LEGISLATIVE COUNCIL

Thursday, 14 April 1994

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

The President offered the Prayers.

MOONEE BEACH NATURE RESERVE BILL

Restoration

Message seeking restoration of the Moonee Beach Nature Reserve Bill received from the Legislative Assembly and, pursuant to Standing Order 201, bill restored on motion by the **Hon. Jan Burnswoods.**

PETITION

Anti-Discrimination (Homosexual Vilification) Legislation

Petition praying that because the homosexual vilification amendments to the Anti-Discrimination Act censor criticism of homosexuals, they be repealed, received from **Reverend the Hon. F. J. Nile.**

NORTH HEAD AND MALABAR SEWAGE TREATMENT PLANT INCINERATORS

Ministerial Statement

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [10.35]: Honourable members might be aware that the honourable member for Manly recently moved a motion in the other Chamber regarding North Head and Malabar incinerators. The Opposition was obliged to support the motion, for the Malabar incinerator concerns the electorate of the Leader of the Opposition and he could not allow the honourable member for Manly to steal his thunder. I wish to make this statement to establish the truth of this matter and to make clear my intentions. I am concerned that as a result of the reporting of this matter members of the community could be needlessly troubled, even frightened. The *Manly Daily*, for example, ran a banner headline that shrieked "Cancer Risk". I do not blame the media for this because the shameful fabrication was made for them by honourable members of this Parliament. This is unwarranted and unjustified. The motion put forward by Dr Macdonald, agreed to by the Opposition and the Legislative Assembly, was:

> That in view of the adverse findings of the emissions testing program, including the risk assessment of the emissions at North Head and Malabar and the health concerns of the local community, this House calls upon the Minister responsible for the Sydney Water Board to close down the Malabar incinerator and decommission the incinerators at North Head and Malabar sewage treatment plants.

Dr Macdonald put this motion on the basis of his claims about the $3.5 million study - initiated by the

Sydney Water Board and managed by the Environment Protection Authority - to assess the risks of emissions from the incinerators. I might add that this study, one of the most comprehensive ever undertaken in the world, represents a significant investment in the protection of the community's health. Dr Macdonald does not appear to want to acknowledge this fact. However, he was involved in the study through Manly Council which, together with Randwick Council, the Department of Health and community representatives made up a working party to oversee the study with the EPA and the Water Board. Dr Macdonald's claims about the study are false.

There are no adverse findings. In fact, this is Dr Macdonald's disappointment. So instead, what does he do as a responsible medical practitioner and a member of this Parliament but mislead the House about the possibility of cancer and people's risks of getting it. He has claimed that the study shows that there is a significant risk of cancer from the incinerators. It does no such thing. The study says that the operation of the incinerators is considered to be very safe; that the health risk associated with the incinerators is negligible; and that the incinerators were only minor contributors to the total air pollution in the surrounding areas. The risk assessment used in the emissions study is very conservative. The one in ten thousand statistical risk, upon which Dr Macdonald bases his false claims, is a worst case scenario. It is based on a hypothetical person residing for a lifetime - 70 years - at the point of maximum concentrations of emissions, and upon an assumption that the material being burnt has the highest possible toxicity levels. This is a theoretical level designed to standardise risk assessment.

One does not have to be Einstein to work out that in reality no one is exposed to anything like this level of risk. Frankly, we are all in much greater danger in the peak hour traffic than we might be from the Malabar incinerator. Dr Macdonald has also made claims about international best practice. In fact, he parades himself as an expert on international environmental law. He says that in the United States the incinerators would be closed, that the risk of one in 10,000 is not enough and that it should be one in 100,000. Well, he is wrong again. Dr Macdonald either wilfully misled the House when he moved the motion or he has severe problems of selective reading.

Hansard of 17 March records Dr Macdonald quoting an Environment Protection Authority report. He claimed that the standard used in the United States Environmental Protection Agency and by the new EPA is one in 100,000 for incinerators and that, as the study shows Malabar to have a one in 10,000 risk, this is 10 times greater than the EPA standard. To do this conjuring trick Dr Macdonald quoted from a draft technical report not undertaken for the New South

Wales EPA, as Dr Macdonald would have one think, but for the United States EPA. Not only did he get his EPAs mixed up but he also quoted very selectively from the draft United States report. The same paragraph from which he quoted went on to say that, because sewage sludge incinerators exhibit a low risk, the United States EPA uses a factor of one in 10,000 - yes, one in 10,000 and not one in 100,000. That fact apparently escaped Dr Macdonald's notice. Let us be clear on this matter. Contrary to the claims made by Dr Macdonald, and irrespective of what individual States in America might decide, the United States EPA guidelines for sewage sludge incineration state:

> Based on existing data the unit (1 in 10,000) is protective of public health.

That is to say that one in 10,000 is a negligible risk. In line with international best practice, that conclusion has been reached by the New South Wales EPA only in a very conservative manner; by calculating the risk of a hypothetical person spending 70 years on top of the incinerator stack. By manipulating the facts in this way, Dr Macdonald treats the truth, this Parliament and his elected office with contempt. If such behaviour were exhibited by a Minister I am sure that Dr Macdonald would want to apply the strictest and most proper code of conduct. But it seems that there is another rule for certain people in another place. I express my genuine disappointment with the honourable member for Manly on this matter. Dr Macdonald claims to be an independent voice for the environment yet, by proposing that the incinerators at Malabar be shut down, he wants the least environmentally sound outcome.

For the benefit of honourable members, I should explain that the incinerators at North Head and at Malabar have performed different functions. The incinerators at North Head - which were shut down in January 1992 - used to burn sewage sludge, which is a reusable substance. The decision to shut down the North Head incinerators was taken to meet the Government's commitment to cease ocean disposal of sludge and reuse the sludge beneficially rather than stop incineration per se. The Government met its commitment and ceased ocean disposal of sludge more than a year ago. The board now recycles about 75 per cent of its sludge, mostly in beneficial land applications. That is a major achievement, given that five years ago no markets had been established for recycled sludge products. On the other hand, the incinerators at Malabar do not burn sludge; they burn screenings only. Screenings are materials not suitable for reuse, the litter left over after the treatment of sewage - the plastic, rubber, paper and material items that people so carelessly dispose of down the sewerage pipes.

At this point I shall deal with the participation of the Leader of the Opposition in the debate on the motion moved by Dr Macdonald. I ask the Leader of the Opposition what one would do with the screenings if one cannot burn them at Malabar - and honourable members should remember that incineration at Malabar deals with screenings, not sludge. There is no doubt that the option of landfilling as opposed to incineration is a poor alternative and brings about a very poor environmental outcome. As I understand it, both Dr Macdonald and Bob Carr favour recycling and minimising the disposal of waste to landfill, as I believe all honourable members do.

The Hon. R. S. L. Jones: Including you?

The Hon. R. J. WEBSTER: Including me. In this Government I started recycling. It seems that Dr Macdonald and the Leader of the Opposition are against incineration. They cannot have it both ways. If one is not able to burn the material and if it cannot be used for landfill purposes, what will one do with it? I challenge even the Hon. R. S. L. Jones to work out a way in which screenings might be recycled from a sewage treatment plant. With regard to incineration as an option for waste management, it might interest honourable members to know that the EPA's submission to the Joint Select Committee upon Waste Management concluded:

> Incineration, where it meets environmental standards, should not be discounted as a method waste disposal where recycling and waste avoidance are not available options.

It is clear that in the case of the incinerators at Malabar, recycling and waste avoidance are not available options. It should be noted that the incinerators at Malabar operate within EPA licence conditions. Dr Macdonald has talked about international best practice. It is no accident that the Federal Government of Germany is introducing laws that require the incineration of a wide range of waste materials before being put into landfill. Germany has recognised that the best environmental outcome is to minimise the volume of waste going to landfill and that incineration is not inherently evil - rather, it can be a viable, environmentally responsible method of managing waste products. Other governments in Europe are following the same path, with positive policies promoting incineration over other methods of waste disposal.

Dr Macdonald might say, "Hang the expense". Why should he care how much it would cost Water Board customers to close down the incinerators at Malabar? He is not accountable. The Water Board has just spent $2 million refurbishing one of the incinerators at Malabar and it plans to spend $500,000 on the other in 1994-95. If the incinerators at Malabar were closed it would cost an estimated $1.5 million in capital expenditure to establish a lime stabilisation facility to handle screenings. There would also be an annual operating cost of about $700,000 for landfill disposal.

Costs aside, the benefit to the environment of such a proposal is not proved. The Water Board would have to undertake a review of environmental factors to establish whether there is an environmental benefit in the land disposal option. That review would canvass all issues, including increased truck movements through the electorate of the honourable member for Maroubra, the Leader of the Opposition.

It makes no sense to propose the closure of the incinerators at Malabar, in which the community

invested considerable capital, in order to eliminate a negligible risk when actions to reduce that risk even further are being taken. The Deputy Chief Health Officer for New South Wales, Dr Gavin Frost, has commented:

> The incinerators are not a significant health threat but a review of operating practices is warranted.

In line with international best practice, the EPA has required, by notice to the board, that practical options for the reduction of even that negligible risk be reported on by September. The board will employ the services of experts acceptable to the EPA to undertake the work. This brings me to the main point of this statement: I advise the House that I have considered very seriously the issues raised by Dr Macdonald's motion. I do not believe that Dr Macdonald's case is proved. This is because the study of emissions indicates a negligible risk to health from the Malabar incinerators; the operation of the incinerators has been found to be very safe and within EPA licence conditions; screenings are not beneficially reusable and disposal by incineration is a viable and environmentally better outcome than landfilling; the environmental and financial benefits of alternatives to incineration would need to be established and the community would have to be willing to accept these costs and benefits; and the Water Board is taking all appropriate actions to meet the requirements of the EPA as notified and will report by September on any further options for risk reduction.

This final point is most important: following receipt of the report in September the EPA and the Department of Health will advise me, as Minister responsible for the Water Board, as to the satisfaction of their requirements for the protection of the environment, public health and safety. I shall then be in the best position to advise Parliament - and I am now making a commitment to do so - about the outcome and any further actions that should be taken, including whether or not the incinerators should be closed. I wish to point out that there are two Houses of Parliament in New South Wales, not one. Until both Houses resolve by legislation, the Government does not feel bound by any motion passed in one House of this Parliament.

The Hon. M. R. EGAN (Leader of the Opposition) [10.49]: I am not familiar with the issue raised by the Minister in his ministerial statement. However, I would have thought that before making the statement the Minister, as a matter of normal courtesy, would have advised the Opposition. The only notification I received was at the very instant before the Minister jumped to his feet to make his statement. Clearly, this is a breach of the normal courtesies that have always applied in this House. Certainly, in the period of almost three years during which I have been Leader of the Opposition, when the Minister's colleagues have intended making a ministerial statement reasonable notice has been given to me so that I have had the opportunity to familiarise myself with the general issue concerning the ministerial statement. But on this occasion there was absolutely no notice. As the Minister jumped to his feet he leaned over the table and said to me that he was about to make a ministerial statement. That the House has been ambushed indicates the Minister's sensitivity on an important subject.

The Hon. Patricia Forsythe: Did you tell us before you had certain documents tabled in the lower House?

The Hon. M. R. EGAN: The Hon. Patricia Forsythe has not been a member of this House for long but she should be aware of the protocol surrounding ministerial statements. I hope she is not advocating that the normal courtesies extended to members in this House should be done away with. It is a simple fact that when a Minister is to make a ministerial statement it is normal courtesy for the Opposition to be given reasonable notice that the statement is to be made. I have no doubt that both the Leader of the Opposition in the other place, who is familiar with the issue, and Dr Peter Macdonald, the honourable member for Manly, will respond appropriately to the Minister's statement. Further, I have no doubt that the honourable member for Manly, who is the main target of this attack by the Minister today, has a much better track record for honesty and for protecting the environment than either the Water Board or this

Minister. I await with interest the response of the honourable member for Manly and the Leader of the Opposition in the other place to the rather cowardly attack that the Minister has made upon them today.

The Hon. R. S. L. JONES [10.52]: I too was shocked by the sudden ambush of the House.

The PRESIDENT: Order! I presume the honourable member has been nominated by his leader to speak on her behalf?

The Hon. R. S. L. JONES: Yes, Mr President. It is clear that this ministerial statement is a desperate attempt to try to discredit Dr Peter Macdonald. The same thing happened in the House yesterday on the question of separate metering of home units. Some people are paying more than others. Some pensioners are paying much less -

The Hon. R. J. Webster: On a point of order: the honourable member should know, and if he does not I am sure you, Mr President, will inform him, that he is required to address matters raised in the ministerial statement made today and not matters that I raised in the House yesterday.

The Hon. R. S. L. JONES: I will do just that.

Reverend the Hon. F. J. Nile: On a point of order: Mr President, you asked the honourable member whether he had been nominated by his leader. I wonder how he could be nominated when he had no knowledge that the Minister was to make a ministerial statement. Only leaders of parties are allowed to respond to ministerial statements.

The Hon. R. S. L. Jones: On the point of order: this is a weak attempt by Reverend the Hon. F. J. Nile to try to stifle my comments. He does not know what is going on in his own party, let alone my party.

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The PRESIDENT: Order! The sessional orders quite clearly state that a leader of a party may respond or a member nominated by that leader. I do not think it is for me to seek to question the integrity of a member who makes a statement from the floor of the House that he has in fact been nominated by his leader.

The Hon. R. S. L. JONES: I did ask my leader before I rose to speak. I assure Reverend the Hon. F. J. Nile of that point - I should say the about to be not Reverend the Hon. F. J. Nile.

The PRESIDENT: Order! The honourable member will address the Minister's statement.

The Hon. R. S. L. JONES: I will try to do that if less interruptions are made. As I say, this ministerial statement is an attempt to discredit Dr Peter Macdonald, who has a sincere belief, which I share, that these incinerators are a health risk. The Minister admitted it was a risk because an assessment as to the risk will be available in September. The Minister did not mention whether tetrachlorodibenzo-p-dioxin was emitted from the incinerator at Malabar. I am sure that it is. It is the most dangerous compound known to the human race. I am sure the Minister has no knowledge of the levels of tetrachlorodibenzo-p-dioxin - 2,3,7,8 TCDD - that are being emitted from the Malabar incinerator. This is a low temperature incinerator which is burning plastics. The only way to get rid of it safely is by having a high temperature incinerator somewhere in the Simpson Desert, well away from inhabited areas.

These incinerators pose a risk. I have received complaints from residents of Manly of the risks from their incinerator. Not only is it unsightly, but it produces fume problems. It is antisocial to have an incinerator in an inhabited area. Heaven knows what is being screened for the Malabar incinerator. Much plastics and I imagine human waste is being incinerated at Malabar, but only partly combusted at low temperature. There is no guarantee all the waste will be combusted. We can be sure that much of

the PICs - products of incomplete combustion - being emitted from the incinerator are being ingested by the residents of the area. It is difficult to quantify but it is a risk for the residents of Malabar as it was for the residents of Manly. This material should not be incinerated at low temperatures within suburban areas. It may be a better idea to incinerate it rather than use it as landfill but if it is to be incinerated that must be done outside inhabited areas.

There was a debate in this House on high temperature disposal of intractable waste. No one wanted that intractable waste high temperature incinerator in the city or the country, especially not at Corowa, Parkes, Bogan Gate or Narrandera. The residents of those towns fought that proposal because of problems with high temperature incineration. High temperature incineration is less dangerous than the low temperature incinerator at Malabar. I would like the Malabar incinerator to be closed; it would cost approximately $1 per household to achieve this. The incinerator must be closed permanently and decommissioned. It is an unacceptable way to dispose of heaven knows what type of waste.

CONSUMER CLAIMS TRIBUNALS (FEES) AMENDMENT BILL

Bill received and read a first time.

STANDING COMMITTEE ON SOCIAL ISSUES

Sixth Report: Sexual Violence: The Hidden Crime

Debate resumed from 17 March.

Reverend the Hon. F. J. NILE [10.59]: I am pleased to speak in support of the report tabled by the Standing Committee on Social Issues headed "Sexual Violence: The Hidden Crime", which relates to part 1 of the committee's inquiry into the incidence of sexual offences in New South Wales. It arose from the first of the committee's terms of reference requiring an examination of and report on the European Community 1989 crime survey, which claimed that of 14 developed countries surveyed Australia reported the highest level of sexual incidents. The sexual incidents included sexual assaults and offensive sexual behaviour. The committee's main purpose was to examine that survey and determine why Australia appeared in such a bad light and whether there was any justification for it.

In part 2 of its investigation the committee will consider matters of cause and prevention in general. In my previous remarks I referred to the very valuable information members of the committee received on our study tour of the United States of America. We met officers of the Department of Justice, Law and Society and members of other organisations in Washington, in particular Associate Professional Jim Lynch, who had spent a great deal of time examining the international crime survey. In summary, he indicated that the major sources of error likely to affect the survey include sampling error, non response, failures of recall, telescoping and mode effects, and he said that computer-assisted telephone interviewing resulted in higher reporting statistics.

The design of that particular survey would make the sources of error more troubling than others. It should be recognised that methods used to produce victims surveys and police statistics are radically different. There appears to be some clash, if you like, in that the figures from the victims surveys are very high and those contained in police statistics in general are lower. The estimates that they produce are virtually irreconcilable but have their special areas of value. However, they need to be carefully considered as to their content. Of particular concern to me, and to the Call to Australia group that I represent, is the issue of the media, the effects of the media on our society and the part it plays in violence of all types, but particularly sexual violence against women.

During our investigation in the United States, the committee met with a number of organisations concerned with the victims of violence. Between 8 and 17 March 1991 the National Victim Centre

commissioned the first national public opinion survey

on American attitudes to crime and victims' rights. That survey revealed that 48 per cent of the American population feel that the criminal justice system in their State treats defendants better than victims; 96 per cent favour AIDS testing after arrest in rape cases; 80 per cent - and this is the important point I want to make - believe there is too much violence in the popular media, that is, television, films, et cetera; and 56 per cent feel that seeing violence in the media has an impact on violence in society. Only 4 per cent believe that violence in the media does not lead to violence in society.

I strongly support the results of that particular survey. I know we are continually being sidetracked into a debate for and against censorship and that members on both sides of the House have views on that - some favour censorship and some oppose it. It is a pity that so often it becomes an emotive debate and even though there may be some indication that the media have some influence, because philosophically and ideologically they are opposed to all forms of censorship, there is a knee-jerk reaction with some members saying, "I oppose censorship, therefore I oppose any attempt to have more restrictions or controls over violent pornography".

Although I do not say I have avoided it successfully, I have tried to avoid that over the years and talk about the issue of quality control. We have quality control of the air we breathe, the water we drink, the production and quality of the food we eat. Why not, therefore, have some quality control over the media? I refer particularly to sections of the media such as television, films, videos and the new fad of computer games that deal with anti-social themes and promote violence in such a way as to desensitise persons who are exposed to it and produce a greater acceptance of violence - not only acceptance, but perhaps, in a minority of cases, a greater level of activity involving violence by those individuals.

While we were on the study tour of the United States, a debate was taking place about violence on television and its effect on society. As honourable members know, the United States is a nation which, more than any other, has encouraged freedom of speech and been reluctant to impose controls on the media. However, the backlash in the United States has been such that it has become an issue that the Congress and the Senate are dealing with almost daily. There has been outrage in America about the extent of the violence in many of the more recent films. Of course those films can be shown on television or made the subject of videos. Even President Clinton - who is regarded as a liberal-minded person - has now taken up some of the issues.

The veiled threat of censorship by Congress has so frightened the television networks that they have sought an opportunity to clean up their own shop, so to speak. The networks have made some commitments or promises to bring in a greater degree of self-regulation. The major networks in the United States, Columbia Broadcasting System, American Broadcasting Corporation, National Broadcasting Corporation and Fox, have been meeting together and with Government representatives in an effort to work out ways of reducing the violence that is being depicted. I am not very impressed with their efforts, because one of the solutions they suggest is the introduction of more warnings. I am suspicious about the emphasis on warnings - and we are going down that same path in Australia! Some of the television stations believe that if they give a warning that there is going to be nudity, violence, et cetera, that is sufficient and they can go ahead and show it. They are using the warning approach as a cover to actually show more violence on the television screen.

Australia should not go down that pathway. I am not against having warnings, but those warnings should not be an excuse for more explicit programs, particularly programs involving violence. Recently a survey was taken in the United States of one day of television violence - just one day - by an authoritative organisation, Media and Public Affairs. It is not a religious body; it is a secular organisation associated with universities. The survey revealed that 21 per cent of total scenes involved serious assaults; another 20 per cent of scenes involved gunplay; 15 per cent involved isolated punches; 12 per cent menacing threats with weapons; and so on. The Boston based Foundation to Improve TV said:

This new policy of including "warnings" before violent TV programs such as "Due to some violent content, parental discretion advised" may be used by TV networks to put on more violent TV shows, but use the "warnings" as an excuse.

What they do not acknowledge is that there are millions of children in America, and a similar proportion in Australia, who watch television unsupervised; they are not watching television in a family setting, in the company of a parent who is able to turn the television off or change the channel. Therefore, the warning has no value as such. In fact, it could be an attraction for a perhaps immature teenager who may see the warning and say, "This is the program I am going to watch". I know this to be the fact. Some people naively think that the M rating, because it refers to being not suitable for children under 15 years of age, is an enforceable classification. It is not enforceable; it is simply a recommendation.

Children aged nine, 10, 11 and 12 are able to watch films that even the authorities say are not suitable for children under 15. At the George Street cinema complex, particularly during school holidays, M-rated films are best attended by the very children who should not watch them. Children aged 12, 13 and 14 queue up to watch films that the authorities recommend are not suitable for them. So much for the classification or the warning system. The M- rating restriction should be enforced so that children under the age of 15 years cannot see such films. I realise the practical problems that would arise with any attempts at enforcement, particularly with regard to the staffing of theatres. I instance the problems at present associated with enforcing the 18 year age restriction. However, despite the difficulties, some attempt should be made to ensure that only persons over the age of 15 view M-rated films.

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As members on both sides of the House know, particularly those in the Labor Party, the Prime Minister, Mr Keating, because his children were exposed to some very violent material on television, raised this issue. About 12 months ago after some debate on the issue television stations agreed to modify violent programs. A new rating system was to be introduced, including a new mature classification, to tighten up the regulations and ensure that excessively violent material would not be seen on television. The classification AO - adults only - was withdrawn and replaced with the mature classification. I would have preferred that the AO-rating be retained. Who is mature? What does mature mean? In the legal sense it relates to people over 15 years of age. My view is that the AO classification is far more suitable and emphasises the fact that the program is not suitable for children under 18 years of age.

The new classification system received a lot of publicity as a result of the Prime Minister making the issue public, and I commend him for doing so, but I think he has been made a fool of. Last Sunday night at 9 p.m. on national television the film "Basic Instinct" was shown. I am sure that the Channel 9 network will say, "We put it on half an hour later". So what! Is there any real difference between 8.30 p.m. and 9 p.m.? I watched the film and recorded it so that I have documentary evidence of what I say about the film should people accuse me of exaggerating. I assume a video of the film is available for rent at video outlets. Given the new classification system, I was quite shocked by what I saw - though Channel 9 claims to have edited the film. If that is so, there must have been some shockingly violent scenes in the unmodified version, because what was shown depicted extreme violence, and in particular sexual violence.

In the very first seconds of the film, at 9 p.m. on a Sunday night, a naked female and a naked male were depicted as obviously having sexual intercourse. The female had taken the predominant role. At a specific point she tied the man's hands to the bed, reached under the sheet, picked up a wooden-handled ice pick - a sharp, screwdriver shaped implement - and proceeded to stab the man. Blood splattered all over the bedroom walls and the man. I have been advised that sadly 40 per cent of all television sets in Australia were switched to that program on Sunday night. It had one of the highest ratings. It had been well advertised. The actors were well known - one being Michael Douglas, who is, there is no doubt, a good actor. I was shocked by that opening scene.

Surely filmmakers still possess sufficient skill to convey, as Alfred Hitchcock and others have done for many years, the sense and meaning of a scene without having physical violence so graphically depicted - which was the main theme of the film. So much for the tightening up of the regulations! In this film the person committing the violence was the female. Some people may think that is perhaps not so serious. I am opposed to violence whether it is committed by males or females. Obviously a male committing violence is more serious, and most of the violence committed against women is committed by men. Film, television and video classifications needs to be undertaken. If what was shown on Channel 9 at 9 p.m. last Sunday night was legal and the station has broken no rules by screening the film - though in my opinion they have - the system is wrong.

The committee is seeking to establish why society is becoming more violent, why there is a dramatic decrease in the care people show for each other and why some people revert to such violent actions. All that is hardly surprising given that the mass media are running an almost educational program in that direction. Only this week I noticed that *Government Gazette* No. 56 dated 8 April listed various publications on the front page that have been approved for sale in this State. An odd one or two publications have been refused. Glancing at the very first page I was stunned that 10 publications dealing with what is called bondage were approved for sale. I refer to titles such *The Bondage Trap*, *Bondage Reader* and *Bondage in the Bare*, to name a few. I have not seen these publications but I am aware of their content: in the main they depict women being violated through bondage, that is, their hands and legs are tied and they are physically assaulted, raped and in other ways degraded, usually by men.

The *Government Gazette* also listed the names of the publishers of this material, such as Trans World News USA. Most of the publications listed are from the United States. Given the deep and strong concern in our society about violence against women I am shocked that these publications are still being approved for sale. I can see no justification for selling bondage publications, even if they are sold from restricted outlets such as so-called sex shops. I have noticed that a number of these publications are being sold at petrol stations or garages in the Sydney area. On occasions when I have stopped for petrol at a service station on Parramatta Road I have been amazed to see alongside a newspaper stand containing regular magazines and women's magazines another stand with magazines of a restricted nature. The restriction on the sale of such material is not being adequately controlled.

I realise that it is only in restricted areas that such publications are being widely distributed. But my argument is that they should not be distributed at all. I cannot see any justification for the classifications board classifying material for sale the theme of which is males assaulting and violating women, and quite often young women. As the social issues committee continues its investigations, I am hopeful that its members can distance themselves from the philosophical debate about censorship and examine these issues without a knee-jerk reaction. People could say that I have reacted in knee-jerk fashion because I am calling for quality controls that others may not want, but I think our civilisation has reached the point where we must be more realistic and adopt the attitude that for the health of our society some material depicted in films, on television and in magazines which influence a minority of people must be restricted.

I am not suggesting that if members of this House saw these things they would commit violent acts. However, there is certainly a percentage of people in our society - we do not know how many; maybe 1 per cent or 4 per cent - who are influenced by them. If we can reduce that percentage, we can reduce the number of attacks on women, whether it is stranger rape or the hidden problem of violence in the home. In the past honourable members have heard the Hon. Elaine Nile and I refer to complaints we have received from married women about their husbands who have become addicted to such material. They complained that they - and sometimes even their children - were being forced to watch violent videos after which their husbands would perform certain acts upon them.

Some people with poor moral standards and who lack the ability to control their emotions are directly

influenced by this material, and often act out their fantasies. I am pleased to be a member of the Standing Committee on Social Issues. I look forward to the committee proceeding with part two of its investigations. I will not go through all of the recommendations, as they have been referred to a number of times. I support the recommendations. The committee is fortunate to have the benefit of the skills of its chairperson, the Hon. Dr Marlene Goldsmith, who has provided leadership on very sensitive issues.

The Hon. HELEN SHAM-HO [11.22]: It gives me great pleasure to support the report of the Standing Committee on Social Issues entitled, "Sexual Violence: The Hidden Crime". This report considers the shocking results of the European Community's 1989 international crime survey. The survey alleged that Australia had the highest rate of sexual incidents of the 14 developed countries surveyed. No doubt sexual assault is one of the greatest problems facing our society today. These results imply that Australia has the highest rate of sexual violence in the world. That is not fair. The committee's research into these results, as indicated in its report, shows that the information provided by the international crime survey and the claims it makes are misleading and inaccurate.

The survey had many serious flaws; therefore the information it provides is completely illegitimate. One of the most obvious of those flaws is the survey's sampling size, which leads to this outrageous error. The most accurate surveys have a sampling error of about 4 per cent, while a better than average survey ranges from 8 per cent to 10 per cent. However, the sampling error of this international crime survey has been estimated to be much higher than 20 per cent. A survey with such a high sampling error percentage cannot claim to be accurate and reliable.

The results of the international crime survey also overlook the differences in geography and climate between countries. It is well documented that more crime, including sexual violence, occurs during the warmer periods of the year. This issue is essential to findings in Australia. At the time the survey was conducted our country had a much warmer climate than the other countries surveyed. This warmer climate is an underlying factor in the results found by the international crime survey. Furthermore, the geography in Australia is quite distinct from that found in other countries. The committee's report pointed that out.

It has been found that the greatest percentage of crime occurs in urban environments. Australia's population base is predominantly in the city. In fact, almost 80 per cent of our population lives in or near Sydney and Melbourne. This geography difference distorts any comparison between Australia and other countries. For instance, if we compared the rate of sexual assault in the cities in the United States, the rate would be much higher than that in Australia. This is just one of the many examples of the differences that make comparisons between countries - like this international crime survey - impossible. It invalidates their conclusions.

The report on this survey and the conclusions it makes are important because misleading information such as this can be harmful in a variety of ways. The misleading information that the international crime survey has given and the way in which the popular press has interpreted it can create undue fear in Australians. Women's lives are influenced every day by the threat of sexual assault. Many women are afraid of being assaulted and they take precautions, including walking with friends after dark and carrying protective weapons. Recently in a well-publicised case the court of appeal ruled that a woman who was carrying a prohibited weapon allegedly for protection should be penalised. That is not very fair. Results such as the ones provided by the international crime survey can provoke more fear in Australian women. Therefore, such careless reporting of information can make the problem of sexual assault in Australia even worse than it is, and in turn have an adverse effect in our country.

The popular press has interpreted the results of the international crime survey out of context. Based on the survey, the press has promoted the idea that Australia has the worst rate of sexual offences in the world. In contrast, the sexual incidents in Australia have simply been reported on a more frequent basis. I am pleased about that. Sexual assault was a hidden crime because women would not report it. The results of the survey show that Australian women are able to report sexual violence; they report more

frequently than women in other countries. If similar percentages of women in other countries reported sexual violence, the rates of sexual assault in those countries would be much greater than in Australia. That is my assumption.

Australia should be commended for the fact that greater numbers of women report sexual crimes rather than be unfairly scorned as a country tainted by sexual assaults. Furthermore, results from the 1989 survey show that Australian women describe fewer crimes as actual sexual assaults than women in other countries. These results show that Australian women are more likely to report sexual crimes that are less violent -

offences that women of other countries tend to understate. This suggests that many of the less serious sexual crimes that are overlooked in other countries are being taken seriously in Australia, and this also explains the higher rate of sexual assault.

I would like to advise the House of some of my personal solutions to this problem. Although the results of the survey are misleading and the accusations about Australia are wrong, sexual crime is still one of the most pressing issues for our Government. One way to protect women against sexual abuse is to encourage them to report the crime to the police. However, because of the justice system, the judicial process, many women do not report the crimes. I believe that more women would be willing to report sexual crimes against them if they did not have to go through the horrifying experiences of the courtroom and the justice system. Women do not want to be subjected to the humiliation of a public trial. Many women feel shameful of the abuses that they have endured and are embarrassed to relive the horror of their experience in front of a crowded courtroom.

To alleviate women's fear of public humiliation and shame, a closed court would be preferable in all sexual assault cases - at present such cases are not heard in closed court - as women would not have to give details of their horrific experience in a crowded courtroom. Usually sexual assault crimes attract considerable media attention. Furthermore, women should not be compelled to face the accused while giving evidence. Being in the same room with the accused can heighten their feelings of insecurity, intimidation and humiliation. This may affect their credibility as a witness, which could drastically impinge on the outcome of the case, not to mention the effect such an encounter may have on the complainant.

This problem would be eased if the complainant were able to give her evidence away from the courtroom, perhaps through closed-circuit television. It would allow her to be in a different room, which would eliminate her fear of facing the accused. Closed-circuit television has been utilised effectively in many child assault cases. Several years ago this Government instituted the use of closed-circuit television. It is nothing new, and I am sure it would make a huge difference in sexual assault cases. The use of such a device would be beneficial to women once they got to trial and also helpful in convincing women to report the crimes in the first place.

Another issue that should be considered is the onus of proof. This is an important point because until now the onus of proof in criminal cases has been on the victim. The reverse should apply. The onus of proof should be on the perpetrator of the crime. Women are discouraged from taking their cases to court because of the low rate of guilty verdicts. Sexual assault is very hard to prove. Many judges and magistrates are not sufficiently sympathetic to sexual assault victims. The chairman of the committee, the Hon. Dr Marlene Goldsmith, in her remarks spoke about the judiciary's non-sympathetic judgments. In many cases they do not consider the crime to be serious and often hand down light sentences, although the accused have been found guilty. Those cases are well reported in the media.

Often judges give less credence to a case when it is between two people who have known each other for a considerable time, such as friends or husband and wife. Many of the judiciary need to become more aware of the damaging effects of sexual assault and hand down decisions accordingly. The main strategy to combat sexual crimes is through youth and community education on attitudinal change. The issue of gender power and violence should be addressed early in children's education to

undercut socialisation patterns of male dominance and violence.

During the committee's study tour and inquiry in Canada committee members found that Canadians were progressively using gender power as a means to combat sexual violence. They believe that male dominance and power over women increases the sexual violence rate. The education system should combat early stages of sexual attitude and behaviour. Any expressions of violence or harassment of young girls in school should be recognised, discouraged and dealt with. However, our responsibility is not just to deal with sexual harassment when it occurs but to discuss it before it happens. Early exposure to gender violence will provide a beneficial education to boys on what is not acceptable action.

An education campaign should be established to challenge community attitudes about sexual victimisation and to dispel common myths that encourage sexual crimes. This type of program should be aimed at teaching women that any kind of sexual abuse is a crime even if it is committed by a lover or a husband. They should not be ashamed of their victimisation. This education will encourage women to report their victimisation more often. An education program will also inform males about sexual criminal acts and let them know that they will not be tolerated. This will discourage men from committing sexual crimes and lead to a reduction in the rate of offences.

Another strategy is rehabilitation programs. During the committee's visit to Canada committee members spoke to Australian expert world authorities on rehabilitation programs for sexual crime offenders. Criminals should receive adequate punishment, but equal attention should be given to their rehabilitation. It has been found that a large proportion of sexual offenders reoffend after they have served their time in prison. We must end this cycle of crimes by assisting offenders to overcome their criminal inclinations so they will not continue the behaviour. Putting sexual offenders in gaol will be of little benefit if they have a chance to become repeat offenders.

Many people argue that money should be used to aid and compensate victims rather than be used on criminals. I have no argument with helping, counselling and compensating victims of sexual crimes, but the allocation of resources should be

balanced to deal with offenders. If no attempt is made to rehabilitate criminals, they will continue to offend, and that will be do nothing to alleviate the problem. The misleading results of the international crime survey have put undue fear into Australians. Australia does not have a higher rate of sexual offences; rather, in Australia women are more willing to report those crimes. However, more must be done to solve the existing problems. As I said, one method would be for the judicial system to be more attractive to women.

Women will be more likely to report a crime if they are not scared to give evidence in a crowded room, face to face with the accused. Furthermore, we need to educate young people before they develop sexist, violent behaviour, and community attitudes about sexual victimisation need to change. Finally, we need to ensure that once sexual criminals have been convicted they receive rehabilitation so they will not reoffend. I place on record my congratulations to the chairman on conducting the committee so well and to the committee staff, who were of tremendous help in compiling the report.

The Hon. Dr MARLENE GOLDSMITH [11.23], in reply: I thank honourable members who have spoken in this debate. Their helpful contributions not only reinforce the conclusions in the report but will, I am sure, be of assistance to the Standing Committee on Social Issues as it pursues part 2 of its inquiry into sexual violence. The committee hopes to complete the inquiry and report before the end of this year, and, of course, I do not exempt your own contribution, Madam Deputy-President. It may be of interest to honourable members that the committee has already received one ministerial response to the report. This week I received a letter from the Minister for Industrial Relations and Employment and Minister for the Status of Women, the Hon. Kerry Chikarovski, in which she stated:

> I welcome your Committee's report. The Committee's work on the findings of the international

crimes survey of 1989 and 1992 are critical for the development of more accurate and realistic estimates of the incidence of sexual violence in Australia. I have had discussions on the report with Jane Bridge, Director of the Ministry for the Status and Advancement of Women and can assure you that recommendations 7 and 8 which were specifically directed to me as Minister will be implemented. The Ministry will ensure that sexual violence phone-ins continue and that women from non-English speaking backgrounds and Aboriginal women are given the opportunity to fully participate in these phone-ins.

I thank the Minister for the Status of Women for her kind words and comments on the committee's report. I am delighted that she has moved to implement its recommendations so promptly. For the information of all honourable members those recommendations are that the Minister ensure that sexual violence phone-ins continue to be conducted on a regular basis to update information on sexual violence and provide victims with an opportunity to speak of their experiences and, recommendation 8, that the Minister ensure that women from non-English speaking backgrounds, Aboriginal women and women with disabilities are specifically targeted in future sexual violence phone-ins. I know that will be of particular interest to a number of committee members, including you, Madam Deputy-President, and the Hon. Helen Sham-Ho, who spoke before me.

I turn to the contributions of those who spoke in the debate. I thank the Hon. Ann Symonds, the deputy chairperson of the committee, for her comments. She joined the committee at her own expense while other members were conducting investigations in London and in Paris. She was overseas on separate business at the time and co-ordinated her diary in order to join us at our meetings and participate in some of the overseas investigations of the committee. I thank her for that. It is indicative of the level of her dedication to the committee.

The Hon. Patricia Forsythe: But the *Daily Telegraph Mirror* did not record that fact.

The Hon. Dr MARLENE GOLDSMITH: Indeed. The *Daily Telegraph Mirror* did not record that fact. The *Daily Telegraph Mirror* did not record the facts. The Hon. Ann Symonds emphasised that the report was unanimous, which gives it great weight. It is not always easy for the committee to reach unanimity on sensitive social issues so it is of great credit to all members of the committee that they did so on this issue. It is also an indication of the importance with which committee members viewed the subject. The desire to produce a strong statement overcame their differences, as the deputy chairperson stated. She commented on the value of the committee system generally for the Parliament and for this Chamber. The Standing Committee on Social Issues can certainly stand on its record in this area. The Hon. Ann Symonds also commented that we do not have sufficient data in Australia. The committee's recommendations aim for a substantial improvement in the situation.

It is appalling that data gatherers do not pay more serious attention to the prevalence of the crime of sexual violence in the countries that collect data so they can measure its level. I look forward to an improvement in the future. The honourable member also referred to the inflation of data from multiple victimisation. Although this is a small point in the overall context of things, I feel I should comment on it. Some Australian official statisticians who spoke to the committee at its hearings made much of this point, but the matter must be kept in proportion. Our statistics have quite low artificial ceilings to prevent such a problem. Australian victim data has a ceiling of three. So if an individual has been subjected to sexual assault on 20 different occasions, only three instances would be recorded in the data. That is a control for such anomalous individual experiences, although it is sad to say that one has to ask just how anomalous some of those experiences are.

The Hon. Ann Symonds referred also to attempts to establish pornography as the chief precipitator of sexual violence. Reverend the Hon. F. J. Nile has

commented on this point. I have looked widely at research on sexual violence and I am unaware of any serious research that argues that pornography is the chief precipitator of sexual violence. Increasing

research - in my view overwhelming research - is showing that pornography is an important factor in sexual violence that must be considered and dealt with, but at this stage the research is not capable of weighting it against other factors. To state that something is important is not the same as to state that it is the main issue or even the only issue. Demeaning images of women arise from sexism in society.

The honourable member referred to concern about the women's movement becoming "simply fixated on sex", in other words that this is what the women's movement is becoming. I am most concerned about possible interpretations of such remarks. I know that the honourable member would not have intended her remarks to be interpreted in such a way. I can recall that in the 1960s at the beginning of the modern women's movement the pioneers were tagged as so-called bra burners. I have looked at the literature and research and found that there is little or no information available concerning women burning bras. But that label could be hung on those pursuing equal rights for women. They could be labelled as extremists and I have a concern about that. Legitimate researchers into the effect of pornography and other forms of violence, but particularly violent pornography, could be trivialised, demeaned and diminished by being portrayed as extremist.

There are extremist anti-sex feminists - some of Andrea Dworkin's views on sexuality come to mind here - but that does not mean that everyone concerned must have the same views as those at the extreme fringes. It is easy to dismiss a serious argument by targeting and labelling the most extreme manifestation of the point of view and to smear every argument in the area as extremist. I turn now to your comments, Madam Deputy-President. You asked whether a copy of the report had been sent to the international crime survey. It will go to members of the sexual violence panel of the international crime survey. We heard from Pat Mayhew and Professor Martin Killias when we were on our overseas study tour. They would have been sent a copy, as would the representatives of the Dutch member of the committee, Dr Van Dijk. He was not able to meet with us but his representatives did. Every one of those members will have received a copy of the committee's report and I am quite sure will examine it with interest in relation to possible future ICS data collection exercises.

Madam Deputy-President, you mentioned that in earlier years victims of sexual violence had been treated poorly. I concur with your statement. During the committee's overseas tour it became obvious to members that some of the countries we visited were 20 or more years behind our State in terms of the development of support mechanisms for victims and mechanisms for the appropriate treatment of those involved with sexual violence. It is to the credit of successive governments in New South Wales that our State has progressed as far along the track of treating this serious social issue as it has. We have much to be proud of, although that does not imply that we should be complacent.

You also spoke of the prevalent attitude of sexism in our society and made the comment that you could never support the exploitation of women in pornography. I listened to your comments with interest and I look forward to stimulating future committee debate when consideration is given in part 2 to recommendations made following the inquiry of the Standing Committee on Social Issues. Perhaps there will not be disagreement in the long run; probably in this area all of us have far more in common than we have in disagreement. The Standing Committee on Social Issues has a strong track record of working to achieve consensus as far as possible.

The Hon. D. F. Moppett mentioned that the report demonstrates Parliament's ability, and in particular that of the Legislative Council, to conduct empirical research. I thank the honourable member for his generous remarks in this regard. He spoke of the current concern about violence in our society and made the comment that it was "an idea of good currency". I listened to his contribution on that subject with great interest. The actual incidence of crime does not necessarily fit the perception that violence is "growing like a bushfire out of control", an appropriate metaphor for the honourable member, who comes from the country. The inquiry into youth violence that is being conducted concurrently by the Standing Committee on Social Issues has shown that there are perceptions about youth violence that do not fit the reality.

I confess my concern about an item that appeared in a news article on Sunday. That article reported the Leader of the Opposition in another place alleging that gang violence is a terrible community problem and naming the Standing Committee on Social Issues in support of his arguments. He stated that it had been found that most violence is committed by young men aged between 18 and 24 years. Indeed, that finding was made, but it was a quantum leap from that conclusion to allege that violence is being committed by gangs. As all members of the Standing Committee on Social Issues know, there has been strong testimony to the effect that the notion of gangs has been overrated and perhaps the community has been unduly scared by such allegations.

It is of particular concern that certain groups of young people are prone to being stigmatised as gangs if community concern is running high, especially if they appear to be of the same ethnic or racial origin. Had the Leader of the Opposition in the other House taken the trouble to consult his own Labor Party members on the Standing Committee on Social Issues, each one of whom is an expert in this area because of all the information he has received, he would have been advised correctly and perhaps he might have been not so tempted to pursue cheap political points at the expense of scaring the community needlessly.

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I enjoyed listening to the concluding remarks made by the Hon. D. F. Moppett. In particular, I was pleased to hear that he has great faith in the continuing progress of mankind. That statement typifies the honourable member's optimism and all members should take careful note of it. Without optimism, without hope and without a true belief that we can make things better, we will not make things better, and it is indeed possible to do so. I have taken great heart from the honourable member's irrepressible optimism on many occasions and it is a pleasure for me to be able to acknowledge that.

The Hon. J. F. Ryan delivered a powerful address from his own experience on the damaging misuse of crime statistics through poor research. I could add to that contribution and comment on the irresponsibility of the news media demonstrated in their eagerness to promote bad news and their reluctance to correct their more outlandish claims when such claims are later demonstrated to be false. The Hon. J. F. Ryan mentioned recent comments that have been made about the upper House, which were, of course, not true. I could add there the item to which I have previously alluded, the scare front-page headline appearing in the Sunday paper that quoted the Leader of the Opposition in another place, Mr Carr. Mr Carr got a front-page headline, but when I issued a press release refuting the statements that he had accredited to the Standing Committee on Social Issues in relation to the seriousness of the gang problem my press release received no news media attention whatsoever so far as I am aware. It is very easy to get publicity for bad news but it is very difficult to get publicity for the correction of that bad news, however much that might be for the public good.

It is irresponsible to frighten the community simply to gain the Andy Warhol 15 minutes of fame, whether for a politician, a journalist or an editor, or a researcher, as in the case of the ICS surveys under discussion. It is clear that sexual violence was a very small component of the ICS surveys. Judging from the response received from members of the ICS panel who were interviewed overseas, sexual violence was not perceived as a highly significant part of the report. Only a couple of questions related to that component. The news media, however, took that component out of context and made it seem as though the whole ICS report concentrated on sexual violence. Once again it was an example of the highlighting of bad news.

The Hon. Elisabeth Kirkby raised the important issue of myths relating to sexual violence. She talked about the myth of stranger danger and the notion that a woman asks for trouble. The honourable member emphasised the statistics contained in the report that show that the great majority - more than 70 per cent - of sexual assaults involve perpetrators who are known to the victim. It is important to keep these facts in mind. If recommendations in relation to sexual assault are to be effective, it must be remembered that predominantly the victims and the perpetrators of sexual assault are people who are

known to each other. Women in our society tend to lead somewhat constrained lives because of the fear of personal violence and the fear of sexual assault. If women were more aware that an assault was much less likely to occur coming from a stranger, perhaps they might be able to live in a less constrained way.

The Hon. Elisabeth Kirkby expressed concern about the violation of apprehended violence orders when victims retained possession of the family home. This is a most serious issue. I am sure that the honourable member feels, as I do, some regret that the Standing Committee on Social Issues chose to concentrate on sexual violence specifically rather than domestic violence and its related concerns, although the two matters are clearly related. The committee decided to concentrate on sexual violence - [*Time expired*.]

AUSTRALIA AND SOUTH-EAST ASIA RELATIONS

The Hon. I. M. MACDONALD [11.59]: I move:

> That this House congratulates the Prime Minister, Paul Keating, for his visionary approach to positive relations with Vietnam, Laos and Thailand during his visit to South East Asia, and calls upon the Liberal and National Parties to repeat statements by senior conservatives, Gorton, Fraser and Hughes who have regretted Australia's military intervention in Vietnam.

This is an important and topical motion because it gives us the opportunity to canvass our future relations with South-east Asia, particularly that area of South-east Asia that was central to political decision-making in this country for many years.

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

QUESTIONS WITHOUT NOTICE

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BLUE MOUNTAINS CITY COUNCIL BOMBING

The Hon. M. R. EGAN: My question is directed to the Attorney General and Leader of the Government, representing the Minister for Police. Why have police not yet interviewed the Liberal Party member for Blue Mountains, Mr Barry Morris, in connection with murder and bombing threats to the *Blue Mountains Gazette*, despite the fact that Mr Morris' Liberal Party colleagues have identified the voice on the tape as being that of Mr Morris in his Tony the Wheel impersonation? Will the Minister assure the House that the murder and bombing threats, as well as the earlier bombing of the Blue Mountains City Council chambers, will be vigorously and expeditiously investigated without fear or political favour? Does the delay in interviewing suspects give those suspects an opportunity to concoct an alibi?

The Hon. J. P. HANNAFORD: The honourable member's question reflects the fact that he comes from the right-wing of the Labor Party. One

matter well acknowledged in this Parliament and in the community is that the standover tactics adopted by members of the right-wing of the Labor Party are well documented not only in dealing with its own members but also with others in the community - especially by those who have spent time in gaol. For the honourable member to come into this Chamber to try -

The Hon. M. R. Egan: Why the cover-up?

The Hon. J. P. HANNAFORD: The honourable member interjects loudly. The reason he interjects, and does so loudly, is that the comments I have just made about him and the right-wing of the Labor Party sting him mightily. It is well known that the Leader of the Opposition in this place is part and parcel of the internecine dirty tactics that are adopted by the Right of the Labor Party. He knows that he is instrumental in driving a part of the program that is pursued by the Right of the Labor Party against its own members.

While I attempt to answer this question and while the Leader of the Opposition tries to interject, the behaviour of the Opposition is clear: members of the Labor Party seated behind him are dead silent. They know that my comments about the Leader of the Opposition and the Right are dead right. To try to imply that members of this Government behave in exactly the same manner as he is used to behaving as part of the Right of the Labor Party is without foundation. This coalition Government is prepared to ensure that there are proper investigations of these community allegations.

More important, this coalition Government does not interfere in criminal investigations and does not interfere in the justice process, a practice that is well documented as part of the tactics and regime of existence of the right-wing of the Labor Party. That program was pursued diligently by interference by the right-wing of the Labor Party when the Labor Party was in office and when the Leader of the Opposition in this House was a parliamentary member of the Labor Party. During the period that the Labor Party was in office the present Leader of the Opposition was one of the advisers to the chief head kicker of the Labor Party - the Hon. Barrie Unsworth - and was prepared to use his position in the union movement to kick the left-wing of the Labor Party and anyone who challenged any part of the right-wing of the Labor Party. He is the member now seeking to interject.

During the entire time that I have been attempting to provide my answer to the House the Leader of the Opposition has sought constantly to interject to ensure that the members of this House do not hear me clearly. He knows the truth of everything I say about him as the chief organiser for the chief head kicker of the Labor Party, Barrie Unsworth. He does not like to hear it. He wants to make certain that the people behind him do not hear my comments. They know that what I say is right. One of the hallmarks of this Government is that it is willing to ensure that there can be no suggestion that this Government covers up issues, and that no member of the Government seeks to intervene or interfere in the criminal justice process. It does not take long to think back to the strong support that the Labor Party gave to similar people. Does Rex Jackson come to mind? Does Murray Farquhar come to mind?

The PRESIDENT: Order! I am sure Hansard is finding it difficult to report the Minister's answer. I ask members to contain the level of interjection.

The Hon. J. P. HANNAFORD: We do not have to go too far past Rex Jackson or Murray Farquhar to hear a name that rings in the mind - Tommy Domican. Why would I remember Tommy Domican? What would be the association between Tommy Domican and the right-wing of the Labor Party? Why does my mind ring about Tommy Domican and Sussex Street, or the leadership of the right-wing of the Labor Party? Was it Richardson with whom he had some association? The left-wing of the Labor Party likes the Leader of the Opposition to lead with his chin so that we can kick him in the chin and around the head. Members of this Government, this House, the Parliament and the people of the State remember the way that the Labor Party sought to interfere in the judicial process to seek to abuse the independence of the judiciary, the independence of the criminal justice process.

We do not have to go much further. I have mentioned Tommy Domican, but does Joe Meissner ring a bell? Do we still remember Roger Degen in Balmain and all of the issues surrounding him? Or do we have to go back further to Botany Council and Laurie Brereton? Can we also talk about the right-wing of the Labor Party and the way in which it manipulates issues? And we do not have to stop at Botany Council. What about the use of various clubs, and associations of the Labor Party with funds and clubs

in the Botany area?

Next we can turn to Tony Aquilina. I should put on record how regrettable it is that John Aquilina's photograph was associated with the Tony Aquilina story in today's *Sydney Morning Herald*, because John Aquilina is a worthy member. To have his photograph associated with a story of the unworthy behaviour of others at Penrith is to be regretted. But we have to recall Tony Aquilina in the work of the right-wing. To suggest, as was inferred in the question, that there has been any interference with the police investigation is without foundation. The police will pursue the investigation as they consider it appropriate such investigation should be pursued.

PRISONER WORK RELEASE SCHEME

The Hon. S. B. MUTCH: My question without notice is addressed to the Attorney General, Minister for Justice and Vice President of the Executive Council. The prisoner work release scheme has come under criticism from the Opposition recently. What is the current status of the scheme? Does the Attorney General believe the Opposition would scrap the scheme, if elected?

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The Hon. J. P. HANNAFORD: As a former practising lawyer the honourable member had an interest in the criminal justice program. He would have been concerned, as I am, about the attacks that are sometimes made by the Opposition concerning the work release program. The work release program faces constant criticism from the Opposition. One wonders whether the Opposition has anything better to do. The Labor Party carps and carps again about escapes from the work release program although it knows that in such programs prisoners who are becoming eligible for release are allowed to move out into the community to work, and from time to time they will not return to the work release centre from their places of work. Such people are being classified as escapees and are being treated as such within the justice system.

The rehabilitation of inmates and the programs which are put in place to ensure that inmates learn responsibility and acclimatise to the outside world after having been in gaol are working well. The Opposition likes to try to jeopardise the program by claiming that one escape reflects a failure of the entire program. The reality is that the work release program has a lengthy history and is readily acknowledged by justice professionals to be an integral part of the rehabilitation program of inmates. Inmates spend the first three months of their placement at the Silverwater correctional centre working in internal industries to assess their suitability for the work release program, and to further develop their work skills prior to any possibility of their external employment.

In 1992-93, 902 inmates were eligible to participate in the work release program. This meant that, during the year, 133 inmates were on work release for each working day, making 35,000 inmate movements in and out of Silverwater prison in that year. Inmates often find their own way to and from work and, of those 35,000 movements - and I emphasis this - only 11 inmates failed to return to the centre from their workplaces, and of that number 10 have been recaptured. It cannot be suggested that 11 out of 35,000 movements in and out of the centre is a failure of the program.

In many cases the reason for the escape was that the inmate had received disturbing news from relatives and felt he could not wait for release but had to go home and help the family. This can best be illustrated by one particular case last year. An inmate who was due out on work release received a telephone call advising him that his son was seriously ill in hospital. He maintained his work release schedule for the three following days but eventually absconded in order to go to the hospital to see his son. He was found by the police at his son's hospital bedside. That is technically an escape and it is a common theme among inmates who do not return from work release. Most inmates understand that they are almost due to be released when they are placed on the program. Most respect that fact and do not do

anything to jeopardise their eventual release.

In other cases inmates have not done the right thing while on the work release program. The stringent checks that the Department of Corrective Services places on work release participants means that such people are identified and removed from the program. It is inevitable that there will be a small number of failures in any pre-release program as such programs are effectively a testing ground for inmates' success in reintegrating into the community on release. However, given the large numbers of participants, the failure level is minimal.

The Opposition wants to have it both ways. It sits on the fence and attempts to convey the impression that it is supporting the program but then issues media releases attacking the program as if to suggest that it is not working. The Opposition must take a position. Though, on one hand, it takes pleasure in pointing out each individual failure in the program, the Opposition assures community groups, professionals and correctional experts who support the program that it will not be cancelled should the Opposition be elected.

About a year ago Bob Carr said he was interested in establishing a bipartisan prison policy, contained within which would be the work release scheme. Almost 12 months have elapsed and still we see Bob Carr having a bob each way. One Bob agrees with the work release program but the same Bob pronounces us all failures if one inmate happens not to return from work. The point is that the inmates are due to be out, living as part of the general community, 12 months after going on the program. If there is to be a rehabilitation aspect to corrections - and undoubtedly there should be - it is important that selected prisoners be subjected to what might be described as a decompression process whereby they are gradually returned to the community.

When is Bob Carr going to realise that if he is going to preach to the community about the benefits of work release he cannot lambast us when only 11 of 35,000 movements have resulted in inmates not returning to the centre. The fear of a horde of escaped prisoners roaming around the community committing crimes when they should be safely locked up may be an easy picture for the fearmongers in the Opposition to generate, but they and I know that most of the inmates who are taking part in this program, and their employers, have been so closely screened that there is little room for mistake. But the Opposition's tactics are starting to pale, so far as the community is concerned. A letter to the editor of the *Australian* newspaper on the issue of work release, signed by people such as the Reverend Harry Herbert, Dr Eileen Balding, Kevin Cook, General Secretary of the Tranby Aboriginal College, Tim Anderson and Brett Collins, said:

> The ALP's constant political point scoring on crime and punishment is, to us, sheer political opportunism.
>
> These unthinking, knee jerk responses only contribute to the growth of more severe and more socially damaging penal systems . . .
>
> The ALP has shown itself incapable of expressing any constructive alternative policy.

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The inmates are aware that if they make a mistake on this program they are either taken off the work scheme or, if they abscond, face extra time in gaol, and not many of them are willing to take that risk. I recently instructed the department to put in place tighter controls on the screening of employers, and follow up surveillance on inmates participating in the scheme. This will mean that even fewer problems should occur with the scheme and more inmates will complete their time with work experience and have the ability to find a job when released.

It is becoming a tired old exercise to open the Sunday papers only to find Two Bob Carr contradicting

himself on corrections matters again. I used to think that Bob Carr just could not make up his mind on his position on this issue, but it has become very clear that he knows exactly where he is sitting - well and truly on the fence. Some people in the community are about to put an electric charge through that fence. It is about time that Bob Carr started to position himself clearly on the issue of correctionals management in this State.

COMPUTERISED OPERATIONAL POLICING SYSTEM

Reverend the Hon. F. J. NILE: I ask the Attorney General, representing the Minister for Police, whether it is a fact that John Marsden, a member of the Police Board, the Law Society of New South Wales and the Council for Civil Liberties has been reported in the media as attacking the new computerised operational policing system known as COPS and has claimed it is really "a backdoor Australia Card system"? What is the truth concerning COPS? Will the Government refute John Marsden's inflammatory, misleading, police scare tactics when he claims that every police officer in a police car, and even on a motor cycle, will use on-board computers to access confidential information on New South Wales citizens?

The Hon. J. P. HANNAFORD: I have seen the comment made by the President of the Council for Civil Liberties, Mr Marsden, concerning the COPS program, a computerised information system designed to provide resource assistance to the police force when it is pursuing investigations. The COPS scheme has been worked on with the assistance of the Privacy Committee, of which there is a member in this Chamber. The Chairman of the Privacy Committee has written to the Commissioner of Police raising nine matters of concern relating to that program. I understand that the Commissioner of Police will be addressing those nine issues with a view to ensuring that the Privacy Committee is satisfied on those nine issues.

The COPS program is an integrated system that will be introduced in two stages. The first stage is being developed and is about to be commissioned and a number of significant checks and balances have been put in place. As I understand my advice, the Privacy Committee is very concerned about the second stage, which is the fully integrated communications scheme. That stage will take several years to develop and to implement. I trust that the Privacy Committee will continue to monitor the way in which that program is developing. However, both the Privacy Committee and the President of the Council for Civil Liberties have emphasised the need for privacy and data information protection by government agencies. Appropriate legislation should be in place to ensure that protection can apply to the scheme.

Yesterday I gave notice that I would be introducing a data and information protection bill. This afternoon I will introduce it and make my second reading speech. I expect that the application of such legislation will provide all the protection advocated by the Privacy Committee. It should be borne in mind also that when New South Wales passes the legislation it will be the first State in Australia to do so. Although the Commonwealth has such legislation, New South Wales will introduce its own scheme. I hope that all honourable members will support that legislation. I wait with interest to hear comments made by all members and to see whether that bill can be passed through the Parliament or whether the nature of concerns raised by members of the House are such that more work needs to be done. I hope the Parliament will take the view that the legislation in its current form meets with everyone's approval and will have their support.

Members will realise that people will have different views as to the level of commitment to privacy. We must also recognise that if one seeks to achieve 100 per cent perfect legislation nothing will ever be introduced. I hope that the legislation will receive support so that we can continue to monitor the way in which privacy in New South Wales can be improved. Honourable members will see from the legislation that I have put in place mechanisms that will provide for that monitoring and constant review through an advisory committee that will advise the Privacy Commissioner.

VICTIMS COMPENSATION ACT

The Hon. Dr MEREDITH BURGMANN: My question without notice is addressed to the Attorney General. In 1992 did he state that he would amend the Victims Compensation Act because of concern about abuse of the system? Why has he continued to announce reform of the tribunal and the Victims Compensation Act but done nothing?

The Hon. J. P. HANNAFORD: Obviously the honourable member was not in the House yesterday when I gave notice of the introduction of the Victims Compensation (Amendment) Bill. The second reading stage of that bill will commence today.

URBAN HOUSING QUALITY

The Hon. PATRICIA FORSYTHE: My question without notice is directed to the Minister for Planning and Minister for Housing. Is it true that in a recent article in the *Australian Financial Review* it

was claimed that the Government is losing resolve in its initiative to improve the quality of urban housing? Was this claim made in relation to a model project which the Minister has proposed to be built at St Clair in the western suburbs of Sydney as part of the model urban housing program? Will the Minister advise of the current status of this project and what the Government is doing to encourage urban housing that is better designed to make more efficient use of residential land and to combat the outward spread of the city?

The Hon. R. J. WEBSTER: There is no doubt that Sydney must become a more compact city to deal with future population growth. Spreading ever outwards, as it has in the past, will inevitably produce disastrous environmental consequences. New forms of urban housing, which not only satisfy the needs and lifestyle of the people of Sydney, but which are also environmentally sustainable, must be found. For this reason I initiated a model urban housing program that aims to produce excellence in the design of urban housing, using surplus government land for the construction. Showcase projects developed under this program will demonstrate how residential development at higher densities can be ecologically sustainable and produce attractive and enjoyable living environments.

One of the model urban housing projects, the one referred to in the article in the *Australian Financial Review* written by Anne Suskind, is at St Clair. There is no doubt that its design is innovative in a way that would advance the development in Sydney of better urban housing. As I stated last December when I announced the winners in the design competition for the model urban housing program, the proposal for the site at St Clair shows how urban housing can be designed to use less than the proverbial quarter-acre block. With better design, each house can have better privacy, more sunshine, better gardens, better energy efficiency, and be an enjoyable place to live. The developer behind this proposal, Masterton Homes, is one of the most experienced housing developers in New South Wales. It was gratifying to see that it had teemed up with Durbach Block Murcutt, one of the most talented and innovative firms of architects, to produce this scheme.

However, last December when I announced that it had won the design competition I also said that local residents of St Clair, and Penrith City Council on their behalf, had some reservations about the scheme. At the same time I said that the Government would convene a workshop with the residents and the council to work through the issues. It is not my wish to ride roughshod over the residents of St Clair. Residents responded by petitioning their local member, my colleague the Hon. Anne Cohen, saying that they wanted a swimming pool built on the site. Mrs Cohen referred their petition to Penrith City Council, the authority responsible for providing recreational facilities for the local community.

Despite the fact that Penrith City Council is already building a regional swimming facility just a few

kilometres away at St Marys, council decided to support the residents' petition and to ask me to arrange for this piece of Government owned land to be given to council free of charge for this purpose. I am aware that St Clair was a planned estate and that generous provision was made at the planning stage for land to be set aside for open space and recreation. However, I have informed Penrith City Council that the land in question was set aside in the Penrith planning scheme for housing and that in this circumstance it would be unreasonable for me to simply give away this public asset, which is owned not only by the people of St Clair but also by the wider community of New South Wales.

It appears that no adequate case has been made for the New South Wales Government to provide more public land for this local facility. However, if council believes that such a demand exists for another swimming pool in the local St Clair area, I am prepared to sell the site to council for that purpose. Assuming that no other land can be found, council would have to be serious enough to be prepared to pay the same price for the land as it would be worth for housing. I am still waiting to hear from Penrith City Council. I have said that if council is not in a position to purchase the land, I would want to proceed with this development for private housing.

I have a commitment to providing good examples of urban housing. I would like, together with Penrith City Council, to pursue principles of good design on the site at St Clair. Since I announced the competition winner last December my desire has not altered. If the pool proposal does not go ahead, I would still like to work with council and the local residents to develop an environmentally responsible design for urban housing at a scale in keeping with the surrounding area. Not only should this design deal effectively with the problems of efficient and effective use of land area, good passive solar design, good energy efficiency, good privacy and security, but it should also deal effectively with efficient use of water and control of urban drainage. At the same time it must relate well to the surrounding streets and houses and be an enjoyable place to live. The design by Masterton Homes and Durbach Block Murcutt may need some massaging around the edges to make it a better fit for the local context. I hope that Masterton Homes will persevere and work with us to achieve something good and of which we can all be proud.

In addition to the St Clair project, we have two other projects currently under way in the model urban housing program, one at Yagoona and one at Waterloo. These two projects are progressing well and with good community support. The Waterloo project, for a site in Morehead Street, has progressed with full community consultation between officers of the Department of Planning, together with the developer and architect, in a series of meetings with the residents of Waterloo and South Sydney Council. The design has been fine-tuned to the satisfaction of all parties as a result of this consultative process. It will now proceed to be lodged with council as a development application.

In a further demonstration project at Lane Cove, 10 townhouses are presently under construction as a demonstration project in energy and water efficient medium-density housing design. One of the townhouses will be retained by the Government for 12 months after completion as a display house for public inspection. An extensive publicity campaign will promote the issues which are embodied in this project. This project was the result of a design competition won by architects Devine Erby Mazlin with Huxley Homes. It satisfied the requirements of a rigorous brief which called for excellence in townhouse design, water efficiency, noise minimisation and efficient domestic waste management. Known as Stringybark Cove, the project will show that urban living can be neighbourly but private, come complete with modern conveniences and still be friendly to the environment. Further projects of this nature are proposed as a means of extending the scope of the Government's efforts to promote better urban housing in the Sydney region and beyond. The Government is serious in this matter. I am especially hopeful of working co-operatively with council and residents to achieve a good outcome for the model urban housing project at Bennett Road, St Clair.

BUILDING INDUSTRY TASK FORCE PROSECUTIONS

The Hon. J. W. SHAW: Is the Attorney General aware that yet another charge laid by the building industry task force was dismissed by the Local Court yesterday? Is he aware that now nine out of nine charges brought against union officials have been dismissed? Is the Minister aware that yesterday the magistrate was very critical of the chief investigator of the task force involved in the case? What steps will the Government take in response to those comments?

The Hon. J. P. HANNAFORD: I note that the Hon. J. W. Shaw made some comments in the newspapers today in this regard. I expected him to raise this issue today. I do not wish to comment directly on the Zaboyak case; it is before the courts again today. One of the issues to which the honourable member referred is before the court today. I will leave that part of his question for another occasion. The Construction Forestry Mining and Energy Union issued a press release yesterday concerning this matter reporting that the magistrate noted the defence's concern that the criminal law was being used in an essentially industrial matter. He said in his judgment:

> On the one hand there is the obligation and duty that the Defendant has, as a Regional Organiser of the BWIU, to passionately and lawfully pursue the rights of his members and on the other hand the need to perform that duty within the confines of our law. Clearly section 545B was enacted specifically to make penal the bullish, intimidatory and threatening behaviour that regrettably has been part of our industrial history by some elements who sought to avoid the legal process by some misguided concept that the rights of the worker are not subject to the rule of law. There are regrettably some of those features in this case.

Whilst the prosecution may have failed, there is clearly a lesson to be learned just from that particular comment. I think the Hon. J. W. Shaw would agree with me and the magistrate that with respect to some elements of the Building Workers Industrial Union that comment is salutary. I refer to the prosecutions generally and the role of the Building Industry Task Force. The magistrate, through these comments, has recognised that union officials are subject to the rule of law in the same way as other citizens. The use of section 545B of the Crimes Act in circumstances such as these is recognised as appropriate. In that particular prosecution there were four questions of law in what was a test case on the interpretation of section 545B. The Crown succeeded in those four questions of law; it was a question of whether the facts applied to the law. As a test case, the findings of law are most beneficial and should be put on the record so that all members can use them and apply them as information to people as appropriate.

The first finding was that the offence of intimidation does not require physical violence; the threats of economic harm are sufficient under section 545B. The second finding was that a company as well as an ordinary citizen may be the victim of intimidation. The third finding was that it is an element of the offence that the conduct be wrongful. For this purpose the torts of intimidation and intentional interference with contractual relations were relied upon. It is enough for the tort of intimidation to have only two parties involved; there is no need for a third party to be threatened or to suffer damage. The fourth finding was that the fact that Zaboyak believed that the victim of the alleged intimidation, a company called Normoyle Pty Limited, had some legal obligation towards the worker in question did not amount to justification for the alleged conduct. It is no justification for the threat of bans to say that the money was due because there is a statutory remedy which should have been followed.

They are four lessons to be learned which I believe will significantly benefit employers and hopefully the union leadership when it is giving instructions to its organisers when dealing with industrial activities. Another issue that should be put on the record is what is happening with the Building Industry Task Force prosecutions and investigations generally. The task force has instituted prosecutions against 43 defendants. As the honourable member indicated, nine of those have been against union officials - 34 have been against other organisations. I think it is worth while knowing against whom: 22 have been against companies or the management of companies; nine have been against unions -

The Hon. Dr Meredith Burgmann: That is what we have always said.

The Hon. J. P. HANNAFORD: And I have not differed from that. The BITF is not targeting the unions.

The Hon. A. B. Manson: There is the suggestion that it is a target of the unions.

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The Hon. J. P. HANNAFORD: It may not be, but that does not mean that if there are allegations of criminal behaviour and evidence to justify unionists being taken to court, they should not be taken to court. As I said, 22 prosecutions were against companies, four against reputed professional criminals, two against employer organisations, one against an accountant, one against a union delegate who has since pleaded guilty to extortion, and four against other groups. A total of 142 charges have been laid by the task force, of which 35 have resulted in findings of guilty, 11 have been dismissed, 15 are part heard and 81 are yet to be heard. The Building Industry Task Force currently has 73 criminal investigations under way, of which 38 involve fraud, 17 involve corruption, five involve intimidation, five involve false testimony and eight involve other related charges. Accordingly, from these figures the Construction Forestry Mining and Energy Union's allegations of anti-union bias are not well founded.

In the past quarter, 30 fresh criminal matters have been received by the BITF for investigation. Most of these allege fraud and corruption. The demand for BITF criminal investigations is increasing as participants in the industry become more aware of a specialist body to which they can turn in respect of alleged illegalities in the industry. At present there are charges of collusive tendering against some of the biggest companies in this State involving some of the biggest industrial organisations. So far as I am concerned, the Government will do its best to clean up the building industry. I note from a press release issued today by the Hon. J. W. Shaw that he proposes to introduce legislation into this Parliament to close down the BITF.

The Hon. J. W. Shaw: That is not accurate. There was no press release. The word used was "considering".

The Hon. J. P. HANNAFORD: I note the comments of the honourable member. They should be repeated. He said that there was no press release; he did not say he was going to close down the BITF, he is only considering it. I am pleased to hear that, because all honourable members would agree that on the figures I have just given and the significant prosecutions that have been launched on collusive tendering, the BITF is performing an important role in this community.

Later,

The Hon. J. P. HANNAFORD: During my answer on the issue involving the Building Industry Task Force, when I referred to nine prosecutions against unionists, an interjection may have given rise to the impression that those nine prosecutions had failed. The facts are that four prosecutions against four unionists have been dismissed, one unionist pleaded guilty to extortion and was sentenced to nine months' detention in a periodic detention centre and four outstanding prosecutions are still before the courts.

NATIONAL EDUCATION PROFILES

The Hon. ELISABETH KIRKBY: My question without notice is directed to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. Will the Minister explain to the House why she has asked the New South Wales Board of Studies to incorporate national guidelines into all New South Wales syllabuses, even though State education Ministers refused to adopt the guidelines nationally at a meeting last July? What has been responsible for her change of

heart? Why is she ignoring the advice of such bodies as the Australian Mathematical Sciences Council and the Australian Institute of Physics that the guidelines will establish the lowest common denominator of content for a subject?

The Hon. VIRGINIA CHADWICK: The honourable member is referring to the national profiles and outcomes that have been prepared in collaboration with all States of Australia by the curriculum and assessment committee, an organisation that bears the unfortunate acronym of CURAS. About two years ago every State Minister for education and the Commonwealth Minister for Education and Training agreed not to develop a national curriculum because many people, myself included, would be opposed to such a concept that all States would have to follow, but to see if it were possible to develop national statements in key learning areas and also to develop some outcome statements by way of strands underneath those subject areas.

That work was conducted and completed by CURAS in time to present to the meeting of State and Commonwealth education and training Ministers held in Perth last July. At that time there was a variance of opinion from State to State on this matter. It was the view of New South Wales that, though the work of CURAS would not in any way be the final word or the definitive statement on outcomes or national profiles, the work had been done in collaboration with every other State, and it is worth noting that CURAS was chaired by Dr Ken Boston, the Director-General of the Department of School Education in New South Wales, ably assisted by Sam Weller from the New South Wales Board of Studies. Our two main school education areas were well and truly represented.

The outcome of the meeting of the Australian Education Council of Ministers in Perth last July was not a rejection of the national profiles. Though I do not immediately recall the wording, the response from State Ministers was that they would note the work that had been done by CURAS, take it back to their own States to be considered by the relevant bodies - in our case the New South Wales Board of Studies - and see how those profiles and strands might fit within the framework of their own syllabuses. That is precisely what New South Wales did.

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To marry that up with the work of the New South Wales Board of Studies, it must be understood that as a result of the excellence and equity report, which had the broadest consultation and widest community support of any educational document in living history - the committee was chaired so ably by Sir John Carrick - the commitment given by this Government in 1989 was that our syllabuses should have associated outcome statements. After much discussion and consultation in New South Wales, it was recommended that New South Wales should take these national statements and outcomes, in a sense to develop a grid for our own outcome statements and maintain the independence and integrity of syllabus development in New South Wales, but at the same time show willingness in terms of national collaboration by incorporating those elements of the national profiles relevant to New South Wales.

For example, the recent studies of religion syllabus, or the huge and vitally important K-6 English syllabus outcomes statements have a list of outcomes that are anticipated from the use of this syllabus. Some outcomes have little asterisks next to them that indicate where elements of the national profiles have been incorporated. In a sense, New South Wales is trying to show that it is willing to collaborate nationally towards the development of national profiles and outcome statements and, through that, also to maintain integrity and the right to have our own syllabuses and outcomes. It stands to reason that, whether it is mathematics or any other syllabus, we have the capacity to show willingness, as it were, in terms of the national profiles but no State should be prevented from applying additional outcomes. Therefore, the fears of some may well be allayed.

Obviously I am aware of the concern of some within the mathematics fraternity about the mathematics question. In relation to the mathematics profile that was developed, when I became Minister for School Education - in about the middle of 1990 as I recall - one of the first things given to me

was the work that had been done on the mathematics statement. It was worked on in 1989 and completed in 1990. That work was done. It was a national effort. As I recall it was, again, under the auspices of New South Wales, although I was not there so I cannot remember the names of the people involved. The document was prepared during 1989 and it has been around since 1990, before people had even heard of CURAS, before people had even heard of a national profiles statement. I find more than a little confusing the fact that in 1994 that is now to be a source of debate. However, that is not to take away from the desire of mathematicians in New South Wales, which I would share, to ensure that subjects such as mathematics, science or any other of the core areas of teaching in our schools, colleges and our universities must be of the highest standard. Otherwise we fail our children. I can give an absolute assurance that I do not intend to lessen the stringency, depth and rigour of mathematical studies in this State.

VICTIMS COMPENSATION TRIBUNAL
AWARDS TO JUVENILE APPLICANTS

The Hon. Dr MARLENE GOLDSMITH: My question is directed to the Attorney General, Minister for Justice and Vice President of the Executive Council. Is it a fact that a number of applications made to the Victims Compensation Tribunal on behalf of young persons who have been abused were refused on the basis that for them to receive payment of compensation when they turn 18 years of age would serve only to revive their memories of abuse? Have there been any appeals against such decisions? What approach is the Minister taking to such appeals?

The Hon. J. P. HANNAFORD: The question follows the raising of this issue in the previous sitting period. At that time I stated that I would obtain advice in relation to the matter, which I have now received. I stated in my earlier answer on this matter that the Director-General of the Attorney General's Department had advised me that in his role as manager of the affairs of the Victims Compensation Fund Corporation he had sought counsel's opinion on whether the tribunal had erred in adopting the principle it had adopted in relying on section 20(1)(e) of the Victims Compensation Act and whether, if the tribunal was correct in applying this principle in determining applications for compensation, it correctly applied the principle to the cases in question. The advice that the director-general has received is to the effect that section 20(1)(e) of the Act does not enable the tribunal to decline to award compensation to a child because of a general risk that such an award may not be in the child's "best interests".

Accordingly the director-general will be, through counsel, appearing before the District Court in the appeals and making submissions to the effect that in his view the tribunal erred in law in those matters. This is a very good illustration of the appeal process provided for in the legislation working to the benefit of victims of crime. The tribunal is staffed by independent judicial officers of the highest calibre. In dealing with the many cases which pass before the tribunal in any one year they will, of course, make decisions which an appellate court will not necessarily agree with. I expect that this may well turn out to be one of those instances. However, I make no criticism of the tribunal in relation to the decision it reached because none is needed. If the tribunal has erred in this case, as counsel now thinks it has, no doubt this will be corrected in the District Court on appeal.

In all the circumstances I am sure that honourable members will appreciate that there is no need for legislative action in the matter. In this instance the legislation and the appeal procedures it provides are adequate to deal with the cases. Although it is a matter for the court to determine, I am sure it will have due regard not only to the submissions of the appellant in the matter but also to those of the director-general on behalf of the Victims Compensation Fund Corporation. I understand that the director-general will be communicating with the appellants' legal advisers to advise of the position that will be taken.

EVIDENCE LEGISLATION

The Hon. K. J. ENDERBURY: Did the Attorney General tell a conference of District Court judges last year that an evidence bill would be introduced into the Parliament by May 1993 and be passed during the budget session of 1993? Did he also tell the judges in relation to the bill that he could see no justification for continued delay in the parliamentary process of amending the legislation? Why has the Minister delayed the introduction?

The Hon. J. P. HANNAFORD: What the honourable member said is correct. At the conference I also said that I was seeking uniform evidence legislation between the State and the Commonwealth. During 1993 there was extensive negotiation with the Commonwealth to seek to achieve uniform legislation. The Commonwealth, under an agreement with New South Wales, introduced its legislation finally, after agreement was reached on a massive piece of legislation, into the Commonwealth Parliament in, I think, November of last year. That legislation is now before a Senate inquiry. I believe that Senate inquiry will present its report on 6 May. If there is to be uniform legislation, which is what I want to achieve, I would like to see the outcome of the Commonwealth legislation so that we may proceed on a uniform basis.

It is always a problem when members are fed questions by other people. They should not always take the questions on face value. I remember when I was in opposition that lower House colleagues would feed questions to upper House members. It took me two occasions to learn the lesson. When I checked the questions often I did not ask them. This is an example. If the honourable member had investigated the issues, he would have seen that this was not a matter to raise. The State Government released the Evidence Bill in the latter part of last year because it believed the issue had to be pursued. As a result of our issuing the bill there were further discussions and the Commonwealth finally introduced its legislation. I am hopeful, depending on the results of the Senate inquiry, that the State bill which is now in the community for consultation will be introduced in its final form before this House rises. However, it will depend on what comes out of the Senate inquiry, because it is possible that the Commonwealth may not be able to proceed with deliberation on its legislation before this House rises. It would not be appropriate for this Parliament to deal with the bill until we know the final form of the Commonwealth legislation, particularly if we are trying to achieve uniform legislation.

CLEAN WATERWAYS PROGRAM

The Hon. JENNIFER GARDINER: Can the Minister for Planning and Minister for Housing explain whether and how the clean waterways program has achieved its objectives to date and what is proposed for the program in its next stage, which was signalled in the publication *Choice for Clean Waterways*? In the view of the Minister, what would be the reason for legislating the program as suggested by the Leader of the Opposition?

The Hon. R. J. WEBSTER: The honourable member is doing fine work as a member of the Joint Select Committee upon the Sydney Water Board. I noted with some interest the statement of the Leader of the Opposition that he will attempt to force the Government to "legislate the $7 billion, 20-year clean waterways program". I have paid particular attention to his suggestion that there needs to be "a greater financial commitment from government to clean up our rivers". Coming from the Leader of the Opposition, that must be some kind of joke. The commitment - financial or otherwise - of the former Labor Party Government when he was Minister for the Environment was non-existent. The commitment of the coalition Government has involved spending more than $1 billion to date.

In the days of the Labor Government the Water Board drained the public purse; it was a financial liability to the State, a gross polluter, with an antiquated sewerage system and no environmental program. Today the board is financially viable and fully accountable. It provides not only more efficient basic services but also a far-reaching environmental program totally unthought of by the former administration and the tired old Labor Government when it was in office. The clean waterways program is alive and

well. The evidence is there in the money that has been spent, in the money that is being spent and in the money that will be spent in the future. But, most important, the evidence is there in the vast improvements that have been made to our waterways since 1988.

The objectives of the clean waterways program were set out in a plan called option P. That plan has since become the yardstick by which the Joint Select Committee upon the Sydney Water Board has decided performance on the clean waterways program should be measured. Let us consider the objectives of option P and the achievements that have been made. One objective is to eliminate ocean sludge disposal by 1993. That has been done, and the objective was achieved a year ahead of time. Another objective is to improve Blue Mountains streams. Work in this regard is on target. The Blue Mountains tunnel under construction will mean complete cessation of discharge of sensitive upper Blue Mountains streams by 1997.

A further objective is to reduce industrial discharge strength by trade waste policy. This is also on target. Up to 300 wet tonnes a day is now captured by industry and no longer discharged to the sewer. New standards will increase this figure to 700 wet tonnes. The discharge of 56 major pollutants into the sewers has been reduced to 20 per cent of 1991 levels. Beaches that used to be unsuitable for swimming for between 10 per cent and 50 per cent of the year are now suitable for swimming, on average,

for 95 per cent of the year. One beach that was closed under the previous Government, Malabar Beach in the electorate of the honourable member for Maroubra, the Leader of the Opposition, is open once again. In the Hawkesbury-Nepean there have been marked reductions in the concentration of damaging nutrients and effluent from the inland sewage treatment plants, all of which have improved the health of the river. The list of achievements goes on and on. It includes the reduction of system overflows, improvements in plant reliability and reduction in stormwater flooding.

I should like the Hon. R. S. L. Jones to know that the only clean waterways program target not yet met is the 65 per cent solid removal at major ocean plants by 1991. The board is, however, meeting its licence requirements at those plants. The consultation process leading to a decision as to whether 65 per cent solids removal is the right target for the major ocean plants is an important issue in which customers and regulators must play a part. During the consultation process, it must be borne in mind that achievement of that single objective will cost $2 billion over 20 years. Studies to date indicate that there have not been immediate major impacts on the marine ecosystem due to the current quality of the discharges from the major plants. Ongoing studies will be necessary to ensure detection of changes to the offshore aquatic environment and the corresponding need for improvements in effluent quality.

Impacts on the beaches from the present discharges are negligible and, as I said, beaches are now free of sewage pollution 95 per cent of the time. Whether the $2 billion should be spent on the outfalls or on some other part of our waterways is open for discussion. The fact that the issue is open for discussion does not mean that the Government is abandoning the clean waterways program; it means that the Government wants to continue the community involvement that got the program going in the first place. That is what *Choices for Clean Waterways* is about. It is about consultation with the community and the way in which the money is spent; it is not about whether the Government remains financially committed to the program. Would the Opposition have the Government spend without consultation? I am sure that the community would not want that. In fact, the Government Pricing Tribunal does not permit the Government to do so.

Before the Government Pricing Tribunal existed the board could more easily use its monopoly position to foist a program on customers. But with the establishment of the tribunal - and I should like the Hon. R. S. L. Jones to hear this also - the board is required to justify its program, prove that it is competitive in the delivery of that program, and, most important, prove that customers are willing to pay. I quote from the report of the Government Pricing Tribunal into water pricing from October 1993:

The Tribunal recommends that major capital expenditure to improve environmental quality not be undertaken without evidence that customers are willing to pay for such improvements. Water suppliers should not assume that price increases will be permitted if they decide to go ahead with capital expenditures in the absence of such information.

The Tribunal recommends that water suppliers investigate the willingness of customers to pay for the most likely capital expenditure programs proposed to meet required standards. This consultation should be on the basis of site-specific information about a range of options.

That is exactly what has been done under *Choices for Clean Waterways*:

The Tribunal recommends that standards be determined by the State Government following extensive public consultation about the consequences of choosing alternative standards. A cost-benefit approach should be followed to establish new standards and review old ones.

The Tribunal recommends that the choice of a particular standard of service should be made following public consultation, with information about the consequences of choosing various standards made widely available.

In releasing *Choices for Clean Waterways* the Government is not abandoning the clean waterways program but is fulfilling its obligation to consult the community. The Opposition is clearly uninterested in cost-effective solutions, but both the community and the Government Pricing Tribunal are interested. The special environmental levy kicked off the clean waterways program with a clear message from the community: clean up the beaches. The message was conveyed that something had to be done about the pollution, which was the legacy of the Labor Government's indolence - its do-nothing approach to government. The special environmental levy collected $488 million and already twice that much has been spent. As we continue to spend, let us make sure that we spend the money on the right things in the right way. That requires community involvement, and I shall continue to consult the community - whether or not the Opposition likes it.

In the meantime, it is business as usual. The clean waterways program is not on hold while the Government consults the community about the next stage. As we speak, millions of dollars are being committed from the board's capital works budget and the targets contained in option P are being pursued. When the clean waterways program was designed - with its $7 billion estimate - the Government had no water quality data. The clean waterways program was therefore designed largely on guesswork. The community made it clear what had to be done first: get the sewage off the beaches, lower the nutrients in the waterways and get the sludge out of the ocean. While the Government did that, data was collected on water quality, so the Government is now in a position with the next stage of the Clean Waterways program to design a program based on environmental outcomes, which is wanted by everyone except the Opposition.

The Hon. J. P. HANNAFORD: If honourable members have further questions, I suggest they put them on notice.

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COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Discussion Paper

The Hon. S. B. Mutch, on behalf of the Chairman, brought up a discussion paper from the Committee on the Independent Commission Against Corruption on Pecuniary Interest Provisions for

Members of Parliament and Senior Executives and A Code of Ethics for Members of Parliament, dated April 1994.

Ordered to be printed.

[*The President left the chair at 1.10 p.m. The House resumed at 2.30 p.m.*]

AUSTRALIA AND SOUTH-EAST ASIA RELATIONS

Debate resumed from an earlier hour.

The Hon. I. M. MACDONALD [2.30]: This motion is based upon the experience of the Prime Minister in Vietnam over the past few days and the reactions to certain aspects of his visit from a number of individuals in the media. It is constructive at the start to remember that the Vietnam war, for probably 10 years of this country's political life, was dominant in a way that I do not think any other issue has been in the past 30 years. It was divisive; that is, throughout this period there was great debate and discussion; there was public criticism and demonstration about Government policy; and there was, throughout what I would call the Vietnam era in Australian politics, a concentration upon international politics to a degree that was probably replicated only in the era of the second world war and, perhaps, the first world war. That is how important it became as a focus for national discussion and debate.

It was also a very creative focus in many ways. It led to a deal of debate about social policy and to considerable debate about democracy and the participation of the community in the decisions that affect it. At the heart of the decision for Australia to commit troops to the Vietnam struggle was an undemocratic decision made by a government for political purposes. Right at the heart of Australia's 10-year Vietnam experience, the initial phase of its relationship with Vietnam, was the lie that Australia had been asked there by the South Vietnam government of the day. It is very instructive to know, as we aim for the heart of this debate, what a lie that was.

I do not think there would be any better person to illustrate the lie of events surrounding the war in Vietnam and their relationship to Australia than a former Liberal Party Minister, later the founder of the Australian Democrats, Don Chipp, whose integrity no one has ever questioned. He made a cogent statement about the Vietnam war, which runs through a book called *A Decade of Dissent: Vietnam and the Conflict on the Australian Home Front*. Despite what more conservative members of this Chamber than I might say, it nails the lie upon which Australia's military involvement in Vietnam was predicated. Don Chipp said:

> I was passing the Prime Minister's office on the eve of the announcement that troops would be sent to Vietnam, when a Liberal colleague approached and insisted I speak to the Prime Minister.
>
> I entered and the old man [Sir Robert Menzies] was slumped in a chair. He saw me and said, "Come in, my boy", which was the shock of my life. I had expected him to tell me to get out.
>
> I sat down, and there was a few minutes silence. It was obvious he was upset.
>
> "My boy, I've got a problem", he said. "Cabinet has agreed to send troops to Vietnam but some bastard - one of my Cabinet ministers - has leaked it to the press. The press know about it, the Opposition know and the problem is we still have not had an invitation from the South Vietnamese Government".
>
> Although I had been in Parliament for four years, I was still a political novice and that was a bombshell. It shocked me that decisions of such enormity were made in such a manner; that young Australians were being sent to kill and be killed on such a basis.

> I tell the story for the reason that we were not asked to go in there by the Vietnamese. It was the Americans who pressed us to go and it was to the Americans we agreed to go - not the Vietnamese. Cabinet made the decision without even being asked to go there by the Vietnamese - their invitation was an academic exercise.

This excerpt shows that right at the heart of the Australian military involvement in the Vietnam conflict was a lie, a lie that Australia was invited there, that the Vietnamese required Australia's great presence. Obviously, as has been revealed recently - to some extent the criticisms of Malcolm Fraser are predicated upon this fact - Australia should have had many more troops in Vietnam and should have had a role in the decision-making process. However, the "invitation" from the South Vietnamese Government became the lie which caused the Vietnam conflict to become such an important element in the political life of this country, and an immensely divisive one. I was a university student at the time. My two brothers were conscripted. I decided that I would not participate. I became what is commonly called a draft resister. I took the approach that the Vietnam war was a war for which Australians should not be conscripted.

It was a war predicated on an illegal foundation which denied the democratic rights of those Australian people who did not support the involvement. Having made the decision - the proudest decision of my life - that I would oppose the Vietnam war, I spent the next four years dedicated to having Australia's troops pulled out of Vietnam. There is no doubt that the Labor Party was successful. It pulled those troops out. The Liberal Party Government would have continued with the Vietnam war to whatever degree the United States had determined it should pursue. The party was successful in defeating this amazing intrusion into the affairs of another country, an intrusion which has not been justified in any shape or form in any of the literature. Whatever may have

been the mythology of the conservatives about the Vietnamese people, the conservatives always missed the essential fact that the movement in Vietnam was a nationalist movement first, second and third.

The social, economic and political thought of the Vietnamese political group that opposed the American involvement and that of the paltry, pathetic, Liberal Party-National Party inspired participation in the Vietnam war was that they did not want to be run by foreigners - they did not want to be run by foreigners for more than 1,000 years. I have visited Vietnam. I have seen the monuments to the wonderful princesses who in 900 A.D. or 1000 A.D. led the struggle against the Chinese. They made it clear at that time that they did not want domination by any foreign power, whether it be Chinese, French, Japanese, American or Australian. The Vietnam war - that dishonest war, with dishonest policy approaches by the conservatives of this country who, between 1965 and 1972, for crass political reasons forced Australians to go to Vietnam and die - was a shameful act for which now, fortunately, a number of leading Liberal Party members from that era are starting to apologise.

That war was essentially a nationalist war. Those honourable members who have had the opportunity to see the wonderful movie "Indochine", which won the Academy Award recently, would know that the inspiration of the Vietnamese period of the 1940s and 1950s was nationalist. They did not want domination. After having 140 years of domination by the French and then a very short period by the Americans, they were prepared to put forward life and limb to defend their homeland against invasion. The Liberal Party had a domino theory; that is, that communism would flow down through China, South-east Asia and Indonesia. That theory has been discredited over the years. The theory was overturned by the fact that the Vietnamese throughout the last 20 years have resisted control by anyone, whether it be the Soviet Union of old or the Chinese. In fact, in the 1970s they fought a war against the Chinese.

It is very clear that the predicated basis upon which Australian policy in 1964-65 was designed to have an intrusion into Vietnam was totally false. The nationalism of the Vietnamese people sought to resist any domination, whether from China, France, the Chinese Communist Party, Russia or America. Vietnam was clear in what it wanted; it wanted to be able to make its own decisions. The country is now

proceeding. The various economic and social tenets upon which that society is based are changing and evolving in a positive way. They will continue to do that. The visit of the Prime Minister to Vietnam at this time was apposite; it was certainly in Australia's national interest, particularly with respect to trade and investment.

[*Interruption*]

Yes, the Hon. D. F. Moppett, there is no doubt about it: it is leading to that. It is leading to trade for farmers. I know that the honourable member has forgotten about farmers over the past few years. Our trading interests rely on developing sane, sensible policies in relation to Vietnam.

Reverend the Hon. F. J. Nile: What about human rights?

The Hon. I. M. MACDONALD: There is no doubt that human rights will be pursued. Australian business, industry and agriculture will develop. Over the last years there has been a positive development towards opening up Vietnamese society. It will continue to be opened up. The motion says that we congratulate the Prime Minister. The reasons for this are clear. During the Prime Minister's visit to Vietnam he made some comments in relation to the history of Vietnam and Australia's relationship with the Vietnamese people. The *Australian* of Tuesday, 12 April, stated that the Prime Minister had referred to the disadvantages and problems faced by the Vietnamese people and that Australia has a responsibility, along with other economically developed countries, to rectify the damage Australian and American troops inflicted on the Vietnamese people - forget about the governments; on the people, their villages and lifestyle.

The Prime Minister made it clear that a constructive relationship was to be developed between the Vietnamese people and the Australian people. He said that this relationship was proceeding apace and he hoped that it would lead to greater trade, communication and development. He announced an increased program of $200 million worth of aid over the next four years from Australia to Vietnam. Vietnam has a population of almost 50 million people, is a near neighbour and is in Asia. The Hon. Helen Sham-Ho would agree that Australia's future lies in Asia. We have trade and cultural links with Asia; we should never go there, act as a military overlord, and endeavour to overturn their government.

A number of governments in that region have had regimes which are less than perfect. I refer to Singapore, Malaysia and Thailand. Over the last 20 or 30 years they have had governments which have been less than perfect within the framework in which we operate. Yet we traded with them, even though they had many thousands of political prisoners, in some cases - such as Thailand. We continued to encourage the economic and political development of those countries. Through that process those countries have turned to the democratic fold. Eventually, with the same sort of rational process, such a development will occur in Vietnam. The Prime Minister's approach is rational; he gave a clear enunciation of a policy of incorporation as distinct from exclusion. The Hon. D. F. Moppett and the Hon. Dr B. P. V. Pezzutti would, without doubt, practise towards Vietnam a policy of confrontation and of telling them that everything we believe in this country is the way to go.

The Hon. Dr B. P. V. Pezzutti: On a point of order: I do not know the procedure of the House that I should use, but I refuse to be verballed and have any imputation or motive attached to me which is not my own. I ask that the honourable member withdraw his last remark.

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The PRESIDENT: Order! If the Hon. Dr B. P. V. Pezzutti feels he has been misrepresented, he will have the opportunity to seek leave to make a statement at the appropriate time. No point of order is involved.

The Hon. I. M. MACDONALD: There is no doubt that a policy of inclusion as distinct from a policy

of exclusion is what Prime Minister Keating has been concerned with in Vietnam in the past few days. That policy will reap both human rights and economic benefits. The Hon. Dr B. P. V. Pezzutti, who sought to interject, is ignoring that sane, sensible, foreign policy response to the situation. The Australian telecommunications organisation is virtually establishing the complete telecommunications system in Vietnam, a great project and contribution to regional and economic development to the value of several hundred millions of dollars. This will bring definite export benefits to this country through equipment and technology transfer, something that the Hon. D. F. Moppett would not recognise even if he fell over it.

The Prime Minister's approach to the Vietnam issue is not to rake over the coals of the past but to establish a positive relationship that will ensure a sensible strategy for the incorporation of Vietnam into the community of South-east Asia and the community of nations. This policy has been endorsed by many European nations, including France, Great Britain and most of the economic community countries that have refused to follow a strategy of exclusion practised by the American Government, particularly under the administration of Reagan and Bush. The Prime Minister of this country made a statesman-like visit to Vietnam, concentrating upon the interests that this country has towards developing the mutual economic, social and cultural development between our countries.

He made a positive step, but what do the old, politically barren conservative warlords of this country come up with? They are in the political wilderness. They are going to lose the next State election, and another Federal election in 1996. They trot out anything they can to have a go at Mr Keating's positive approach to Vietnam and the relationship between Vietnam and Australia. What does Mr Hewson have to say about it? He made a series of statements saying it was offensive of the Prime Minister not to have attended some memorial service to pay tribute to Australians who died in Vietnam.

Fortunately, in recent times some sensible individuals have said precisely what the attitude should be. Mr Terry Burstill fought at the battle of Long Tan, where about 19 Australians were killed. At that time he was a young soldier. One would think that Mr Burstill would have a strong personal view about the circumstances there. If anyone were to take up the call by Mr Hewson for some sort of memorial service, surely a key Vietnam veteran who had fought in the battle at Long Tan would take the view that the Prime Minister should not express regret for Australia's involvement in that war and the damage to Vietnam. For five years thousands of Australian troops participated in many joint operations with the United States military, unfortunately with the United States military shooting us up.

The Hon. Dr B. P. V. Pezzutti: What a lot of rubbish.

The Hon. I. M. MACDONALD: The Hon. Dr B. P. V. Pezzutti should ask the New Zealanders about the military record of Australian troops being shot up by the United States military. Ask the poor old New Zealanders who were out in the jungle being shot up by American planes. One would expect Mr Terry Burstill to say that the Prime Minister's approach was inappropriate and inaccurate. Instead he said:

> The Prime Minister is in Vietnam to further Australia's interests with Vietnam. It would be inappropriate to bring up the war on such a visit. Our involvement in the Vietnam war was started and ended by Australian politicians in Australia. Any commemoration of Australian soldiers should occur in Australia, not in Vietnam. I don't know why other Vietnam veterans are making a fuss, because it is entirely inappropriate for us to honour our dead in their country where they have lost so many.

More than two million Vietnamese lost their lives in their struggle for independence. Mr Burstill went on to say, "The war has been over for 20 years and it is time to get on with the peace". The purpose of the Prime Minister's visit to Vietnam was to establish proper economic relationships with this country and also to develop an attitude toward human rights and other issues, to encourage our more democratic forms in Vietnam, not to cause the old 1950s and 1960s knee-jerk, cold war, Australian conservatives to jump up and down. The action by the Liberal Party has been an absolute disgrace. Clearly, from the comments of many of the conservative Ministers at the time of the Vietnam conflict, that approach is totally

inappropriate to solve the situation in Vietnam or to endeavour to seek a better understanding between our peoples.

Recently my research assistant of some years standing, Jane Madgwick, who went to work as a tour manager for Nina Simone in 1991, returned to Australia and married Mr Michael Hughes, son of Tom Hughes, Q.C., who was the Federal Attorney- General at the time of the Vietnam conflict. Among the many guests at the wedding were the honourable member for Bennelong, Mr Atwill, a former president of the Liberal Party, and numerous other senior members of the Liberal Party were also present. In this delightful circumstance many Australian Labor Party notables were present, including former Premier Wran and a number of former Labor Ministers. It was a unity ticket that many people would dream of. It was a wedding that was really blessed in heaven. The father of the groom, the Hon. Tom Hughes, former Attorney-General at the height of the draft resistant movement in this country and the division that was being created by the then conservative Government's approach to conscription and the Vietnam war -

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The Hon. Dr B. P. V. Pezzutti: And you went to his house?

The Hon. I. M. MACDONALD: Give me a chance. During the speech of Mr Tom Hughes, Q.C., to the gathering, at which Mr Tony Pooley, one of our staff, was also present, he referred to the Vietnam war and certain incidents in the past. If my memory serves me correctly - I am pretty sure that my memory is adequate - the Hon. Tom Hughes, Q.C., member of the Liberal Party, former Minister, particularly in the McMahon Government and the Gorton Government, made it clear that the Liberal Party should apologise. He personally apologised to us in relation to the involvement of the Liberal Party in the Vietnam war. He regretted it. He said that Australia's involvement in the war and his participation in the Cabinet decisions on that war were wrong. He made that clear and he apologised for that involvement. It was a stunning moment at the wedding. As I looked around at little Johnny from Bennelong I saw that he was quite shocked. Tom Hughes, Q.C., former Attorney-General of Australia, has made it clear that the Liberal Party made a mistake in going into the Vietnam war and that it should apologise. Other senior Ministers such as Chipp, have made other statements apologising for Australia's involvement.

By the way, the wedding was in February. There was an incredible sense of solidarity at the wedding except for one table - the table where little Johnny from Bennelong and Sir John Atwill were sitting enjoying a delightful meal. I believe they did not appreciate the comments to the degree that the other 250 people did, including many members of the young Liberals who were invited to the function. They take a different view of the Vietnam war from that of the old stalwarts opposite, the Hon. D. F. Moppett and the Hon. Dr B. P. V. Pezzutti. Great Australians such as the Hon. Tom Hughes, Q.C., have a conscience. The Hon. Doug Moppett certainly does not. So he can blithely forget the millions who died and take the view that whatever we did, whatever perfidies we practised and perpetuated in Vietnam for 10 years, he can forget. However, a great Australian, Tom Hughes, Q.C., had come to the conclusion that Australia's involvement was a mistake, unjust and wrong. He made it clear in front of a very large group of people who had an active interest in justice and political life in this country. In response to the furore in the past three days about Australia's attitude to the Vietnam war, notable conservatives from the period who have consciences have made statements. Some people have consciences. The Hon. Doug Moppett -

The Hon. Dr B. P. V. Pezzutti: On a point of order: I refuse to sit here and listen to the Hon. I. M. Macdonald mispronounce the name of the Hon. Doug Moppett. I also object to his use of derogatory terms such as "little Johnny" for the honourable Federal member for Bennelong. The honourable member should curtail his language and I appeal to you, Madam Deputy-President, to make him do so.

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! There is no point of order but I remind the Hon. I. M. Macdonald that there is a manner in which to address members in this House and I

expect him to respect that and to refer to them properly.

The Hon. I. M. MACDONALD: Thank you, Madam Deputy President. I could never have called him big. Over the past few days a number of statements have been made by conservatives who have a conscience. They have come out clearly pointing out that the Vietnam war was a total disaster in which we should not have been involved. For instance, Mr Malcolm Fraser, former Prime Minister -

The Hon. Dr B. P. V. Pezzutti: Lies you tell.

The Hon. Ann Symonds: Oh! He accused you of telling lies.

The Hon. I. M. MACDONALD: Madam Deputy-President, I have no difficulty with the Hon. Dr B. P. V. Pezzutti making those sorts of interjections whenever he so desires. I will ensure that on each and every occasion that he calls Malcolm Fraser a liar he will have the opportunity of having that placed upon the record of this Chamber.

The Hon. Dr B. P. V. Pezzutti: I said that you were a liar. I did not say that Malcolm Fraser told lies.

The Hon. I. M. MACDONALD: I am just about to quote the Hon. Malcolm Fraser. I have made no statements as yet. In relation to the recent tragic knee jerk reaction with Mr Hewson attacking Mr Keating over his visit to Vietnam, Malcolm Fraser said, "For the sake of the region and the sake of the country this matter should not have erupted in the way it has. Nearly 30 years after the event, I cannot see any point in revisiting the old arguments. Obviously this was a very divisive war". He was making it clear to Dr Hewson that he should not have entered into the fray and re-created this very tragic and untimely divisive debate. Former Prime Minister Gorton on many occasions over the past 20 years has contributed greatly to the social and political life in this country. On Australian Broadcasting Corporation television - I am sure most members saw it - in response to a very abusive attack by the Leader of the Opposition in the Federal Parliament, he said that he thought the Prime Minister was being treated unfairly.

He said that the bickering on both sides of politics should stop and that he could not understand what more Mr Keating could have done in his speech in Thailand this week after paying tribute to Australian soldiers in Vietnam. Malcolm Fraser - quod erat demonstrandum - Prime Minister of Australia from 1969 to 1971, gets it right. Why is it that the present leader of the Federal Liberal Party gets it wrong by raising this bickering, carping attitude to the Vietnam issue? Dr Hewson forgot to remind Australians that Mr Keating had in fact paid tribute to Australian troops in his major speech on regional co-operation and development in Thailand before his visit to Vietnam.

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[*Interruption*]

The Hon. R. B. Rowland Smith has arrived back from the club, fired up from the 70-year-old fellows at the club telling him that a mistake has been made, and has decided, "I am going to get stuck into that Hon. I. M. Macdonald this afternoon over his motion on Vietnam" -

The Hon. R. B. Rowland Smith: We made one mistake: we went to war for people like the honourable member.

The Hon. I. M. MACDONALD: The honourable member has decided to have a little bit of a go at me so that he can send a half page of *Hansard* to the club and let members know that his luncheon there was worth while.

The Hon. Dr B. P. V. Pezzutti: On a point of order: the Hon. I. M. Macdonald may wish to spend most of his time putting motives into the minds and words into the mouths of Government members, but I find that personally offensive. I ask you to direct the honourable member to speak from his own mind, if he has one, and to leave other people's minds and motives to them.

The Hon. I. M. Macdonald: On the point of order: I know that the Hon. Dr B. P. V. Pezzutti is not privy to most conversations that go on in the House, but the Hon. R. B. Rowland Smith and I had a discussion on these matters before the luncheon break, from which discussion I am drawing my inferences.

The Hon. R. B. Rowland Smith: What is the honourable member talking about?

The Hon. I. M. Macdonald: The Hon. Dr B. P. V. Pezzutti raised a point of order. My answer to the point of order is that the words I have spoken I consider to be accurate.

The Hon. Dr B. P. V. Pezzutti: Further to the point of order: I do not know what the Hon. I. M. Macdonald had for lunch but I wish he would get on with his presentation.

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! I have heard enough. The Hon. I. M. Macdonald is debating a specific subject and I ask him to adhere to that subject.

The Hon. D. F. Moppett: He has no material.

The Hon. I. M. MACDONALD: I have heaps of material. I have not started on the present decade yet. A former Prime Minister of this country, Mr Malcolm Fraser, went on to say that the policies of the United States Government under President Lyndon Johnson had guaranteed failure. What President Johnson had wanted to do, in essence, was have this war and kill millions of Vietnamese people but pretend to the American public that they were not really at war - nothing was declared officially throughout the whole period. He acted in a way to get around the full legalities of Congress, but that is where Congress got both him and Nixon in the end. It was realised that such a spurious approach to conducting a war was not on; it was costing American lives -

The Hon. R. B. Rowland Smith: Oh, get on with it.

The Hon. I. M. MACDONALD: I shall get on with it. I shall get on to talking about the 50,000 American lives lost in Vietnam and the more than two million Vietnamese people who died.

The Hon. Virginia Chadwick: It was not the Vietnam War that got Nixon; it was the Watergate scandal.

The Hon. I. M. MACDONALD: I am saying that that is what got them in relation to the Vietnam war. That is what forced them to take the attitude that instead of continuing to bomb away they had to -

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

The Hon. I. M. MACDONALD: It is rather difficult to do that at times, particularly when the Minister -

The DEPUTY-PRESIDENT: Order! It is impossible to hear what is being said or to take note of what is happening. I remind the honourable member to address the Chair and not to have discussions across the Chamber.

The Hon. I. M. MACDONALD: I am used to one-way streets, Madam Deputy-President.

The Hon. Dr B. P. V. Pezzutti: On a point of order: I missed what the Hon. I. M. Macdonald said, but rather feel that he may have reflected on one of your rulings.

The DEPUTY-PRESIDENT: Order! I do not think the honourable member heard correctly. I have advised the Hon. I. M. Macdonald how to behave and I expect him to heed that advice.

The Hon. I. M. MACDONALD: In the past few days Mr Keating has made a very important visit to Vietnam.

The Hon. D. F. Moppett: I suppose, given the laws of chance, that he would collide with fact at some stage.

The Hon. I. M. MACDONALD: The Hon. D. F. Moppett would not know what the facts were, at any stage.

The Hon. Dr B. P. V. Pezzutti: The Hon. I. M. Macdonald got close to the debate and he lost it.

The Hon. I. M. MACDONALD: Surely that comment of the Hon. Dr B. P. V. Pezzutti was a wishful one. Mr Keating said very clearly that conservatives in relation to the debate about Indochina were engaging in unprincipled domestic political attacks that had nothing to do with the future of this country or the future of its relationship with Vietnam. He said that if there were any apology to be made, the

Liberal Party should make it to the 504 Australian families who lost sons in Vietnam in a war to which they should never have made a commitment. I should have thought that the Liberal Party would be the last organisation in Australia to talk about the war in Vietnam; I should have thought that members of the Liberal Party would go away and hide.

The Hon. D. F. Moppett: What about the Australian Labor Party, which supported United States troops and Australian troops in Vietnam? Why does the honourable member keep avoiding that?

The Hon. I. M. MACDONALD: The Australian Labor Party abolished the national service Act and severed any formal links that the Australian people and Government had with the war in Vietnam.

The Hon. R. B. Rowland Smith: And does the honourable member consider that was a good thing?

The Hon. I. M. MACDONALD: Absolutely. I wish now to turn to some of the matters raised by the Hon. D. F. Moppett when contributing to this debate. Gregory Pemberton, in *All the Way - Australia's Road to Vietnam*, conducted a detailed analysis into the policy decisions taken throughout the period in the lead-up to Australia's role in the Vietnam war. Mr Pemberton states:

> Australia may have actually contributed to the war being widened in terms of the decisions that they made at that time.

Throughout the book Mr Pemberton points out that Australia was anxious for an escalation of American involvement but was never prepared to make the logical consequential commitment of Australian troops; it wanted to keep its commitment at a reasonable minimum of not much more than 8,000 troops and a couple of ships off-shore. The treatment of Australians in the war was a total and absolute disgrace. I remind honourable members of the catchcry at that time when President Johnson came to Australia to visit the Holts: All the way with LBJ.

The Hon. D. F. Moppett: Why not quote someone like Calwell - a reputable leader of the Labor Party?

The Hon. I. M. MACDONALD: The Opposition fought the 1966 election clearly committed to opposing the war. As Johnson was flying to Australia in *Air Force 1* he was quoted as saying, "I like to come out and look at my Prime Ministers." In other words, he owned the Liberal Party-National Party. Whatever he considered should be done in relation to foreign policy, the Liberal Party-National Party at that time fell in like a little mob of dodos and away they went. There is no point Government supporters trying to debate the historical record. Fortunately, the release of all Cabinet documents will show the deception of the Australian people.

Menzies made it clear that he thought he could win elections on the Vietnam issue. He deliberately deceived the Australian people to get their commitment and cajoled the Americans to increase their commitment. That is the shameful history of the involvement of Australian conservative governments in the Vietnam war - a shameful record of criminal activity by the Liberal Party and the National Party. Australians were deliberately deceived and Australian lives were put further at risk. When I realised what was going on I was proud to say, "Enough is enough!" Fortunately, many thousands of other Australians came to the same conclusion.

On 8 May 1970, as vice-chairman of the moratorium for the northern sections of Melbourne, I marched down Bourke Street with at least 110,000 people. At that time the 50 per cent of Australians who supported our involvement in the Vietnam war changed their view. From 1969 to 1972 it was the most unpopular war with which an Australian government was ever involved. The unity and direction of our country was being undermined as we battled to force the conservatives to stop conscripting young Australians - like my brothers and me - to fight in this illegal, criminal war encouraged by old Sir Bob Menzies and other Australian conservatives.

It is an absolute disgrace that not more of the conservatives sitting opposite have said, "We have made a mistake; we have done the wrong thing. We sent 504 young Australians to their deaths in Vietnam for no purpose whatsoever and we gaoled many young Australians who said they would not participate in this illegal, criminal war in South-east Asia". I am sure honourable members would agree that it is time we put aside these divisive attitudes, which the Prime Minister sought to bury over the past few days during his visit to Vietnam. For opportunistic reasons Mr Hewson is trying to create dissension by dragging out irrelevant, inane comments from the Returned Services League and is trying to get other notable people from around the country to join in the chorus of dissension. Fortunately Mr Fraser said, "Enough is enough!", and fortunately Mr Gorton has made it clear to Mr Hewson -

The Hon. Dr B. P. V. Pezzutti: That is not what Fraser said at all.

The Hon. I. M. MACDONALD: I have got it here. He made several statements. His primary problem with Australia's involvement in Vietnam was that America was not serious, gave us no role on the councils of war and conducted the war without any formal negotiation or consultation with Australian forces. But that was usual conduct for the conservatives of that time. We gave the Americans a base for this or that without bothering to find out their purpose. We just gave it to them. It was all the way with LBJ. The Vietnam war was not an honourable war. It was a dishonourable war in which we dishonourably participated. It was criminal of conservative governments to consign 504 young Australians to their deaths in Vietnam - 504 young lives extinguished by the policies of conservative governments currying favour with the United States, to go all the way with LBJ to do whatever the American Government requested. The conservatives sought a greater commitment from the American Government in terms of troops and military hardware into Vietnam.

The motion is appropriate to the situation at hand. It makes clear that the Opposition supports the Prime Minister's positive initiatives to seek a more harmonious and economically beneficial relationship with Vietnam over the next decade and into the next century. That should be the aim of us all: to systematically bed down the jagged history of relationships between the Vietnamese people and

Australia. The process of reconciliation involves the bedding down of the divisive nature of this war - a war that affected my life dramatically for about four or five years in a way that the Hon. D. F. Moppett would not understand. He is incapable of any real feeling. He flies off at the mouth, by way of press release, at any opportunity. The Hon. D. F. Moppett has no understanding of the impact that that war had on Australia and Australians at that time. That is the problem we face.

It is to be hoped that over the next few years a few more senior members of the Liberal Party will admit to the Australian people that our involvement was wrong, admit to themselves that their decisions were inappropriate at that time and, more important, their actions criminal because they caused the deaths of so many young men. That is the bottom line. Australian troops were sent to Vietnam to participate in a war in which the majority of those killed were not American soldiers, not Vietnamese soldiers, and not Australian soldiers. They were Vietnamese people! As a consequence the Opposition takes the view that the attitude of Mr Hewson in particular over the past few days has been disgraceful, opportunistic, and has done nothing to improve future relations with South-east Asia. Many countries of South-east Asia are now trading heavily with Vietnam.

The Hon. D. F. Moppett: What was their stance at the time of the Vietnam war?

The Hon. I. M. MACDONALD: Indeed, what was their stance? Very few of them got involved. That was one of the failures of the American policy. It could never get enough support around the world for its policies. Where was Britain when the Vietnam War was on? Where was France? Where was West Germany? They were not in Vietnam. They were supporting American policy. They were setting about trying to get peace negotiations to get American troops out of Vietnam. There is no doubt that throughout that period Americans, who have a propensity to hit at people who cannot hit back with any real force, were in Vietnam bombing away. More bombs were dropped on and more weaponry used in that little State than was the case in the entire second world war. When I visited Vietnam I saw the effects of American bombing on that country. I saw the great craters throughout the paddy fields.

The Hon. Virginia Chadwick: Who invited you?

The Hon. I. M. MACDONALD: The student movement. I saw bombed buildings and bombed hospitals. I saw maimed people.

The Hon. Dr B. P. V. Pezzutti: North Vietnamese booby-traps.

The Hon. I. M. MACDONALD: Whatever the ingenuity of the Vietnamese people, particularly to defeat a superpower, they did not have the ability to be able to blow 30-feet deep craters in paddy fields. All honourable members should support this motion. I urge those brain dead members to think again about the Vietnam war. We must take a positive attitude over the next few years to secure a decent relationship with South-east Asia.

The Hon. HELEN SHAM-HO [3.32]: I move:

> That the question be amended by the omission of all words after "the" where firstly occurring with a view to inserting instead, "New South Wales Government on its relations with Vietnam, Laos and Thailand and especially for its economic achievement in South-east Asia".

I should like to talk about peacetime, not wartime. The contribution by the Hon. I. M. Macdonald to the debate has provided honourable members with his view of the social and economic history of Vietnam in peacetime in the past 30 years. The coalition Government has a very good record on Vietnam. It was a coalition Government that opened the door to refugees from Vietnam in 1975 against the opposition of the Labor Party and the Australian Council of Trade Unions. I remember that Bob Hawke went on record as saying that Australia did not want to open its doors to refugees. In fact, it was the coalition Government that welcomed the change in relations with Australia's Asian neighbours.

The Hon. Virginia Chadwick: Australia is more generous to refugees than any other country.

The Hon. HELEN SHAM-HO: The Minister is correct: the Australian Government has been very generous to refugees compared with other countries. Australia has a conscience,

The Hon. Virginia Chadwick: Australia took more refugees per capita than any other country.

The Hon. HELEN SHAM-HO: The Minister's point is very important. Australia's international relations have to be normalised; its international relationship is changing. There is no war in Vietnam; there is no war in Thailand. Economic growth is very important to Australia, and it is being examined. Since Australia's relationship with Asia has improved, it has accepted many migrants from Asia. In Sydney alone I believe that refugees from Indochina - primarily Vietnam and Cambodia - number more than 200,000. I know that Chinese refugees in Sydney number more than 150,000; refugees from other Asian countries, such as Korea, number more than 30,000; and, of course, there are many thousands of refugees from Thailand. There is no doubt that the influx of Asian citizens has enriched Australia's cultural, political and business existence. Australia is a multicultural society that recognises its diversity as a strength, particularly in its efforts to market goods and services to world markets.

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Since the coalition Government came to office six years ago it has placed New South Wales in a very strategic position. It established the Department of State Development, which focuses on economic growth. That allows me to place on record the great economic achievements New South Wales has made, about which I shall inform the House. It is now peacetime in Vietnam, about which the Hon. I. M. Macdonald was speaking earlier. When the Prime Minister of Vietnam visited Australia last year demonstrations occurred. The Premier, the Hon. John Fahey, welcomed him to a dinner that I was privileged to attend. One cannot say that Vietnam's relationship with New South Wales is not good.

The Hon. Dr B. P. V. Pezzutti: The Hon. Ron Phillips recently visited Hanoi to try to help that country with its health issues before Keating went there.

The Hon. HELEN SHAM-HO: No doubt. I am aware of that. The visits made by our Premier and Ministers demonstrate the strong focus the New South Wales Government has had on Asia for the past six years. The Government has recognised that the strong economic growth rate within the Asian economies offers great opportunities for Australian products and services. The visits that Ministers have undertaken, linked to the economic development portfolio in recent years, demonstrate the Government's commitment to the Asian markets and to supporting the efforts of New South Wales companies in those markets. In 1990 Premier Greiner was the first New South Wales Premier to visit China following the normalisation of relations between China and the Federal Government after the Tiananmen Square incident. He visited Guangdong province and Hong Kong. He was attending a meeting of the Guangdong Joint Economic Committee, which has alternative visits between Australia and Guangdong.

It was the New South Wales Government that rejuvenated and energised the economic committee, which was established in 1963, but it had no strength until this Government energised it. The Premier's visit highlighted the rapid expansion of the Hong Kong manufacturing sector into Guangdong province and assisted many New South Wales companies to establish a manufacturing base in Guangdong province. The delegation had a most successful visit. Since then visits have been regular. In 1991 the Hon. J. P. Hannaford, as Minister for State Development, made the first official visit in 10 years to Indonesia by a New South Wales State Minister. He led a business delegation with interests in infrastructure projects and engineering services. The visit capitalised on improved relations between Australia and Indonesia and provided an impetus to the business momentum between our countries by assisting New South Wales companies pursuing business opportunities in the market.

The Hon. Dr B. P. V. Pezzutti: Despite Paul Keating's upsetting of the Malaysians and the whole Muslim world.

The Hon. HELEN SHAM-HO: The fact is that the coalition Government did not make that mistake; it was the Labor Prime Minister who made the mistake.

The Hon. D. F. Moppett: He has an absolutely disastrous record in trade.

The Hon. HELEN SHAM-HO: That is true. Many Malaysian companies, in Melbourne in particular, have been crying for help. Many tourists stopped coming to Australia because of Prime Minister Keating's insult. In 1992, Michael Yabsley, as Minister for State Development, led a business mission to Singapore, Thailand, Vietnam and Hong Kong. That substantial visit assisted New South Wales to attract investment funds from Singapore, assisted New South Wales companies and agencies to succeed in Thailand, and developed a strong relationship with Vietnam for many New South Wales companies associated with infrastructure projects.

Notable successes included Pacific Power, which is working on a major transmission link between Hanoi and Ho Chi Minh City. The visit to Vietnam also involved co-operation with a New South Wales Chamber of Manufactures mission and established links for 10 New South Wales companies in the market. Subsequent New South Wales successes in the electricity distribution and construction areas developed from links established during that visit. Both Prospect Electricity and Sydney Electricity are on the verge of joint economic projects with New South Wales industry and their Vietnamese electricity authority counterparts. It is most rewarding to hear of such successful economic stories.

Minister Collins, as Minister for State Development, visited Hong Kong and Taiwan in 1992. As a result of that visit Cathay Pacific invested $260 million in the New South Wales economy through the establishment of a data communications centre in this State. There have been numerous other examples of ministerial visits to Asia, in particular to China, which have improved the links between Asia and Australia. In 1992 Wal Murray, at that time Deputy Premier, led a delegation, of which I was a member, to China which promoted business links with that country. Last year Ground Support Engineering, one of the companies that I well remember from that trip to China, achieved a profit of more than $1 million - another success story. As a result also of that 1992 trip we have been able to establish a business contract for Tamworth British Aerospace-Ansett Flying College, which this year will have a class of 15 Chinese pilots. I am deeply pleased that the 1992 visit by the group of which I was a member has been so successful.

China is the dragon of Asia, and in recent times it has been roaring. If Australia is to have economic growth we must be partners in benefiting from the growth that is occurring in China. Guangdong is the richest and fastest growing province in China. The fact that New South Wales has a sister relationship with Guangdong will help this State's growth. I am pleased that our economic recession is improving.

Our activities during the past six years have helped to achieve that improvement. New South Wales is leading Australia in growth. Guangdong is important in that it has a population of more than 62 million.

The Hon. D. F. Moppett: In one province?

The Hon. HELEN SHAM-HO: Yes, in one province. Australia has only 17 million people, and almost six million of those live in New South Wales. Guangdong has a huge domestic market and the lowest labour costs. Many Chinese products are sold in Australia. Guangdong province has three economic zones - Shenzhen, Zhuhai and Shantou - which have been given special economic status to attract business and trade links with countries in the outside world such as Australia. Guangdong attracts more than half the foreign investment in China. New South Wales is leading Australia in economic growth. Asian investment accounts for a major share of all investment in this State. In 1991-92 Japan alone accounted for more than one-third of foreign investment in New South Wales.

However, other Asian countries with significant investment in New South Wales include Hong Kong and Singapore. Such investment in New South Wales is important because it will sustain much of our economic growth.

The annual growth rate of Australia's economy reached 3.5 per cent in the second half of 1993. That rate of growth is lower than during the previous recovery but is undoubtedly rising. With the success of the Olympic bid I am sure this State's growth rate will again exceed that occurring in other parts of Australia. Our confidence after our Olympic bid success is enormous. The growth Sydney will experience between now and the year 2000 will benefit the whole of Australia, not just New South Wales. There will be investment and increased services. Tourism is a growing industry, as the Minister for Tourism would agree.

The Hon. Virginia Chadwick: I agree.

The Hon. HELEN SHAM-HO: She agrees with me.

The Hon. D. F. Moppett: Where do the inbound tourists head?

The Hon. HELEN SHAM-HO: Sydney. Sydney had the highest tourism growth for the whole of Australia; it is the destination of all tourists. There will be growth in the business sector, in the service sector and in tourism. Tourism is our fastest growing industry. I congratulate the Minister for Tourism for increasing the tourism budget by 46 per cent last year.

The Hon. Virginia Chadwick: The Premier supported that bid for extra money.

The Hon. HELEN SHAM-HO: The Government must claim credit for its foresight with respect to tourism. Australia's tourism market has always been Japan. In recent times, however, that market has stabilised. Tourism is growing from other parts of Asia. The growth is staggering. According to Paul Crombie, the General Manager of the New South Wales Tourism Commission, the number of tourists from Asia has increased by 39 per cent - spearheading a boom in international tourists. According to estimates of the Bureau of Tourism Research, by the year 2000 Asia will provide almost twice as many visitors to Australia than to any other market. Taiwan and Korea had a growth rate of 60 per cent and 55 per cent respectively for the first half of last year compared with that for the previous year.

There has been a direct air service between Taiwan and Australia since 1991. The traffic has doubled since then to 63,500 - and that is a 1992 figure, so I am sure it would have increased. The Australian Tourist Commission's target is 350,000 visitors from Taiwan by the year 2000. The Australian Tourist Commission is also targeting 270,000 visitors from Korea by the year 2000, an eightfold increase on the 1992 figure. The number of visitors from Malaysia and Thailand is expected to treble in this period, and the number from Hong Kong, Indonesia and Singapore is expected to almost double. If the New South Wales Government does not have the right strategy it will not attract the visitors. Late last year the Minister for Tourism launched a strategy to attract tourists to Australia.

I refer to our trading partners. I agree with the Hon. I. M. Macdonald that our focus should be on Asia. Of the 10 major trading partners of New South Wales, nine are in the Asia-Pacific region. Those countries rank as follows: Japan, New Zealand, South Korea, the United States of America, Taiwan, Hong Kong, Indonesia, Singapore, the United Kingdom and China. Honourable members can see that most of those countries are Asian. Since the Government came to office six years ago it has had an economic focus on Asia. I commend the chief executive of the economic development unit of the Premier's Department, Dr John Saunders, for his dynamism and innovation.

Last year the Premier initiated an Asian economic development unit with a focus on generating more economic links with Asia. Recently the economic development unit has been restructured in an attempt to streamline and become more effective and efficient to attract foreign business. I said in my

Address-in-Reply contribution that I have been very active in assisting in this economic process. I initiated the China task force in the economic development unit. This task force is new. Its aim is to advise the Premier and to identify economic opportunities. We have to get enough information to facilitate economic growth for business people. To trade with Asia we need accurate and reliable information and contacts.

The Government has introduced the new economic development unit plus the China task force, which was my baby. I hope it will help in our further achievements in the economic field. I could go on and on about our achievements. New South Wales has a triple-A rating and leads the country in economic growth. We have success stories, such as Cathay Pacific, Ground Support Engineering and the Tamworth British Aerospace-Ansett Flying College.
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Our focus should be on Asia. It is important for us not to go back to the wartime, but to go forward and look at our relationship with Asia in a more positive way.

The Hon. Dr MEREDITH BURGMANN [4.0]: I will be very brief today because of the state of my throat, but I do feel the need to set down my views about the Vietnam war. The Vietnam war has been the most important influence on my life, and this was true for a whole generation of Australians and Americans. I was a fairly typical child from the North Shore. I had a conservative upbringing. I arrived at university in the mid-1960s believing that Sir Robert Menzies was a great man and that the trade unions were out to ruin the country. These were the sorts of unquestioning beliefs that many of my generation had and which I gather many members on the Government benches still have.

However, at university these beliefs were to be seriously challenged. I discovered that we were in an undeclared war and that many of our young men were going to - in some cases conscripted and going to - a far away country and being killed. But, more important, these young men were killing other people, including women and children, whom they had no right to kill. I knew I needed to know the history of the war if I was to decide whether I should support Australia's involvement in it. My discoveries make me confident to say that everything the Hon. I. M. Macdonald has said is true. Not only did I learn at that time about aspects of the Geneva Accord, the way in which we entered the war and the rather dirty way in which we traded meat for human bodies, but since then I have discovered the lies that were told us. Consequently, I was very interested to read the book *Harvest of Fear* by John Murphy to discover that four eminent Australians, including my grandfather, were warning the Government in 1954 about its attitude to Vietnam. I quote from the book:

> An incident in early April had demonstrated both this alarm and the ways in which Casey and the government chose to be less than candid about the complexities of events in Vietnam. Bishop Burgmann of Canberra and three ANU professors (C.P. Fitzgerald, Manning Clark and J. W. Davidson) had published a letter which pointed out the strong element of nationalist aspiration in the Viet Minh and expressed alarm at Dulles's enthusiasm for Western intervention. It was a moderate enough position, but it was an indication of the times that it should be roundly condemned in parliament.

Just as the Hon. D. F. Moppett is doing today. It was a moderate enough position, but it was condemned in Parliament:

> The veteran conservative William Wentworth claimed that they were presenting "facts" which were "so untrue that they help the Communist line" - a sentiment with which *News Weekly* agreed. Under a headline proclaiming "Calwell stands by friends of Indo-China Reds", the paper insisted that "The Communist movement throughout Southeast Asia is not nationalist, but an extra-national force exploiting national sentiment". Calwell had defended Burgmann and the professors against "McCarthyism", while Whitlam was more direct, arguing that . . .

And this is a quote from Whitlam:

". . . it is a fact that the Communists have been manoeuvred into the vanguard of all these movements in Southeast Asia, but that is largely our fault in allowing the only feasible alternative to appear to be the form of European tutelage and American protection which the new Secretary of State . . . constantly advocates."

When I first met one of my heroes, Gough Whitlam, about 10 years ago he remembered having made that speech in Parliament defending my grandfather. I suppose this is the mark of a very fine politician, but he was able to tell me not only the year in which he made it but the month. He even gave me an approximate date. He was three days off - and this was, I suppose, almost 30 years after he made that speech. I will not go into the history of how he got into the Vietnam conflict because the Hon. I. M. Macdonald has already done that. But it was quite obviously a combination of 1950s xenophobia and xanthophobia and the belief that if we were to fight these people - who, of course, we were frightened of because they were not of our colour - we had to go and fight them in their backyard and not in our backyard.

That was the expression used over and over again by people supporting the war when fighting our beliefs. I discovered that we were there for all the wrong reasons so I began to be involved in protest. History has been rewritten about our protest. There is now this belief that protest occurred, we were treated rather well and eventually a majority of Australians agreed with us. It is not true. It took us many years of being reviled as ratbags and long-haired university students before we had any effect on the Australian Government's position.

The Hon. Virginia Chadwick: I cannot imagine the Hon. I. M. Macdonald as a long-hair.

The Hon. Dr MEREDITH BURGMANN: The Hon. I. M. Macdonald had a very long shock of hair. I have a photograph of him.

The Hon. Virginia Chadwick: Would you show it to me?

The Hon. Dr MEREDITH BURGMANN: Yes, I will show it to the Minister. I also have a picture of myself parading outside the house of the Hon. Tom Hughes when the six men, including the Hon I. M. Macdonald, had gone to gaol for 14 days. There is a picture of me outside the house with a large sign saying "Free the Bellevue Hill Six". Bear in mind that the media coverage we got was that we had no right to demonstrate our views, that we were mad Communists and not good citizens. A former Liberal Premier of New South Wales - who received a bit of coverage in the interjections during question time today when, I think, the Hon. J. P. Hannaford mentioned some politicians who had got into trouble, and of course a member of the Opposition mentioned Robert Askin - said, when he had the American leader in the car with him and demonstrators were peaceably lying down in front of him, "Run over the bastards".

We then discovered, once we were arrested and put in gaol, that there were things wrong with our court system. We discovered that 23 years of Liberal

rule had produced terrible problems with our police and our court systems, particularly in the Australian Capital Territory. We found we could not rely on the truth being told in court. The Vietnam generation are now the voters.

The PRESIDENT: Order! I want to hear what the honourable member has to say.

The Hon. Dr MEREDITH BURGMANN: The Vietnam generation are now the voters who are delivering Labor governments federally, and have since 1972, except of course for the seven years of the Fraser government. I have now discovered that even Fraser regrets the Liberal Party's involvement in South-east Asia at the time. We began to question the whole of society out of our discovery that we had been lied to over Vietnam. We saw that that same Liberal Government was supporting the apartheid regime in South Africa. It was Liberal Prime Minister Billy McMahon who offered the all-white South

African football team the services of the Royal Australian Air Force to fly them round the country, because decent Australian citizens had refused to give services to an all-white South African football team.

We also found that that same government that had told us lies about Vietnam was treating its Aboriginal citizens with contempt. We found that it had repressive laws on homosexuality and censorship. An entire generation was badly disillusioned by what it saw as a government that was determined to carry out the grand plan of the Americans, ignoring its own national interests. It is to the great credit of the present Vietnam Government that it recognises that there was always a large group within Australia that opposed its own government's intervention in Vietnam. It is to that Government's great credit that it does not take a more antipathetic attitude to us than it has.

Before he left Australia the former Vietnamese ambassador visited my office at Macquarie University and thanked some of us for our participation in the anti-Vietnam protests. Clearly, he was able to recognise that there were in Australia people who understood that we should not be killing Vietnamese in some sort of ideological American-driven imperialist war, and that many ordinary Australians did not support that policy. I now touch briefly on the statements made by Mr Keating during his recent visit to Thailand and Vietnam.

It is extraordinary that some sections of the media and the Australian public, including representatives of the RSL, believe it is appropriate for the Prime Minister to go to Vietnam and lay a wreath or attend a remembrance ceremony for Australians who were killed in a war in which they should not have been involved, and who were seen by the Vietnamese people as brutal war criminals. The sorry story of My Lai and other massacres have shown that the so-called allied troops in Vietnam did carry out brutal massacres.

To expect the Prime Minister to lay a wreath in Vietnam in those circumstances, is to have a view of the world which sees Australia as always being right and these poor Asian countries having to put up with what we feel we want to do for our fallen. It is interesting that two weeks ago John Major, the Prime Minister of England, tried to do a similar thing. He agreed that a German panzer division could come to England, march down Whitehall and lay a wreath to commemorate the Germans who were shot down while bombing London.

The Hon. D. F. Moppett: They have taught the world to forgive their enemies.

The Hon. Dr MEREDITH BURGMANN: The British people rounded on John Major. He was almost thrown out of office. There was almost a leadership challenge because of his ridiculous decision to allow a German panzer division to march down Whitehall and lay a wreath. The English people had the same point of view that the Vietnamese people would have had if Paul Keating had traipsed over to Vietnam and laid a wreath for the Australians who killed Vietnamese citizens without justification. The people in Australia who suggest that Paul Keating should have laid a wreath understand nothing about the diplomatic niceties of polite relations between sovereign States. It shows the racism of the people who believe -

Reverend the Hon. F. J. Nile: Christian and Buddhist priests are in Vietnam prisons as the honourable member speaks because of their beliefs.

The Hon. Dr MEREDITH BURGMANN: Reverend the Hon. F. J. Nile pretends to be interested in human rights.

Reverend the Hon. F. J. Nile: I am very interested in human rights. You are being hypocritical in being selective in your targets.

The Hon. Dr MEREDITH BURGMANN: Did the honourable member demonstrate against the war in Vietnam, against apartheid in South Africa and against the fascist coup in Chile against a

democratically elected government? He has a very selective view when human rights are involved.

Reverend the Hon. F. J. Nile: When will you campaign for human rights in Vietnam?

The Hon. Dr MEREDITH BURGMANN: When were you campaigning to stop the fascist coup in Chile? Reverend the Hon. F. J. Nile should go to Vietnam and countries that I am sure he believes he supports. He should visit the United States of America and see the state of that country.

The Hon. Virginia Chadwick: Not many priests are gaoled in America.

The Hon. Dr MEREDITH BURGMANN: Priests are not in gaol, but there are poor black people in gaol all over America.

The Hon. Virginia Chadwick: There are not many people in American gaols simply because they have different views of the world.

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The Hon. Dr MEREDITH BURGMANN: That is absolutely true. In America people are in gaol because they are young, male and black. Unless the Minister is prepared to accept that young, male blacks are the only people who commit crimes, she is looking at a racist class-ridden society, and that is America. I would be pleased if Reverend the Hon. F. J. Nile would support me in my -

Reverend the Hon. F. J. Nile: You should go to Vietnam and protest outside a concentration camp.

The Hon. Dr MEREDITH BURGMANN: You should go to America and see who are in the gaols there.

[*Debate interrupted*.]

The PRESIDENT: Order! Pursuant to sessional orders, debate is interrupted to permit the Minister to move the adjournment of the House should she so desire.

The Hon. Virginia Chadwick: No.

UNIVERSITY LEGISLATION (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [4.16]: I move:

That this bill be now read a second time.

The purpose of the bill is to amend the following Acts: the Charles Sturt University Act 1989; the Macquarie University Act 1989; the Southern Cross University Act 1993; the University of New England Act 1993; the University of New South Wales Act 1989; the University of Newcastle Act 1989; the University of Sydney Act 1989; the University of Technology, Sydney Act 1989; the University of Western Sydney Act 1988; and the University of Wollongong Act 1989.

The primary purpose of the University Legislation (Amendment) Bill is to abolish those aspects of the visitorial jurisdiction in New South Wales universities that involve the Governor in industrial, contractual or administrative law disputes arising from the domestic affairs of the universities. The other purposes of the bill are to clarify the rule-making powers of the universities and to make a minor amendment to their powers to lease lands.

Overall, the aims of the bill are to deregulate certain aspects of university administration and to provide the universities with greater flexibility and autonomy. The visitorial jurisdiction encompasses ceremonial functions that are seen as desirable by the majority of New south Wales universities and indeed by the Government and the bill ensures that these functions are able to continue. However, following recent common law cases where obsolete aspects of the visitorial jurisdiction have been resurrected, the jurisdiction now also encompasses matters that are normally the preserve of the State's civil courts and other bodies concerned with the administration of public bodies, such as the Ombudsman.

Apart from the undesirable consequences of the development at common law of an alternate jurisdiction to that of the civil courts, the exercise of the visitorial jurisdiction places a growing burden upon the office of Governor that is costly to administer and is incompatible with the other functions of the office. The visitorial jurisdiction has been described by the Solicitor General for New South Wales as "obsolete, unnecessary, costly and deficient". These deficiencies are numerous and their implications need to be considered.

First, the jurisdiction is inappropriate when exercised in relation to a modern, publicly funded university established by statute, rather than an historical institution established by a donor, charity or religious dignitary. Second, the extent of the jurisdiction is unclear, not having been tested at law, particularly in relation to whether the jurisdiction is exclusive and the powers which may be exercised by the visitor. Third, the jurisdiction is incompatible with the general law applying to institutions and individuals in New South Wales and there are doubts and anomalies surrounding the question of appeals following a decision by the visitor. Fourth, exercise of the jurisdiction has led to unwelcome prominence being given to decisions of the visitor. Fifth, owing to the complexity of many of the cases brought to the visitor, there has been a need for costly legal representation by both parties as well as the need for formal and informal legal advice and assistance for the Governor on the part of Crown law officers.

The University Legislation (Amendment) Bill will abolish this dispute-settling role of the visitor in New South Wales universities but will retain the option of a ceremonial role for the Governor. Each university in New South Wales has been closely consulted about abolition of the jurisdiction and the universities are unanimous in their support for abolition of the jurisdiction. The majority of universities support retention of a ceremonial role for the visitor. In addition to the amendments to the visitorial jurisdiction, the University Legislation (Amendment) Bill will also clarify the capacity of university by-laws to authorise the making of rules or resolutions by university governing bodies.

Currently, the university Acts provide that each university may make by-laws in relation to various matters. The matters about which universities may make by-laws are listed throughout each of the Acts and vary from matters that are central to the operations of universities to matters that are minor in nature or best decided by the universities themselves because they are essentially academic or scholastic. Currently, the university Acts also provide that the universities may make rules in relation to any matter about which they are permitted to make by-laws. These provisions are aimed at ensuring that the

universities are able to control and manage their affairs efficiently and to the benefit of the university as a whole. Unfortunately, the wording of the sections which provide this power is such that the universities have not had sufficient confidence in their ability to make rules.

The current rule-making powers do not provide the universities with anything like the reach and certainty of the by-law making powers. Consequently, essentially minor matters of university governance and administration are too often the subject of by-laws requiring the services of several public sector

institutions, including the universities themselves, and involving extensive public expense. The bill will clarify the capacity of a by-law to authorise the making of rules. This clarified rule-making provision will confirm the status of rules made by university governing bodies so that universities do not feel the need to involve the Government in the time consuming and expensive process of making by-laws.

While this particular amendment will allow the universities to govern most aspects of their own administration and management, it will also exclude from the clarified rule-making provisions several significant matters considered crucial to the continued public accountability of the universities. The clarified rule-making provisions will not allow the universities to make rules about the classification of people within or associated with the universities as graduates, academic staff, general staff or students because of the impact this has on eligibility to vote in university elections; university elections; the tenure of elected members of university governing bodies; borrowing or investment of funds; designation of the financial year; and the filling of casual vacancies on university governing bodies.

These matters will continue to be the subject of by-laws and will not be included in the rule-making powers. They are of central importance and should remain the subject of by-laws alone and thus subject to public scrutiny and disallowance. Matters relating to elections in particular are considered inappropriate for regulation by way of rules. These provisions will greatly improve the efficiency of operations of the universities and will reduce the level of bureaucracy involved in their administration. The bill will also remove a restriction that leases of land by the universities must obtain the highest rent possible, thus allowing universities to lease land not only for financial benefit but for strategic or educational benefit where appropriate.

Leases of more than 21 years will continue to be subject to ministerial approval and leases of land to residential colleges will continue to be subject to restrictions concerning the charging of nominal rents and so on. The universities naturally have an incentive to take financial considerations into account when leasing lands and in recognition of the general desirability of ensuring maximum returns for universities entering leases, the bill retains a requirement for leases to confer financial benefits to universities. The Government envisages that "the highest rent" will continue to be the deciding factor for universities, which will themselves clearly continue to regard maximum financial return as the major priority when entering leases.

However, the proposed provisions will also grant the flexibility to waive "highest rent" in favour of more indirect financial benefits or special educational benefits when leasing land. This is more compatible with the functions and objectives of the universities expressed in the various university Acts, which place expectations on the universities to engage in teaching and research projects with industry and government. This minor amendment to the leasing provisions is aimed at enhancing the universities' capacity to reach these goals. It recognises that provision of higher education increasingly involves the joint use of land, buildings and facilities of other universities, other educational sectors or commercial or industrial organisations and that the best value-added enhancement of resources is not always represented by the simple economics of "the highest rent".

It is particularly important to note also that in certain disciplines, research projects require close geographical proximity with bodies engaged in joint research and development projects. The bill aims to broaden the collaborative opportunities available to universities by introducing greater flexibility around leases to encourage the achievement of the best educational outcomes. The bill also contains provisions of a savings and transitional nature. These provide for the visitor to deal with and complete action in relation to a dispute or other matter which has commenced or been completed prior to the introduction of the legislation or any matters presently before the courts that have arisen out of the exercise of the visitorial jurisdiction.

Also, the savings and transitional provisions ensure the continued validity of by-laws and rules made under the university Acts to date but only to the extent that they do not conflict with the provisions in the bill. Drafting of this bill has been a lengthy process because of the extensive consultation which has

been undertaken with the universities in relation to its provisions. Each vice-chancellor and chancellor has been consulted during drafting of the bill and wherever possible suggested amendments were incorporated into the bill. All of the universities have expressed support for the legislation, particularly the provisions proposing abolition of the visitorial jurisdiction which now enjoy unanimous support among the universities.

The amendments will have a positive financial and administrative impact not only for the universities but for a number of public sector entities. The amendments concerning the visitorial jurisdiction will prevent the costly disputes involving the Governor which have occurred in the past. The amendments clarifying universities' rule making and property leasing powers will streamline and improve the management and administration of the State's universities and will substantially reduce in the longer

term the number of university by-law matters coming before the Governor and the Parliament. Savings will be made by virtue of the reduced demand on the by-law making services of the education portfolio, the Parliamentary Counsel, the Governor and the Parliament.

The bill accords with the Government's policy of improving the management efficiency of statutory authorities and with deregulatory policy and initiatives. The amendments will make the State's universities more efficient by removing inappropriate regulation, reduce demands on the public sector and streamline administrative procedures. I thank all those at universities, vice-chancellors and chancellors, who have been so patient as we have consulted our way to this point, and I thank the officers of my own ministry, particularly the higher education unit, who have worked on this matter to achieve unanimity over several years. I commend this bill.

Debate adjourned on motion by the Hon. K. J. Enderbury.

PRIVACY AND DATA PROTECTION BILL

Bill introduced and read a first time.

Second Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.30]: I move:

That this bill be now read a second time.

In August 1992 the Independent Commission Against Corruption released its report on unauthorised release of government information. The report, written by the Hon. Adrian Roden, Q.C., disclosed a large-scale trade in government information and made a number of recommendations, in relation to that trade, for the protection of data held by the Government. The release of the ICAC report followed the introduction earlier that year of the Data Protection Bill 1992 by Mr Andrew Tink, M.P., the member for Eastwood. The bill had been introduced as an exposure draft bill and in many respects it already dealt with the concerns raised in the ICAC report. Officers of my department provided substantial assistance to Mr Tink in the development of the bill. This bill takes into account the ICAC recommendations and the matters canvassed in the Data Protection Bill 1992 which were the subject of consultation with the Privacy Committee and with Mr Tink.

It is important that recognition be given to the work done by the member for Eastwood in this area. The bill introduced by him in 1992 formed the basis of the Privacy and Data Protection Bill and I wish to record my thanks to the honourable member for his tireless effort in this important area. I also wish to echo the sentiments expressed by him in his second reading speech on the Data Protection Bill 1992 when he said that that bill was one of the most important pieces of legislation to be introduced to the

Parliament. It is perhaps worth while to provide some historical information in relation to the area of privacy legislation in New South Wales. New South Wales was one of the first States in the world to pass privacy legislation. The Privacy Committee Act was passed by this Parliament in 1975 and it established a committee comprising representatives of the Government and the Opposition, as well as academics, public servants and people with a special interest in privacy issues.

The committee was given the power to conduct research, investigate the complaints and, most importantly, to make reports concerning the need for, or desirability of, legislative or administrative action to protect the privacy rights of individuals. Throughout its 17-year history the committee has done a great deal to enhance privacy protection, not just for the people of New South Wales but for all Australians. The right to privacy is now receiving even greater recognition within New South Wales and the other Australian States. However, it would be foolish not to acknowledge that a great deal more needs to be done before it can be confidently stated that privacy rights are both respected and adequately protected.

The recent report of the Independent Commission Against Corruption concerning the unauthorised release of government information has given this area the impetus it needed to conclude and extend some steps that had already been taken. That report contained surprising revelations about a massive trade in government information involving police, public servants, insurance companies, banks, financial institutions, lawyers and private investigators. The type of information traded included addresses, silent telephone numbers, bank account and pension details, social security information, Medicare records, criminal history information and the details of people's movements in and out of the country. One hundred and fifty-five people were found to have acted corruptly, and 101 people were found to have allowed, encouraged or caused corrupt conduct. The Government is determined that the activities uncovered by the commission will be remedied. It is hoped that this bill will restore New South Wales to the position of being in the forefront of protecting the individual's right to privacy.

Turning now to the substantive provisions of the bill, part 2, division 1 of the bill contains offences relating to dealing with public sector information. It will be an offence for a public official or former public official to misuse or disclose personal information to which the employee or former employee has or had access in the performance of official functions. However, it will not be an offence to use or disclose information in accordance with an applicable data protection code or with the informed consent of the person who is the subject of the information. It will not be an offence to disclose information contained on a public register. In addition, it will be an offence for a person to offer to supply, or to hold himself or herself out as being able to supply, information that the person knows, or ought reasonably to know, was disclosed in contravention of the provisions of the bill. The maximum penalty for

each of these offences is to be 100 penalty units - currently $10,000 - or two years' imprisonment, or both. The offences do not apply to a public official acting in good faith in the exercise of his or her official functions.

Part 2, division 2 of the bill requires data protection codes to be prepared and adopted by heads of public authorities in relation to the collection, use and disclosure, and procedures for dealing with, personal information held by public authorities. Personal information is defined in the bill to mean information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. The data protection codes provided for in division 2 of the bill are to specify procedures dealing with personal information and conditions to be imposed upon the Archives Authority of New South Wales when dealing with records of a public authority, to conform, so far as is reasonably practicable, to the data protection principles and are to be submitted for review by the Privacy Commissioner whose office is established by this bill.

The data protection principles contained in the bill are based largely on the principles included in the Commonwealth Privacy Act, and relate to various matters concerning the confidentiality of personal

information, including restrictions on the collection of personal information, information to be given when information is obtained, requirements for the use, storage and security of information, information as to information kept, access to and disclosure of information and alteration of information. Information privacy principles have been incorporated in data protection legislation in many western developed countries to regulate the way agencies collect, store, use and disclose records of personal information. Examples include England, Canada, Ireland, Germany, the Netherlands, France and Italy. The data protection codes which are to be based on the data protection principles may be amended following review by the Privacy Commissioner.

Although only public authorities are required to prepare data protection codes, the Privacy Commissioner may, if requested by a person or body that is not a public authority, prepare a data protection code for adoption by that person or body. Alternatively, a non-public authority may prepare and adopt a data protection code and may submit that code to the Privacy Commissioner for review. In this way the expertise of the Privacy Commissioner may be made available to private sector organisations if they wish to take steps to ensure that personal information held by them is adequately protected. The Privacy Commissioner may also, at the request of the head of a public authority or any other person or body, exempt personal information or classes of personal information, or a person or any classes of persons, from any or all of the provisions of the data protection code relating to that authority, person or body. Such exemptions are to be reviewed on a three-yearly basis.

In addition, the Privacy Commissioner may review a data protection code at any time on a request by the head of a public authority or other person or body by or for whom a data protection code is or is to be prepared. The Privacy Commissioner may also review such data protection codes on the commissioner's own initiative. Part 2, division 3 of the bill deals with public registers. A public register is defined in proposed section 18 of the bill as a register of information that is required by law to be, or is made, publicly available and is prescribed by regulations to be a public register. The bill provides that a record keeper must not disclose personal information contained in a public register unless satisfied that it is to be used for a purpose relating to the purpose of the register or Act under which it is kept. A person may apply to have information removed from the public register or not placed on a register, as publicly available, or not disclosed to the public and this may be done if the record keeper is satisfied that it would not unduly compromise the register and that the applicant's safety or that of the applicant's family may be at risk. A complaint about a record keeper's decision about any such application may be made to the Privacy Commissioner.

These provisions recognise that publicly available information requires certain minimum safeguards to be observed. There are cases where it is reasonable and appropriate for personal information to be made available to the public by public registers. For example, the electoral roll is available for public scrutiny to ensure that only those entitled to vote are in fact enrolled. However, it is well known that public registers which have been set up to service specific public interests, for example fair conduct of elections, are used for many other unrelated purposes, such as direct marketing. This directly conflicts with the purpose specification principle of data protection, namely, that information collected for one purpose should not generally be used for another unrelated purpose without the consent of the data subject or the authority of law.

Division 1 of part 3 of the bill confers functions on the Privacy Commissioner who is able to be appointed by the Governor under part 4 of the bill. The functions of the Privacy Commissioner include promoting the adoption of data protection principles, monitoring compliance with data protection principles and privacy guidelines, conducting research into privacy matters, preparing and publishing data protection and privacy guidelines, providing assistance to public authorities in relation to data protection codes, monitoring developments in technology which have an adverse impact on data protection or other matters related to privacy, and receiving, investigating and conciliating complaints about the use and disclosure of personal information and other breaches of privacy.

Part 3 of division 2 deals with complaints to and investigations by the Privacy Commissioner and

confers a right on an individual who is detrimentally affected by a breach of the data protection principles, or violation of the individual's privacy, to complain to

the commissioner. The division outlines the steps to be taken by the commissioner in the investigation of a complaint and outlines the powers the commissioner may exercise in that investigation. Part 3, division 3 sets out the kinds of reports which the Privacy Commissioner may make under the proposed legislation. The commissioner may report on or in relation to any complaint to the Minister. The commissioner must make an annual report to the Minister. A special report may also be made by the commissioner at any time on any matter arising in connection with the discharge of the commissioner's functions. Such a report is to be made to the Presiding Officer of each House of Parliament for presentation to Parliament.

Part 5 of the bill establishes the Privacy Advisory Committee. Its functions are to advise the Privacy Commissioner on matters relevant to his or her functions and to recommend material for inclusion in guidelines issues by the commissioner. The Privacy Advisory Committee will fulfil much the same role as that played by the current Privacy Committee. In this way the Privacy Advisory Committee will assist the Privacy Commissioner in the performance of his or her functions and will formalise liaison between the commissioner and community and specific interest groups. A similar body has been established under the Commonwealth Privacy Act.

The Privacy Advisory Committee shall consist of the following part-time members: first, a member of the Legislative Assembly or the Legislative Council nominated by the Minister; second, a member of the Legislative Assembly or the Legislative Council nominated by the Leader of the Opposition in the Legislative Assembly; and, third, not more than four members nominated by the Minister having, in the opinion of the Minister, special knowledge of or interest in matters affecting the privacy of persons.

The remaining provisions of the bill deal with miscellaneous matters including proceedings for offences, prohibitions on the commissioner from disclosing information except in exercising his or her functions, offences relating to obstructing the commissioner, regulation-making powers and, importantly, a provision making it clear that the proposed Act is not to affect the operation of the Freedom of Information Act 1989. The aim of this bill is to safeguard personal information held by government authorities in a way which is effective and responsive to the needs of the entire community. I commend the bill to the House.

Debate adjourned on motion by the Hon. I. M. Macdonald.

VICTIMS COMPENSATION (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.45]: I move:

That this bill be now read a second time.

The Victims Compensation (Amendment) Bill has resulted from a review of the implementation and administration of the Victims Compensation Act 1987. The Act commenced operation in February 1988. The aim of the tribunal is to ensure that victims of violent crime receive compensation in as prompt and sympathetic a manner as possible. While the tribunal has generally functioned well, concerns were expressed about the operations of both the Act and the tribunal and the nature of claims being made to the tribunal. To allow these concerns to be properly examined, I instigated the review which was undertaken by Mr Cec Brahe, the Deputy Chief Magistrate and former chairman of the tribunal.

The review was conducted with particular reference to: first, persons entitled to compensation; second, the nature and determination of compensation; third, the review of determinations; fourth, the payment of legal costs; fifth, the recovery of moneys from convicted offenders; and, sixth, the statistics and management of information maintained by the tribunal. In September 1992 an issues paper was released. Thirty-nine submissions were received in response from parties including the Law Society, the Bar Association, victims support groups, the Legal Aid Commission, the Chief Judge of the District Court, members of Parliament, community groups, women's groups, solicitors and legal centres, the Lesbian and Gay Legal Rights Service, the Sexual Assault Committee, the police, the Ethnic Affairs Commission, the Office of Aboriginal Affairs and the Youth Advisory Council.

It can be seen that there was comprehensive consultation with the community in the process of the review and subsequent drafting of the bill before the House today. To assist Mr Brahe in the conduct of his review I requested the New South Wales Bureau of Crime Statistics and Research to analyse the pattern of victims' compensation claims, claimants and awards. The bureau's report on the profile of claims, claimants and awards was published in February 1993. Its findings about the nature of claims was considered in the Brahe review. In March 1993 the recommendations of the Brahe review were published and circulated to members of Parliament, interest groups and individuals.

The report included 28 recommendations of which 16 required legislative amendment. The proposed amendments to the Act recommended by Mr Brahe included provision to clarify the definition of "act of violence"; provision that a payment should be made on solatium rather than common law principles of compensation; that there should be changes to the appeal process; that there should be administrative assessment of non-contentious claims; and that there should be some limiting of claims by close relatives on the death of a victim. A recommendation for consequential administrative amendments to the Act was also made. Most of the recommendations of the Brahe review have been implemented in the bill which is before the House today. In the process of finalising the legislative proposals before the House, I have consulted further with government agencies such as

the Ministry for the Status and Advancement of Women, the Ministry of Police, the Department of Corrective Services, the Office of Juvenile Justice and the Department of Courts Administration.

It is fair to say that the bill which is before the House today has been formulated as the result of an extremely wide-ranging consultation process. The bill takes into account the views expressed by members of the community in the course of that consultation. While crime continues in this State, with its terrible impact on victims, there will be a continuing need for the tribunal to make awards to genuine and deserving victims of crime. Payments to victims are made out of the Victims Compensation Fund. This fund is financed by Treasury and ultimately by the people of this State. This bill attempts to provide out of the fund for the competing needs of victims in the fairest and most equitable way. So that all genuine victims may receive adequate compensation it has been necessary to clarify the basis of compensation, to narrow the ambit of acts of violence qualifying for compensation and to increase the threshold for minimum awards by the tribunal. There has been some limiting of categories of claimants qualifying for compensation so that the most deserving victims of crime will not be prejudiced. The process for review of the tribunal's determinations has also been enhanced and guidelines provided to the courts on matters to be considered by them on appeal.

I now turn to the details of the bill. Item (3) of schedule 1, dealing with proposed section 3B, clarifies the nature of compensation payable under the Act, by providing that the basis of payment to a victim of violent crime is consolation. It is a formal acknowledgment on behalf of the Government and the community of the unjust infliction of injury and suffering on the victim. It is not possible to compensate a victim of crime to the extent that, say, a person claiming for injury under an insurance based scheme would be compensated on common law principles. Therefore, proposed section 3B clarifies that compensation under the Act is not meant to put the victim, so far as money will do, back into the same position the victim was in prior to the violent criminal act.

Items (1) and (2) of the bill, proposed sections 3 and 3A, provide for the redefinition of an act of violence giving rise to compensation. These items will ensure that victims of violent criminal acts receive a payment. It overcomes previous interpretations that the Act compensates injuries occurring in the course of the commission of non-violent offences. Proposed section 3A amends the definition of "act of violence" to apply only where there has been a violent criminal act. The new definition also includes certain offensive acts to cover instances of sexual assault and domestic violence so that victims of these crimes are not excluded from the ambit of the Act by the redefinition of "act of violence".

Proposed section 3A(3) clarifies the nature of a related act. Together with items (9) and (10), proposed sections 18 and 19 of the Act will provide that where more than one offence has occurred during the course of a continuing relationship between the victim and the offender, the victim will be eligible to make only one claim for compensation. This overcomes arguments that in such circumstances a victim may receive an award in respect of every single act of violence occurring during a series of acts of violence. Once again, I must remind honourable members that compensation is paid largely from the public purse and it is necessary to provide some limitations on payments so that all victims of serious crime may receive compensation.

Proposed sections 3(1) (b1) and 15 provide for compensation of a primary victim of sexual assault for a new category of injury being psychological trauma. In some cases victims of sexual assault will not be able to establish physical injury. The new sections overcome the requirement for these sexual assault victims to prove physical injury, mental disorder or nervous shock. The object of item (6), proposed section 15(6), is to exclude all motor accident victims from compensation. It is inappropriate for motor vehicle victims falling below the threshold for compensation under the Motor Accidents Act 1988 to obtain compensation as victims of crime. Item (7), proposed section 16(5) provides for maximum compensation for loss of earnings in accordance with section 37 of the Workers Compensation Act 1987. This will provide a new upper limit for such compensation but will allow a worker and his or her family to live with dignity during the period of incapacity to work. It is entirely appropriate for the level of compensation in such a case to be in keeping with amounts provided under the workers' compensation regime.

Item (8), proposed section 17(2) provides non-exhaustive guidelines to the Victims Compensation Tribunal in considering the lodgment of out of time applications. The Brahe review recommended that the two-year limitation period for lodgment of claims be maintained. It also recommended the criteria at item (8) for the exercise of the tribunal's discretion in relation to out of time claims. In providing such guidelines, the processing of these claims will be clarified to the benefit of genuine victims seeking to make late claims.

The amendment of item (11), proposed section 19 of the Act, is for a new threshold of $4,000 or such other amount as may from time to time be fixed by proclamation. The current threshold for claims at section 19 of the Act is $200. There has been no increase in the threshold since the Act was introduced in 1987. There are many small claims made to the tribunal by claimants injured in the course of employment. They seek compensation that is not available under the workers' compensation regime because of the operation of higher thresholds for claims, or in order to supplement awards made under that regime. There is also much greater scope for dishonest claims at the small end of the spectrum. The smaller, trivial claims occupy a disproportionate amount of the Victims Compensation Tribunal's administrative time and costs. This is to the disadvantage of those with serious injuries caused by acts of violence.

Significant thresholds operate in workers' compensation and motor vehicle compensation schemes and it is appropriate that a significant threshold should also operate in relation to the Victims Compensation Act in order to achieve an equitable allocation of funds to victims. Submissions in the

course of the Brahe review supported a range of increases in the threshold. We must again bear in mind that the object of the Act is to compensate victims of violent crime. This compensation is made by the Government from limited funds and it is only fair that payments go to those suffering serious injuries resulting from violent crime. The proposed threshold is realistic and fair. Those victims with claims falling below the threshold will still be able to take action through the courts to obtain directions for compensation out of the property of offenders under part 6 of the Act. Items (46) and (48), sections 53 and 61 of the Act are amended to provide that these directions may be made on a finding of guilt rather than the conviction of an offender.

Item (12), proposed section 20(3), provides matters which the tribunal may take into account when considering the element of late reporting to the police for the purpose of reducing an award. The Brahe review found that in most cases victims reported cases to the police on the date of an act of violence. However, certain victims including children and the intellectually impaired rely on the actions of others in the community to make a report. They often make late reports. The object of this item is to overcome any disadvantage suffered by these victims in the assessment of their claims. Item (12), proposed section 21A, is framed to provide that where a claimant for compensation in one case is the offender in another application for compensation before the tribunal, any restitution order against a claimant as offender may be set off against the award to that claimant as victim.

Items (14) and (43), new section 24A, provide that costs payable in respect of an application will be as set out in the regulations to the Act. These will include legal costs and medical expenses. The tribunal will be able to award in excess of the regulations in special circumstances. The section will also provide the tribunal with the power to complain to relevant professional bodies where medical expenses charged are excessive. The bill enhances the rights of victims to review of tribunal determinations. Under proposed section 24B the tribunal is given a limited power to review its decisions in cases where additional evidence, for example a medical report, becomes available after the tribunal's determination has been made. This provision will save the applicant from having to lodge an appeal in order to have the fresh material considered.

The appeal procedure from the tribunal to the District Court is clarified at proposed section 29, item (20) of the bill. The time for lodgment of an appeal is extended to three months. Proposed sections 29(2B) and (2C) provide that appeals to the District Court shall be heard on a rehearing basis and not a de novo basis. That is, matters will not be heard anew by the District Court. The result will be that in hearing an appeal the court will rely on the evidence adduced to the tribunal. The court may consider further evidence only if the special circumstances of the case warrant it.

Appeals to the District Court will not lie on the tribunal's refusal to allow lodgment of a claim outside the two-year limitation period provided at section 17, or the tribunal's refusal to reconsider a determination pursuant to proposed section 24B. These decisions are administrative acts. By item (21) of schedule 1, dealing with proposed section 29A, the bill provides for costs to be payable in respect of appeal proceedings in accordance with the regulations. The same provisions regulating costs on a determination will apply to costs on appeal to the District Court. Items (22) to (26) of schedule 1 to the bill will establish a procedure for administrative assessment of non-contentious claims.

The Brahe review recommended that, as the majority of applications are non-contentious they should be determined administratively with a right of review from that determination. Proposed section 18(1A) sets out the criteria for administrative assessment, including that the likely award will not exceed $7,000. Therefore, only smaller and non-contentious claims will be determined administratively. Applicants dissatisfied with an administrative assessment will have the right to have their claims determined by the tribunal. This is in addition to the provisions for redetermination by the tribunal and appeal to the District Court.

The bill provides some amendments limiting categories of claimants. Items (27) to (34) of schedule 1, including proposed section 3, limit the definition of "close relative" for the purposes of compensation in

the case of a deceased victim, to dependants of the deceased. This is in keeping with victims' compensation regimes in other States, such as Victoria. It is necessary to provide this limit to claims under the Act in keeping with the principle that compensation is made on a consolation basis only. It is also part of the general emphasis in this bill on the allocation of funds so that the victims of crimes themselves are compensated by the Government on behalf of the community.

Item (35) of schedule 1 to the bill will amend section 10 of the Act relating to compensation to secondary victims. This has been an area of abuse by claimants in the past. The amendments have been framed to provide that a secondary victim must prove sudden sensory perception of the act of violence, or the actual physical harm or the death of a primary victim arising from the act of violence. The intention is to exclude claims by secondary victims for mental disorder arising from a primary victim's mental disorder. The object of proposed section 10(2) is to provide that where a secondary victim is the parent or guardian of a child primary victim, and did not contribute to the child's injuries, the secondary victim does not have to prove the elements of sudden sensory perception of the child's injury in order to be entitled to compensation.

Items (36) to (41) of schedule 1 to the bill will improve the process of recovery of money from offenders. Honourable members are aware that this Government is committed to obtaining contributions from offenders to assist victims of crime. The Act currently provides for a recovery procedure in cases where a person has been convicted of an offence arising from substantially the same facts as those resulting in a previous award to a victim. Proposed sections 42A and 42B will provide an additional process whereby the tribunal may institute proceedings for recovery against an offender at the same time as making an award in favour of a victim. The bill also provides that in the event that a victim has lodged an appeal in relation to an award, a fresh recovery determination may be made so that there can be no shortfall in awards and determinations for restitution.

Proposed section 47(5) will provide for joint and several liability in determinations made against two or more offenders in respect of the same award for compensation. These amendments will improve the process by which the tribunal recovers money from offenders. It is part of this Government's policy of ensuring that offenders contribute to the assistance of their victims. Item (51) of schedule 1, dealing with proposed section 65C(1)(a) and (b), provides for increases in compensation levies payable by offenders. Items (53) and (61) of schedule 1 will provide that compensation levies may be made on a finding of guilt rather than conviction. However, proposed section 65C(2A) will provide that the levy applies to juveniles only at the discretion of the court. Once again, these amendments are in keeping with this Government's commitment to victims of violent crime and its principle that offenders must contribute to the welfare of such victims.

Finally, item (42) of schedule 1 will insert a proposed new section 2A of the Act which will outline the objectives of the Victims Compensation Act, including provision that compensation for victims of violent crime is made on a consolation or solatium basis, the principle of recovery of compensation of payments from offenders and the payment by offenders of a compensation levy. The objects clause is a restatement of this Government's commitment to the many innocent victims of violent crime in the State. In conclusion, the Victims Compensation (Amendment) Bill is a detailed vehicle for improvement of the regime of victims' compensation in this State. It features a fine balance between the competing needs of victims of crime. It has been necessary in some cases to limit categories of claimants and in some cases expand the categories of claimants. Nevertheless, the bill provides for compensation for victims by way of consolation.

Unfortunately, it is not possible to compensate out of the public purse every victim of every offence. It is necessary to provide some limitations on payments so that victims may receive adequate compensation. It is necessary to rationalise and in some cases place limitations on the extent of compensation available to victims from government funds ultimately provided by the people of this State.

This is so that those victims suffering serious injury as a result of violent crime may be compensated in the fairest possible way. This bill also contains a restatement of the Government's policy that offenders will contribute to the welfare of their unfortunate victims. The bill will not and cannot eliminate all crime and suffering; however, it will provide the best possible redress on behalf of the community to those suffering from the effects of violent crime. I commend the bill.

Debate adjourned on motion by the Hon. K. J. Enderbury.

SPECIAL ADJOURNMENT

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

That this House at its rising today do adjourn until Tuesday next.

ADJOURNMENT

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [5.7]: I move:

That this House do now adjourn.

PRISON VISITOR FACILITIES

The Hon. ELISABETH KIRKBY [5.7]: I wish to place before all honourable members problems that have been brought to my attention relating to women who have relatives in our correctional institutions and what happens to them when they attend those prisons as visitors. A submission was sent to me by Rose Stephens. It is related to work carried out by the prisons coalition, which is run from the School of Social Work, University of New South Wales. Rose Stephens explained in this document that during 1992 she was visiting Long Bay reception prison for more than six months and during last year the John Moroney prison in Windsor. She says that the harassment and rudeness of officers, the unaccountability of all levels of corrective services to letters of complaint and the lack of support and facilities for visitors were the reasons that caused her to write the submission, which has also been sent to the Minister for Corrective Services.

She believes that mainly women visitors are powerless, intimidated, often frightened and from that position are unable to report on or improve conditions. They suffer in silence. The officers have complete power over the visitors. She states that there needs to be increased funding for family support centres and that every prison needs one of these centres beside it or accessible to the visitor area. She also believes that each centre needs a paid staff member. The family support centre could advocate a play room for children or for facilities for children on visits, a sick room, transport facilities, and improved waiting room areas and facilities.

She also believes that every prison must have a visitors canteen and transport when the prison is in the country. She says in her submission, "How many of us have stood in the rain and cold at Long Bay waiting for officers to open the door long after the due time? How many of us have not eaten all day because there is no canteen for visitors or because we cannot afford the prices of the contracted service? How many mothers have children they cannot control because they have nothing to do? How many wives have had to work out whether they wanted to divorce their husbands or, in fact, corrective services, because of what they have had to put up with when they visit? How many of the visitors wonder why

they, as visitors, are treated as if they have committed a crime themselves?" She also believes that the family support centres need to be heard as the voice of the women visitors because they are unheard, ignored and treated with contempt. Rose Stephens continued:

> The visitor is treated as a necessary nuisance. We are tolerated in a begrudging manner by insolent, arrogant officers who are public servants employed to assist us. Unfortunately, money does not buy kindness and civility, even at the $50 million Windsor prison.
>
> There are 1000s of women visitors, many with children. They suffer in silence . . .
>
> The Family Support Centre could advocate e.g. a visit during the week when at present you can only visit on weekends. It could also advocate for local, cheap, overnight accommodation for those travelling long distances. It could advocate that when a women visitor has travelled a long distance, and the prison is shut all day for a random cell search, that she, the visitor, is allowed to have the visit anyway, having come such a long distance.

She also believes that the family support centres could be helped by civilians from the community; that interested and empowered civilians could advise women in areas of advocacy, such as writing to a superintendent. She calls this concept prison watch, as in Neighbourhood Watch. She also believes that prisoners should be more accessible to the local community. I was delighted to discover when I visited the private prison at Junee that it was the practice to allow members of the local community and community organisations to visit the prison and have interaction with the prisoners. It is a practice that could be introduced to other New South Wales prisons. Rose Stephens stated that no one benefits from community ignorance of what goes on in the prison, the Department of Corrective Services. Community dissociation - [*Time expired*.]

RESIDENTIAL ACCOMMODATION FOR STATE WARDS

The Hon. R. D. DYER [5.12]: I repeat previous calls I have made for the Fahey Government to impose an immediate moratorium on the sale of any further residential accommodation units used by the Department of Community Services for the care of State wards. A youth survey issued on 12 April - that is, earlier this week - by the Youth Accommodation Association of New South Wales indicated clearly that greatly increased numbers of State wards are seeking accommodation at youth crisis refuges. The YAA survey shows that the total number of State wards seeking accommodation at youth accommodation services in the period January to June 1993 was 1,133, an increase of 64 per cent on comparable figures for 1991; 648 were accommodated, an increase of not less than 142 per cent over 1991. Of the State wards, 888 were seeking accommodation in crisis services, an increase of 99 per cent over 1991; 560 were accommodated in crisis accommodation services, an increase of 208 per cent over 1991.

I strongly agree with the conclusion reached in the YAA report, that this - as the association terms it - staggering increase over the past two years can be attributed, in very large measure at least, to the closure of Department of Community Services residential units by the Fahey Government. The YAA also makes the comment that it is possible that the failure of foster care placements and family support services has contributed to the massive increase in State wards seeking crisis accommodation. However, the association adds that the evidence is limited that these services have been withdrawn to the extent of raising the number of homeless State wards to the level indicated by the YAA survey.

The YAA survey is additional proof, on top of what is visible to any observer of the crisis refuge scene, that the Fahey Government's headlong rush to close residential institutions for wards has greatly, or at least very substantially, worsened the youth homelessness problem. I call on the Minister for Community Services, Mr Jim Longley, to slow down the process - that is, the process of closing existing and operating residential accommodation units for State wards and other children in need of care which are operated by the Department of Community Services. I also call on the Minister to ensure that

services to replace those the Government intends to close are up and running - that is, actually operating - before any further closures by the Government are allowed to occur.

KOOLANG OBSERVATORY

The Hon. J. H. JOBLING [5.15]: On 25 November 1992 I brought to the attention of this House details of an innovative scientific project being undertaken in the Hunter - that of the Koolang Observatory. Today I would like to bring the House up to date with current developments at the observatory. Honourable members will recall that it was proposed to build a public astronomical observatory and space science display centre near Cessnock. Indeed, considerable progress has been made, and the Koolang Observatory is now open for business. The organisers, Michael Marston and Russell Newman, are presently conducting booked sessions every Friday, Saturday and Sunday nights at the observatory.

Visitors attend the observatory just before twilight to view different programs, including summer, autumn, winter and spring viewings and special events. Evening presentations fall into one of three general categories, with the category for any

particular night being determined by the phase of the moon. These categories are: full moon; dark sky and moon; and planets and stars. All programs have both telescope and binocular components, and provide an opportunity for visitors to explore the extensive display centre as well. When the moon is full it is an ideal time for observation of the brighter constellations because the moonlight drowns out the light of fainter stars and it is then very easy to see the constellation patterns.

The dark sky program, when the moon is not visible during observing hours, provides an opportunity to view such faint objects as the Milky Way, the Magellanic Clouds, and the beautiful Nebula and star clusters of the southern sky. The moon, planets and stars program is run when the moon is observable during the evening but is not bright enough to drown out the fainter objects. During May and into winter, two sessions per evening will be conducted at the observatory. Special event and daytime programs can also be devised for group visitors.

Koolang has also hosted and conducted school visits to the site and the organisers are encouraged by the interest of additional school groups in the Hunter, and the interest of members of the National Parks and Wildlife Service. I urge honourable members who have an interest in astronomy to make sure they visit Koolang Observatory, and promote this excellent facility to groups they come into contact with. I believe the observatory has great potential to be developed as an educational and tourism centre in the Hunter and I take this opportunity to congratulate Michael Marston and Russell Newman on their success so far.

SOUTHERN CROSS UNIVERSITY CEREMONIES

The Hon. Dr B. P. V. PEZZUTTI [5.17]: I speak on behalf of the honourable members from the North Coast who take pride in the first graduation ceremonies held at the Southern Cross University last weekend. The Southern Cross University is a very new university - enabling legislation having been passed quite recently - with 5,000 students, and 1,700 external students enrolled at open learning access centres at Murwillumbah, Grafton and Port Macquarie, and campuses at Lismore and Coffs Harbour.

Honourable members will be pleased to know that the first four speakers at the graduation ceremony were Dr Ken Boston, the Director General of Education; Mr James Strong, the Chairman of Qantas; Professor Fred Hilmer, the head of the AGSM of the University of New South Wales; and Professor John Niland, the Vice-Chancellor of the University of New
South Wales. Of those, three are local boys who grew up on the North Coast. Two of them, James

Strong and Professor Niland, attended Lismore High School and you will be pleased to know, Mr President, that Professor Fred Hilmer grew up in the Tweed River area.

In an address to the gathering Dr Ken Boston gave a very erudite description of the Southern Cross and encouraged the graduands to look to the stars and to navigate by using the stars, keeping their eyes fixed on the Southern Cross to help guide them through their lives as it guided Kingsford-Smith over troubled and unknown waters. Professor Hilmer encouraged the students and the graduands to get out into the world, to go overseas, to live and to work with people in other cultures and other lands so that they can come back and use the natural resources of this country to advantage this country by helping other countries in providing the services and goods those countries will need. Mr James Strong gave a very interesting address. He spoke about planning and setting goals, daring to look beyond what one thinks one can achieve, achieving something that one thinks may be out of reach.

He spoke to the graduands of developing their communication skills because, without developing communication skills, they cannot become the leaders in their fields that this country so desperately needs. He encouraged them to look at things through other people's eyes because, by doing so, they would advantage themselves and advance the reputation of the university. Professor John Niland went to some lengths to explain to the citizenry of Lismore and district that the university was not a parochial plaything; they should keep their hands off it, but should encourage the university to be world class and do everything they could to encourage the university to be one that will grow and one of which they can be proud. He did not believe that the locals should interfere with the university.

It was a very proud time for me and other members of the council - including the honourable member for Ballina, Don Page, who is a member of the interim council - to be present at these very crowded, large, well attended meetings and to see the joy that was brought to the parents, friends, girlfriends and boyfriends, husbands and wives, and children of the graduands. It was a source of great pride. The university is now sprung. We look forward to the election of a new chancellor and the presence of the new vice-chancellor, Professor Barry Cunningham, from the University of Wollongong. I know that this House will join with me in wishing the new university, with its new graduates, well for the future. [*Time expired*.]

House adjourned at 5.22 p.m.

QUESTIONS UPON NOTICE

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

UNIVERSITY OF NEW SOUTH WALES FACULTY OF ARTS AND SOCIAL SCIENCES

Mr Egan asked the Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier -

Can you confirm that Mr Fred Linker has been awarded this year's university medal in the Faculty of Arts at the University of New South Wales?

Answer -

There is no single university medal for the Faculty of Arts and Social Sciences at the University of New South Wales but various medals which may be awarded for the honours majors in the faculty each year. As was recently published in the *Sydney Morning Herald*, Mr Fred Linker was awarded a university medal from the Faculty of Arts at University of New South Wales for a combined double major in political science and french. This medal is one of four awarded so far in the faculty of Arts for 1993 results. There are other nominations for medals still to be considered.

FIREARMS LICENCES

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

(1) How many applications under clause 15(1) of the Firearms Act regulations have been received since the legislation was enacted on May 1, 1992?
(2) How many licences or permits have been granted under clause 15(1)?
(3) How many of these licences/permits were granted to rural producers?
(4) Has there been a relaxing of restrictions in applying for a licence under clause 15(1)?
(5) In what circumstances will a rural producer be granted a licence under clause 15?
(6) Are the claims by the New South Wales Farmers Association executive officer (Wool and Western Division) Howard Moxham, that the Government has given in to lobbying and will allow rural producers to apply or re-apply for pistol licences under clause 15(1) correct?
(7) Has the Government or the Police Service or Commissioner of Police written to the NSW Farmers Association (or otherwise supplied material) laying down criteria for the granting of a clause 15(1) licence for rural producers?
(8) If so, will the Minister release that information?
(9) This question was originally placed on the Question Paper in 1992. Why has the Minister failed to answer?

Answer -

(1) 968 as at 17 March 1994.
(2) 433 pistol permits as at 17 March 1994.
(3) 132 pistol permits as at 17 March 1994.
(4) No.
(5) Clause 15(1) of the Regulations to the Firearms Act states:
The Commissioner may, under this clause, issue permits authorising:

(a) the possession or use of firearms, in such circumstances as he considers appropriate.

The criteria for the granting of permits in respect of pistols is:

(i)Overseas competition in target pistol shooting

(ii) Work related applications where a shooter's licence would not suffice eg veterinarian

(iii) Persons accredited to provide firearms training to the Security Industry

(iv) Primary producers who provide a declaration that the terrain of their land is such that the use of a longarm for the eradication of vermin and/or animal welfare is impractical or unsafe

(v) Personal protection or protection of property is not sufficient reason except for:

(a) provision of security for individuals subject to a Police Service threat assessment, and

(b) provision of security for prominent visitors to the State.

(6) No.

(7) The criteria for application for pistol permits under clause 15(1) of the Firearms Regulations has been made available through numerous inquiries.

(8) See response to (5).

(9) I apologise for the delay in responding to this question. There was clearly an administrative break-down. I am advised that the answer when initially drafted was incomplete.

Unfortunately, due to an oversight it was not followed up as it clearly should have been.

INGLESIDE-WARRIEWOOD PLANNING POLICY

Mr Jones asked the Minister for Planning, and Minister for Housing -

(1) In light of the problems of siting homes adjacent to bushland areas will you reconsider the proposal to release land for medium density residential use in Ingleside?

(2) If such development had taken place already would it not have caused the potential for an enormous human tragedy?

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Answer -

(1) In December 1991, I announced the inclusion of 600 hectares of land at Ingleside-Warriewood in the Urban Development Program.

Pittwater Council is responsible for the detailed planning in the area and are supervising the preparation of a series of environmental studies, including a Study of bushfire hazard. The Department of Planning is contributing $100,000 to Pittwater Council to assist in these studies.

The studies being carried out by Pittwater Council will identify constraints to development and will be used by Council in the preparation of a draft Local Environmental Plan for the proposed release area. The draft Local Environmental Plan will be placed on exhibition by Pittwater Council for public comment prior to submission to me for my consideration.

In making a decision on the draft Local Environmental Plan I will give very careful consideration to the implications of the recent bushfires.

I have no intention of rezoning land for urban purposes unless I am satisfied that the proposed uses within the release area are environmentally sound and that an adequate level of protection against any bushfire hazard has been incorporated in the planning for the area.

(2) Until the comprehensive bushfire risk study is completed I have no information which might enable me to answer the question.

GREENAWAY ESTATE FACILITIES

Mr Jones asked the Minister for Planning, and Minister for Housing -

(1) Is the Government aware of the problems of maintenance and access facing the aged residents of the Greenaway Estate at Milsons Point?
(2) Does the Government intend to supply Greenaway Estate with appropriate escalators, lifts and ramps to improve the physical access and mobility of the mostly elderly residents?
(3) If not, why not?
(4) Will the Government give priority to the installation of walk-in shower recesses for those residents who have been assessed as being unable to use the current facilities?

Answer -

(1) The Department of Housing has in the past attended to many requests for maintenance and improved access to the Greenaway Estate. Late last year, the Department was made aware of the results of a survey into the needs of certain residents of the project. It is presently reviewing the recommendations of that report with a view to doing what it can to improve the access and amenity of the estate.
(2) The design of the project does not readily lend itself to the installation of escalators and additional lifts. In view of the cost of such improvements, it would be more cost effective to use the funds on other buildings. In this case, present residents of Greenaway could be considered for relocation to alternative and more accessible accommodation.
Where feasible, ramps of suitable gradient have already been installed.
(3) See part (2)
(4) The Department has generally been reluctant to install walk-in shower recesses in units which, for other reasons, offer limited access to people with a disability. In such cases, the preferred option is to offer tenants relocation to other and more suitable accommodation. This is not a rigid policy, and exceptions can and will be made in appropriate cases.

KELVEST PTY LIMITED

Mr Jones asked the Minister for Planning, and Minister for Housing -

(1) Is Mr Tony Sheridan, Wyong Council Mayor, a Director of Kelvest Pty Ltd?
(2) Has Kelvest Pty Ltd been attempting to develop Blue Lagoon in violation of the law?
(3) Does Kelvest have two crown leases for Sun Valley Caravan Park and Blue Lagoon Caravan Park?
(4) Has Tony Sheridan been appointed to a CALM committee which makes recommendations to the Minister in relation to disbursements of the levy income paid into the Public Reserves Management Fund by caravan park operators and used to finance development of caravan parks and other Crown reserve development proposals? If so, why was this appointment made?
(5) Is Mr Sheridan's appointment to this committee a direct conflict of interest with his involvement in Sun Valley Caravan Park and Blue Lagoon Caravan Park? If not, why not?

Answer -

(1) I am not aware of Mr Sheridan's commercial interests.
(2) Following an appeal to the Land and Environment Court by the Save Blue Lagoon Action Group Incorporated, the Court determined that a development consent granted by Wyong Council in relation to Development Application 736/92 is null and void and restrained the carrying out of certain development on Crown land subject to Special Lease 1977/5 Gosford.
(3), (4) and (5) These questions do not relate to my portfolio responsibilities and should be referred to the Hon G Souris MP, Minister for Land and Water Conservation.

SOMERSET PARK ESTATE

Dr Burgmann asked the Minister for Planning, and Minister for Housing -

(1) Did the then Macarthur Development Board/Corporation purchase an area of land in the vicinity of Richardson Road, Narellan, now known as Somerset Park Estate, around eleven years ago?

(a) If so, how much land was purchased, from whom and for what price?

(2) Was any of this land sold around six years ago?

(a) If so, how much land was sold, to whom and for what price?

(3) Has the Department of Housing or any other State Government agency recently purchased any of this land?

(a) If so, how much land was purchased, from whom and for what price?

Answer -

(1) The Macarthur Development Board, which is now the Business Land Group, a part of the Property Services Group, purchased an area of land in the vicinity of Richardson Road, Narellan on 17 June, 1968.

(a) It comprised an area of 596.6 hectares and was purchased from Wilton Investments for the sum of $546,300.

(2) and (2)(a) The Somerset Park Estate was developed approximately 10 years ago as a joint venture residential estate by Camden Council and the then Macarthur Development Board.

The balance of property has since been sold in 2 separate parcels, details of which are

(a) Brick Lanes Estate (Monarch Developments) purchased 86.631 hectares on 19 April 1989 for $4,165,400

(b) The New South Wales Land and Housing Corporation purchased 232.67 hectares on 31 May 1990 for $11,271,750. This purchase comprised 2 major parcels, both adjacent to Somerset Park Estate, with details as described below:

(i) One parcel has an area of 79.16 hectares and is known as Project 12625, Narellan Vale. This land is currently being developed by Landcom, which is also now part of the Land Division of the Property Services Group.

(ii) The other parcel comprises 153.51 hectares and is known as Project 12631, Spring Farm.

(3) and (3) (a) Yes, in accordance with the details provided in (2) and (2) (a).

MINE SUBSIDENCE

Dr Burgmann asked the Minister for Planning, and Minister for Housing representing the Minister for Agriculture and Fisheries, and Minister for Mines -

(1) Could the Minister provide full details of the effect of mine subsidence caused by long wall mining on homes in:

(a) the Woolrising area?

(b) other areas of New South Wales where long wall mining occurs or has occurred?

(2) Could the Minister provide details of the Rae exhibit, quoted on page 118 of the Dey Report?

Answer -

(1) (a) The mining of two panels of coal in the Marmong Point/Woodrising/Teralba area resulted in 132 claims for compensation being lodged in the Mine Subsidence Board.

Within the area measured by survey as being affected by mine subsidence, 98% of claims were accepted and the average cost of repairs to dwellings was in the order of $500, demonstrating that the damage was generally quite minor.

A shopping centre and a school were also affected and had cosmetic damage repaired. A total of $90,000 was spent on the school, $22,000 on the shopping centre, and $66,000 on all of the dwellings.

Subsidence in one area reached 480 mm, but generally the average maximum was 250 mm.

(b) Many other areas in New South Wales have been undermined by the longwall method over the last 20 years. Most of them have had no effect on the structures on the surface. Claims for compensation for damaged dwellings have been made in several areas such as Barnsley, Ellalong, Holmesville, Speers Point, Tahmoor, West Wallsend and Wyee. In all cases, where damage was caused by mine subsidence, repairs or compensation were paid by the Mine Subsidence Board.

(2) The item referred to as the "Rae Exhibit on page 118 of the Dey Report" is an extract from a report written by a Mr N Rae, a coal mining engineer, employed at the time by B.H.P. Collieries. The report formed part of that company's application to mine beneath the Marmong Point/Woodrising/Teralba areas and was prepared in consultation with Dr W Kapp, a subsidence engineer.

The report is of some 17 pages plus plans and deals with technical aspects of coal mine engineering, geology, a description of surface features and the likely effect, if any, of subsidence upon them.

Justice Dey in his report to the Inquiry into the application, referred to the report because of assertions that the proposed mining would be a `test case'. It seems that that assertion may have originated from the paragraph quoted at Page 118, which stated:

> "As subsidence due to longwall mining has become a matter of concern in residential areas it is proposed that these two longwall blocks will provide an opportunity for people to see how longwall mining can co-exist with residential development.

ROYAL COMMISSION INTO PRODUCTIVITY IN THE BUILDING INDUSTRY IN NEW SOUTH WALES

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

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With regard to the Government's "Building Industry Royal Commission Secretariat":

(1) What is its purpose?

(2) (a) When was it created?

(b) Is it a permanent committee?

(3) Who are its members?

(4) With regard to its funding:

(a) Does it have a budget, and if so;

(i) What was its Budget for 1992/93?

(ii) What is its Budget for 1993/94?

(b) If it does not have a Budget, why not?

(5) What staff does it have, if any?

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

(7) What is its relationship to the Construction Policy Steering Committee?

Answer -

Matters relating to the Building Industry Royal Commission Secretariat fall within the administration of the Hon J. J. Fahey, MP, Premier and Minister for Economic Development?

I note that the same question appeared on the Notice Paper on 27 October 1993, and that the Premier's answer was published in the Notice Paper of 1 March 1994.

BUILDING SERVICES CORPORATION

Dr Burgmann asked the Minister for Planning, and Minister for Housing -

(1) Has Mr Alan Austin of Narellan made complaints to the Building Services Corporation regarding faulty

brickwork at his home?
(2) Has the Building Services Corporation taken action in relation to these complaints? If not, why not?
(3) (a) Does the Building Services Corporation regard the present brickwork to be of an acceptable standard?
(b) If so, why?
(4) (a) Did Mr Austin make an FOI request in relation to this matter?
(b) If so, was Mr Austin provided with his full file?
(c) If not, why not?
(d) If any material was missing will it now be supplied?

Answer -

(1) to (4) Ministerial responsibility for the administration of the Building Services Corporation was transferred from the Planning and Housing portfolio on 10 December, 1993.
The Hon Member should therefore re-address her question to the Hon Wendy Machin, MP, Minister for Consumer Affairs and Minister Assisting the Minister for Roads, whose portfolio now encompasses the BSC.

ROADS AND TRAFFIC AUTHORITY EMPLOYEE HOWARD PENN

Mr Jones asked 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 -

(1) Is Mr Howard Penn the Roads and Traffic Authority Project Manager for the F2/Northwest Transport Link?
(2) Did Mr Penn represent Epping Baptist Church at a public consultation into the F2 held at Pennant Hills on Saturday 20 April 1991?
(3) Was Mr Penn an RTA employee in 1991?
(4) Is there a conflict of interests in an RTA employee appearing for a community group at an RTA sponsored community consultation?

Answer -

(1) Yes, since December 1992.
(2) Yes.
(3) Yes. At this stage, Mr Penn was employed in the then Central Region of the RTA, based at Milsons Point. Planning for the North West Transport Link (NWTL) was the responsibility of the then Sydney Western Region, based at Blacktown.
(4) No, in view of the fact that at the time Mr Penn had no connection with the NWTL.

DISPOSAL OF TAFE LAND AT MONA VALE

Mr Jones asked the Minister for Planning, and Minister for Housing -

(1) Is the Property Services Group of the Department of Planning disposing of land on the corner of Park and Waratah Streets Mona Vale, previously set aside for TAFE?
(2) Is the bushland on this site the only surviving example of lowland woodland on shale soil in the Mona Vale and northern beaches locality?
(3) Have 120 species of native plants been identified on the site?
(4) Is one of these a mutant form of Oxylobium ilicifolium?
(5) Is this site also a potential fauna habitat for koalas because of the presence of mature Eucalyptus punctata and Eucalyptus haemastoma?
(6) Is it also habitat presently for other marsupials as well as birds, reptiles and invertebrates?
(7) Is it also a wildlife corridor linking Bayview Golf Club and bushland Ingleside?

(8) If so, will the Minister ensure in the disposal of this land that the bushland on this site remains intact?

Answer -

(1) Property Services Group is not a Division of the Department of Planning but an administrative office under the Public Sector Management Act, 1988 which comes under my portfolio.

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The Property Services Group is managing the disposal of the property on behalf of TAFE.
(2) Yes. For this reason a significant part of the site has been zoned 6(a) open space so that a significant remnant of this woodland may be afforded some protection.
(3) The number of species of native plants has not been fully established: protection of the woodlands prospectively conserves the existing seed bank and provides for continued regeneration under well-managed conditions.
(4) Yes. A single, probably mutant, specimen of Oxylobium ilicifolium is located on the site amongst a wide range of this species. The fertility of the "mutant" specimen will need to be determined to establish whether it can be propagated. Oxylobium ilicifolium is generally widespread in wet or dry sclerophyll forest on sandstone or clay: Harden
(1991) and is not nationally recognised by Briggs and Leigh (1988 as rare or threatened (vunerable or endangered).
(5) Detailed fauna habitat potential of the site is not available, but it is highly unlikely to be suitable for koalas because of the small area of remnant woodlands involved and its relative isolation.
(6) The small island of woodland will provide very limited habitat opportunities for native fauna because of the presence of many predators.
(7) There are insufficient opportunities to establish such a corridor. Nevertheless some native fauna will survive and establish, partly because of the proximity of nearby bushland.
(8) The remnant has conservation value, but by virtue of its size and location and the surrounding urban development no such assurances can be given by the Government.