not obey this law. They will obey God and not this law.

The Hon. Elisabeth Kirkby: They will incite violence.

Reverend the Hon. F. J. NILE: No, they will not incite violence, they will quote the Bible and say that homosexuality is abnormal, unnatural, sinful, immoral and unhealthy. They will have complaints made against them - and I have been threatened that complaints will be made against me - to the Anti-Discrimination Board. People may be found innocent at the end of it all, but they will have to spend money and go through harassment, be distracted from their employment and their family life, while they are dealing with these things which would perhaps be an amusement to the homosexual who lays the complaints, though it would not be a joke to the individual at the receiving end. I am not speaking of just me, but others who would also be facing that situation.

Christians would have to make a choice: do they obey God or man? They would certainly not obey this legislation or take it into account, but would still state their views without fear or favour and have to live with the consequences. I urge the House to take into account particularly the amendment where I said that there should be the exemption for religious instruction. That would meet the requests of the Anglican Church and the Catholic Church particularly. But the best request from all the Christians is for the bill to be adjourned tonight and that we wait for the report from the New South Wales Law Reform Commission. In that way we might have legislation which meets the concerns of the people of this State,

the mainstream, and not simply a very powerful homosexual lobby.

The Hon. ELISABETH KIRKBY [3.24 a.m.], in reply: I do not intend to keep the House long, but there are a few items that I must put on the record. I will do it as rapidly as I can. I think it must be said that this bill is devised to prevent vilification of homosexuals. It will not prevent legitimate religious discussion which is done in good faith. It will not prevent people from saying that they believe that homosexuality is a sin, or even from saying, like Reverend the Hon. F. J. Nile says, that they dislike homosexuals.

Reverend the Hon. F. J. Nile: I never say I dislike homosexuals. I do not hate them. Do not misrepresent my views, please. I object to that.

The Hon. ELISABETH KIRKBY: What it does prevent is those acts and utterances which, though necessary to express an opinion, by public act incite hatred, serious contempt or ridicule.

Reverend the Hon. F. J. Nile: That is a smart alec remark, which I object to.

The Hon. ELISABETH KIRKBY: I would also like to remind Reverend the Hon. F. J. Nile about remarks he made in this Chamber in my presence on 10th May, 1989, when we were debating the racial anti-discrimination matter. Reverend the Hon. F. J. Nile, in support of that piece of legislation, made these statements:

What did the doctors have to say who carried out experiments on the Jewish people and others in concentration camps. That attitude did not occur overnight. The seeds had to be planted to produce that kind of outcome. I trust that matters such as those contained in this bill will prevent those seeds from again being planted or developed. This bill will have to curtail the activities and expansion of groups such as National Action. Legislation such as this will have a major influence in educating our society to travel the pathway of mutual respect, trust and friendship, rather than the pathway of hatred, fear and anger.

Indeed, the racial vilification amendments to the Anti-Discrimination Act have done just that.

Reverend the Hon. F. J. Nile: I said it would not be abused and it has not been abused. This bill will be abused by the homosexual groups.

The Hon. ELISABETH KIRKBY: Since that legislation was passed it has done what Reverend the Hon. F. J. Nile predicted, and that is proved by the statistics which are readily available. In response to one of the interjections I made to the words of Reverend the Hon. F. J. Nile, he said that the Council for Civil Liberties was opposed to the legislation. I sent down to the Parliamentary Library for some information. The date quoted by Reverend the Hon. F. J. Nile was 7th September -

Reverend the Hon. F. J. Nile: And October. I quoted October.

The Hon. ELISABETH KIRKBY: The 11th of September.

Reverend the Hon. F. J. Nile: No, I quoted October.

The Hon. ELISABETH KIRKBY: The statement made was that the Council for Civil Liberties feels very strongly about the Government

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bowing to the control by individuals, and believes that the Government having made a promise should deliver on it.

Reverend the Hon. F. J. Nile: I quoted their October statement. Can you get a correction on

October?

The Hon. ELISABETH KIRKBY: I will not delay the House further. I believe we have heard quite enough. We have spent more than 25 hours debating this legislation. I do not believe that any other piece of legislation has been debated for so long and, in the interests of all our sanity, I commend the legislation to the House and hope that all honourable members will support it.

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

The House divided.

Ayes, 19

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

Noes, 18

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

Pairs

Mr Enderbury	Dr Pezzutti
Mrs Kite	Mr Webster

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Reverend the Hon. F. J. NILE [3.37 a.m.]: I move amendment No. 1, as circulated:

group by:

- (a) threatening physical harm towards, or towards any property of the person or group of persons;
or
- (b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.

During the second reading debate I made a strong plea for the House to look at this whole issue of free speech and at the wording of 49ZT. It was too vague in just speaking of inciting hatred towards, serious contempt for, or severe ridicule of, and leaving it at that. I have already had some complaints based on that wording where warnings or complaints were to be laid against me and I believe this amendment will make quite clear what we are speaking about. It is not free speech. It would fit in with the statements made by the Hon. E. P. Pickering, who strongly supported this bill that we are talking about, threatening physical harm, dealing with physical harm and not just simply the issue of free speech. I think it is a very important amendment and I have much pleasure in moving it. I trust the House will accept it. It certainly will not undermine the bill or weaken the bill. It makes the intent of this bill clearer for interpretation by the Anti-Discrimination Board and clearer for members of the public as well.

The Hon. J. F. RYAN [3.38 a.m.]: In response to the amendment which has been moved by Reverend the Hon. F. J. Nile, I simply say that I had considered doing something like this when the bill was previously before the House, and I discussed an amendment not unlike this with the Parliamentary Counsel. The effect of the amendment essentially includes, if members remember back to my contribution at the second reading stage, an offence which I vaguely termed a civil offence, though not punishable by gaol term. This particular amendment adds to the things which have to be satisfied. In order to commit that offence one would have to satisfy the condition that it had to be an actual threat of physical harm towards the property of a person, or group of persons, or inciting other people to do the same thing.

When I considered this particular amendment and I was discussing it with Parliamentary Counsel - and this was something which I had considered with Parliamentary Counsel as an amendment - I had absolutely no authority from the Government to do so. However, I was convinced by Parliamentary Counsel at that time that the addition of this amendment would mean that the bill, effectively, ceased to make any sense because one of the specific thrusts of this bill, one of the most important conditions of this bill, is that it ought to be possible for matters to be resolved by the alternate dispute resolution mechanisms which are supposed to be carried out by the President of the Anti-Discrimination Board. If both the civil and the criminal offences are essentially worded in the same way, all offences which include threat of physical harm would, first, have to be referred to the Attorney-General to see whether or not a prosecution should be launched by the Director of Public Prosecutions. Until that procedure was followed, the matter could not in any way be conciliated. This was clearly the intent of the bill and it was something which I thought was a virtue of the bill, that it should be possible for offences which did not actually include the threat of physical harm arbitrated by the President of the Anti-Discrimination Tribunal.

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As members know, I am opposed to the passage of this bill at this time because I believe the definition of homosexual vilification is just not meant to be serious hurt - that is, it does not include the threat of physical harm and is loosely drafted. Yet, despite the fact that I am opposed to the bill, I have serious reservations about this amendment, simply because it defeats one of the best features of the bill, which is that something can be heard before the Anti-Discrimination Board. As the Parliamentary Counsel had explained to me, if this were to be added to the bill, it would make absolutely no sense at all. I suppose something that other speakers will mention at another time is that if this is to be added to the

bill it does have the serious effect that the definition of homosexual vilification is seriously different from the definition of racial vilification, on which this bill is supposed to be modelled. While I accept there might be reasons for homosexual vilification to be defined differently, I am not sure that I quite go to the point of defining this differently. I await other advice that might come from the Government. At least I convey to the House that when I discussed an amendment of this type with Parliamentary Counsel I was given strong advice that this amendment, if I were to go ahead with it, would not make a great deal of sense.

The Hon. ELISABETH KIRKBY [3.46 a.m.]: The Australian Democrats will not support the amendment of the Call to Australia group. We have had discussions with the Hon. E. P. Pickering and leading church groups in this State. We have made it very clear to them and the gay and lesbian community that the only amendment we are willing to entertain is the one that will be moved later in this debate by the Leader of the Opposition; that is, to insert the word "religious" - to have an exemption for religious teaching - and that has been agreed. That is a commitment that we made, and we will stand by that commitment. We will not entertain any other amendments.

Reverend the Hon. F. J. NILE [3.47 a.m.]: The Hon. J. F. Ryan is misunderstanding the whole operation of the bill. He said it means if we do not have this amendment it can still be heard before the board, and the board can meditate. The whole question is the board can also award \$40,000 damages, not just mediate. It has the power to award damages. I think the House should take into account whether people should be before the board on that basis. This would make it consistent with the purposes of the bill. Either we have it because of threatened physical harm or inciting physical harm, or we do not. Now it appears that we do not. There is a free speech aspect to it.

Question - That the amendment be agreed to - put.

The Committee divided.

Ayes, 2

Mrs Nile
Revd F. J. Nile

Noes, 35

Mrs Arena	Mr Macdonald
Mr Bull	Mr Moppett
Dr Burgmann	Mr Mutch
Mrs Chadwick	Mr Obeid
Mr Coleman	Mr O'Grady
Mr Dyer	Dr Pezzutti
Mr Egan	Mr Pickering
Mrs Evans	Mr Ryan
Mrs Forsythe	Mr Samios
Miss Gardiner	Mrs Sham-Ho
Dr Goldsmith	Mr Shaw
Mr Hannaford	Mr Smith
Mrs Isaksen	Mrs Symonds
Mr Jobling	Mr Vaughan
Mr Johnson	Mrs Walker
Mr Jones	<i>Tellers,</i>
Mr Kaldis	Ms Burnswoods
Miss Kirkby	Mr Manson

Question so resolved in the negative.

Amendment negatived.

The Hon. M. R. EGAN (Leader of the Opposition) [3.56 a.m.]: I move:

Page 3, Schedule 1 (1) (proposed section 49ZT (2)(c)), line 16. After "artistic," insert "religious instruction,".

I move the insertion of the words "religious instruction" for the reasons which I explained in my speech at the second reading stage.

The Hon. J. F. RYAN [3.57 a.m.]: I simply say that, as a member of this House, I support the amendment which has been moved by the Hon. M. R. Egan. It is worth while pointing out the history behind it; that is, the purpose of moving this amendment is that it is one of a suite of potential amendments which had been suggested by either the Anglican or the Catholic churches. They certainly did correspond with all members along the lines that, if the House was so moved to approve the bill, they should at the very least include this amendment. It is not in my view a window dressing amendment, but it ensures the substance of the bill. It clarifies some of the concerns I raised in the second reading debate, that people might have been unsure about the actual application of the section which is to be amended. It certainly makes that a deal clearer and allows a little more community confidence about the definitions. On behalf of those organisations, I in fact have circulated the amendment to members in very similar terms to this. I understand that this amendment means virtually the same thing, so I am certainly happy to support this amendment, and would urge the House to do the same.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [3.58 a.m.]: The Government supports the amendment.

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The Hon. ELISABETH KIRKBY [3.59 a.m.]: The Australian Democrats support this amendment because it is in line with agreements the Hon E. P. Pickering, the member for Bligh and I had with the Uniting Church, representatives from the Catholic Church and the Anglican Bishop of South Sydney. It was made very clear to us by the Anglican Bishop of South Sydney and the representatives of the Catholic Church that this amendment would assist them very greatly. They believed it would be a valuable addition to the bill. This was further confirmed when I got a letter dated 27th October from the Anglican Church Diocese of Sydney, signed by the Diocesan Secretary. I believe it necessary, in view of the remarks made earlier, that it should be firmly placed on the record that this amendment will meet the requirements of the Anglican Church Diocese of Sydney and Catholics.

Reverend the Hon. F. J. NILE [4.0 a.m.]: I move:

That the amendment be amended by omitting the word "instruction" with a view to inserting instead "(including religious instruction)".

The Hon. Elisabeth Kirkby made a statement that this amendment reflects the desires of the Anglican Church Diocese of Sydney. That is totally wrong. The letter she referred to sought the inclusion of the word "religious" in the amendment - the Anglican Church Diocese spelt that out in its letter dated 27th October - that is, if the bill is not rejected, for it wants the bill rejected as we all know. It said that the word "religious" should be inserted after the word "scientific" in paragraph (c) of proposed subsection 49ZT(2). Because of its request, and also because correspondence from the Catholic bishop, Bishop Murphy, requested that the words "religious instruction including schooling" be inserted after "academic" and before "artistic", we have distributed our amendment with the word "religious". We tried to combine those two concerns in one amendment.

The Anglican legal officer has made it clear that the word "religious" has more meaning than just the words "religious instruction". Religious instruction would apply, normally, in a classroom situation, as stated in the legal opinion for the word "religious". I am sure they would not be opposed to "religious" plus "religious instruction". That is the point I am making. Reasons for the suggested amendment are: religious purposes may not fall within the expression or for other purposes in the public interest, where used in subsection 49ZT(2). Accordingly, express reference to religious purpose should be included in paragraph (c). It cannot be assumed that religious purpose is one which would be held to be in the public interest for the purpose of subsection 49ZT(2).

Section 56(d) of the Anti-Discrimination Act 1977 may not exempt the person who undertakes a public act for religious purposes, since that section only applies to bodies and presumably the persons who represent those bodies. A preacher may only be covered in certain circumstances. A member of the congregation may not be protected by section 56(d) at all. In addition, section 56(d) applies only to practices, not statements. A public statement would constitute a public act for the purposes of subsection 49ZT(2), but may not be subject to the protection of section 56(d) even if made by or on behalf of the religious body. For that reason it would be good if the Opposition would accept "religious" and "religious instruction". The intent is the same. That removes any possible loophole or misunderstanding that might occur about the law in the future.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [4.2 a.m.]: The Government will not be supporting this amendment on the grounds that it is really unnecessary. If Reverend the Hon. F. J. Nile were to refer to the Anti-Discrimination Act -

Reverend the Hon. F. J. Nile: I just did.

The Hon. VIRGINIA CHADWICK: - and clearly this amending bill was subject to the Anti-Discrimination Act, as Reverend the Hon. F. J. Nile just conceded - section 56 of that Act clearly has taken into account the issue of a response on anti-discrimination. Section 56(d) of the Anti-Discrimination Act says that nothing in the Act affects any other practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents to that religion. Quite honestly, people will be propagating and promulgating the use of a particular religious belief whether that is a Christian belief - the very heart of the matter in relation to the views of Reverend the Hon. F. J. Nile, or indeed any other religious belief that might be prevalent in our community. I would be astonished if the followers of any religious belief within the Australian community would feel disadvantaged in relation to amending legislation that tried to protect against vilification and hatred and violence, where they are not protected by section 56(d). It would be a most unusual religion indeed that would not be afforded the protection of section 56(d). As a result, the Government will not support the amendment.

The Hon. J. F. RYAN [4.5 a.m.]: In the past 24 hours I have been in personal contact with the author of a letter which Mr Nile has just read - I believe it is Mark Payne, the legal officer of the Anglican Church - and Father Brian Lucas, the legal officer who drafted the letter from the Catholic Church. I pointed out to them that, in fact, the amendments which they had suggested to the House were somewhat different. I asked them to contact one another and come to some arrangement as to which amendment they preferred. Both said that they were perfectly happy with any amendment that successfully covered the issue of religious exemption. I canvassed with them as to whether or not the amendment which has been moved by the Hon. Michael Egan was acceptable to them, and both said that it was.

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The Hon. ELISABETH KIRKBY [4.6 a.m.]: I thank the Hon. John Ryan for the statement he has

just made because during the meetings with the Hon. E. P. Pickering, Clover Moore and me, Father Brian Lucas made it clear that he wishes the words to be "religious instruction". I received the letter from the Anglican Church Diocese of Sydney where the word "religious" appeared, and I cannot believe that Mr Gotley, the Diocesan Secretary, will be unhappy with "religious" and the addition of the word "instruction". In fact, the amendment moved by the Leader of the Opposition is the amendment that was prepared by the author of the bill and the honourable member for Bligh, and the words are very clearly "religious instruction". I am delighted to hear that this particular wording is satisfactory both to the Anglican Church and to the Catholics.

Reverend the Hon. F. J. NILE [4.7 a.m.]: My only concern is, as stated in that Anglican letter in response to the Minister's statement, that section 56(d) applies only to practices and not to statements. The Anti-Discrimination Act specifically refers to practices and not statements. It may not have the coverage expected, unless under the Interpretation Act it can be restated that clearly that section does cover both practices and statements. That is how it is interpreted and that would then be a guide for the Anti-Discrimination Board to interpret it in that way.

The Hon. Virginia Chadwick: The wording of the section is clear. If Reverend the Hon. F. J. Nile wishes me to restate it, I am happy to do so.

Reverend the Hon. F. J. NILE: My comment was that practice includes statements. You said it does, but it does not state it in the law.

The Hon. Virginia Chadwick: It covers practices.

Reverend the Hon. F. J. NILE: Yes, I know that. It does not cover statements, but we can say that under your interpretation it does, and that may be satisfactory.

The Hon. M. R. EGAN (Leader of the Opposition) [4.9 a.m.]: The reason the Opposition has moved the amendment is simply to overcome any real concern along the lines that Reverend the Hon. F. J. Nile has indicated. It is because of the concern by the churches and their legal advisers that section 56(d) might be interpreted as applying only to the practices of a religious body rather than the statements of a religious body or the religious statements of individuals. The Opposition believed that an amendment along the lines that I have moved was necessary.

Reverend the Hon. F. J. Nile: We have no objection to the words "religious instruction".

The CHAIRMAN: Order! The Minister cannot clarify that situation because it is not Government legislation. The mover of the amendment has clarified the point.

Amendment of amendment negatived.

Amendment agreed to.

Reverend the Hon. F. J. NILE [4.12 a.m.]: I move amendment No. 3 standing in my name:

Page 3, Schedule 1(1), (proposed section 49ZTA), lines 20-37. Omit all words on those lines.

The point is that it has very draconian penalties as well as imprisonment, even though there have been assurances that the Attorney General will be loath to allow this section to be used for prosecution. If there is a change of government maybe another Attorney General would be quite ruthless in its implementation.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [4.13 a.m.]: I wish to indicate that, regardless of the fact

that the Government opposes the legislation, the reality is that the bill has had its second reading in this House. It makes an absolute nonsense of the bill if one can omit S49ZTA as a result of the proposed amendment.

Amendment negatived.

Reverend the Hon. F. J. NILE [4.14 a.m.]: I move amendment No. 4 standing in my name:

Page 3, Schedule 1(1). After line 37 insert:

Defence - religious belief

49ZTB (1) Nothing in this Division applies to anything done by a person in pursuance of any conscientious belief held by the person on religious grounds.

(2) Nothing in this Division applies to prevent a person from reading aloud or quoting from any religious scripture (whether in church or in any other place or by means of public broadcast or otherwise).

This amendment will be putting into the bill the assurances given by some members of this House - the Hon. E. P. Pickering and others - but has nothing to do with quoting from the Bible. This just makes it perfectly clear so that the time of people making complaints and of the board considering those complaints is not wasted.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [4.14 a.m.]: The Government will not support this amendment, for two reasons which are interrelated. I refer again to section 56(d) of the Anti-Discrimination Act. One would find in that section nothing but a very positive protection of those under the aegis of the churches to have the right to propagate religious views that conform to the doctrines of that religion and so on. Reverend the Hon. F. J. Nile referred to that section. In one sense, those with strong religious views are already protected by the 1977 Anti-Discrimination Act, which I think was supported by all members of this House. For that reason, in a general and mainstream religious sense, the protection of section 56(d) is already afforded. The sad reality is that the proposed amendment would enable a person reading from the Scriptures - or, indeed, a wrong version of the Scriptures - to claim the protection of religious conviction for purposes absolutely in opposition to the real purposes, functions and fundamental beliefs

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inherent in the bill. That would make a nonsense of the bill. For those reasons the Government will not support the proposed amendment.

The Hon. J. F. RYAN [4.15 a.m.]: I need to make an explanation since part of this particular amendment refers to providing an exemption for persons reading the Scriptures aloud. As a committed Christian it would probably seem unusual that I would oppose an amendment such as this, but I need to point out that Reverend the Hon. F. J. Nile is seeking to amend the offence of serious homosexual vilification. That is, when a person actually makes a threat of physical harm to a person on the grounds of homosexuality. It would be impossible to read the Scriptures and make such a complaint because there are, to the best of my knowledge, no passages in the Scriptures which seriously suggest, when properly interpreted in any event, that there would be any threat made to a person on the grounds of homosexuality. The other difficulty with this particular amendment is that subclause (1) of the amendment suggests that a person who committed the offence of serious homosexual vilification, that is either threatened the homosexual physically or threatened his or her property, would be able to claim exemption on religious grounds.

It needs to be understood that as it stands it is any religious grounds. That could even include, for

example, the holding of satanic religious convictions - so the defence could be manufactured in court with some impunity that the devil made me do it - as much as it might mean religious grounds. I fully understand that Reverend the Hon. F. J. Nile probably would not have intended that his amendments would have that effect, but they certainly would have that effect. I personally hold religious convictions. As I said in my earlier speech, I have no objection whatsoever in many respects to the provisions which are included in section 49ZTA because basically they outlaw violence against people on the grounds of their homosexuality. I cannot think of any conscientious belief that anyone could refer to at all that would permit them to use that as a defence against an actual threat of violence against anyone for any reason. I want to make it clear that it is for those reasons that I will proudly join with the Government in opposing this amendment, as some of its effects are truly bizarre.

The Hon. M. R. EGAN (Leader of the Opposition) [4.18 a.m.]: The Opposition oppose this amendment. Although the amendment looks benign on the surface, it really does not stand up to any scrutiny. It should be kept in mind that this amendment is to that provision of the bill that deals with threatening physical harm towards persons or groups and inciting others to threaten physical harm towards persons or groups. It is very difficult, therefore, to justify that kind of action on the grounds that it may be in pursuance of any conscientious belief. The second part of the amendment talks about preventing a person from reading aloud or quoting from any religious Scripture. I am certainly not aware of any religious Scripture that would call for the threatening of physical harm towards homosexual persons or groups, or inciting others to threaten physical harm against them.

Reverend the Hon. F. J. NILE [4.19 a.m.]: The last two speakers have misunderstood the wording of the motion. It says, "Nothing in this Division . . ." They have taken that to refer to section 49ZTA. It refers to the whole of the division. The division relates to homosexual vilification. That is the division it is referring to. I just wish to make that point clear. It is referring mainly to 49ZT, not to 49ZTA.

Amendment negated.

Reverend the Hon. F. J. NILE [4.20 a.m.]: I move:

Page 3, Schedule 1(1). After line 37 (and any previous matter inserted), insert:

Clear incitement required

49ZTC. This Division does not apply to a public act of incitement unless it is clearly on the ground of homosexuality.

These amendments were prepared by legal advisers who advise us on the need for these types of additions to the legislation.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [4.21 a.m.]: The Government will not be supporting this amendment, again on the grounds that it is a most unusual and somewhat bizarre amendment. For example, though we are dealing at this stage with offences in relation to racial vilification, we have the bizarre situation that we could actually have a black homosexual, or a homosexual in a wheelchair, and if Reverend the Hon. F. J. Nile's amendment were successful, we could say the division does not apply to a public act of incitement unless it is clearly on the ground of homosexuality. If one were to find other characteristics of the person in question, one could argue on the basis of some other characteristic of the person and that could be a justification for incitement to hatred and violence. Clearly, that would be unacceptable. For that reason I oppose the amendment.

Amendment negated.

Reverend the Hon. F. J. NILE [4.23 a.m.]: I move:

Page 3, Schedule 1(1). After line 37 (and any previous matter inserted), insert:

Defence - moral belief

49ZTD. Nothing in this Division applies to anything done by a person in pursuance of any conscientious belief held by the person on moral grounds.

We expressed concern in the second reading debate about where non-religious persons and groups fit in, such as Bruce Ruxton and the Returned Services League and similar organisations when they may not come under the religious exemption. I recognise that the words "on moral grounds" are broad, but that would be tested by the Anti-Discrimination Board in assessing all the various relevant factors.

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The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [4.25 a.m.]: The Government will not support this amendment. I refer again to Section 56D, which clearly affords protection to religious bodies and those who have religious beliefs. Although I recognise the good will and conscience of Reverend the Hon. F. J. Nile, it is too far-reaching to give anyone this extra protection. Protection is afforded under section 56D, which clearly is an umbrella clause maintaining the integrity and right of those who hold religious beliefs, the right to propagate those beliefs, or the right to hold those beliefs. But to seek to give extra protection by providing exemption for anything done by a person in pursuance of any conscientious belief held by that person on moral grounds, without tying it back to section 56D, is extraordinary. One could only imagine what such conscientious beliefs on moral grounds may be. I believe it is quite unnecessary and contrary to the spirit of the bill.

Amendment negatived.

Reverend the Hon. F. J. NILE [4.27 a.m.]: I move:

Page 3, Schedule 1(1). After line 37 (and any previous matter inserted), insert:

Sunset

49ZTE. This Division ceases to apply on the day that is 3 years after its commencement.

I have just noticed that my amendment No. 8 was contingent on amendment No. 3 being passed earlier, so that is no longer relevant. The practice of having a sunset clause in legislation is becoming more and more common. Because this legislation is so controversial and because the Law Reform Commission will be investigating this whole area and making recommendations, it may be wise to have the sunset clause. That would be unless the Parliament, after consideration, decides to reactivate the legislation; it would then lapse and can be replaced by other more suitable legislation if it is seriously flawed.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [4.28 a.m.]: The Government will not support the amendment. I well understand and appreciate the concerns of Reverend the Hon. F. J. Nile, but it is within the province and, I would believe, the duty of any government to review legislation that is not working effectively. That legislation would then be reviewed with a view to either amending, repealing or replacing it. I have to say, given the way in which the Government has responded to this legislation, it is perfectly clear that the Government itself would have preferred to take a different path on this matter. But the reality is that any government of whatever persuasion would be remiss if it were not to monitor the effect of any legislation, particularly legislation which has been as controversial and subject to public comment as this has. Any government in a democratic society that did not constantly review the legislation and amend or repeal it if it was not operating effectively would have to bear the consequences. As a result, the sunset clause is unnecessary and the Government will not be supporting it.

Amendment negatived.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

DAIRY INDUSTRY (AMENDMENT) BILL

ELECTION FUNDING (AMENDMENT) BILL

Formal stages and first readings agreed to.

SPECIAL ADJOURNMENT

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

That this House at its rising today adjourn until Thursday 18 November at 11.30 a.m.

ADJOURNMENT

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.36 a.m.]: I move:

That this House do now adjourn.

SOUTHEAST FOREST LOGGING

The Hon. R. S. L. JONES [4.36 a.m.]: I wish to bring to the attention of the House the incident when the Hon. George Souris was evidently misled by his advisers when he made a statement on the 11 a.m. ABC 2BL radio news bulletin on 15th November. Mr Souris was responding to protests by conservationists who successfully stopped logging of brown barrel and monkey gum wilderness on that day. Mr Souris said on that morning that 92 per cent of old growth areas of New South Wales were already in conservation reserves of one form or another. Mr Souris was implying that most old growth in official wilderness areas elsewhere is safe and conservationists are wrong to protest. The Minister was misled by his advisers. The truth is that only approximately 0.5 per cent to 10 per cent of several of the richest types of remaining New South Wales old-growth forest - those on high nutrient soils and having high biodiversity values - are safe in national parks or other official reserves. A moratorium for old-growth wilderness under the New South Wales timber industry legislation is not comprehensive and is a temporary respite only. The moratorium area is not an official conservation reserve.

About 38 per cent of New South Wales old-growth forests is in State forests and is available for logging now or in the future. This 38 per cent is made up mainly of the richest old-growth forests on high nutrient soils. The 58 per cent in official conservation reserves contains largely old growth on dry, nutrient-poor soil unsuitable for logging. Nationally, only

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approximately 9 per cent of all remaining unlogged eucalypt forest is in official conservation reserves. Also, I draw to the attention of the House an article that appeared in the *Australian* the other day in which it was said that Ryoei Saito, one of Japan's richest men and also head of the Daishowa Paper Manufacturing Company, was arrested for bribery. Evidently he is charged with paying a ¥100 million bribe, which is \$1.38 million Australian, to the Governor of Miyagi prefecture in northern Japan in return

for easing rules restricting the size of golf courses near urban areas.

This is the same man who bought a Van Gogh and a Renoir for hundreds of millions of dollars and wants them to be cremated with him after his death. This is the kind of man we are dealing with when we do deals and sign contracts relating to the southeast forests. I believe the contracts in the southeast forests were probably corrupt from the very beginning.

Motion agreed to.

House adjourned at 4.38 a.m., Thursday.
