LEGISLATIVE COUNCIL

Wednesday, 16 November 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.

BILL RETURNED

The following bill was returned from the Legislative Assembly without amendment:

National Crime Authority (State Provisions) Amendment Bill

INDEPENDENT COMMISSION AGAINST CORRUPTION

Investigation of Allegations of Corruption Concerning Police and Paedophile Activity

The President reported to the House that he had received a letter dated 4 November 1994 from Mr K. J. Holland QC, Acting Commissioner of the Independent Commission Against Corruption, forwarding a report regarding arrangements for the Royal Commission into the New South Wales Police Service concerning the reference from Parliament on activities of police and paedophiles. The letter and report were tabled for the information of honourable members.

BUSINESS OF THE HOUSE

Days and Hours of Sitting

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

That for the remainder of the present Session and unless otherwise ordered, this House is to meet for the despatch of business as follows:

Monday 10.30 a.m.
Tuesday 2.30 p.m.
Wednesday 10.30 a.m.
Thursday 10.30 a.m.
Friday 10.30 a.m.

PETITIONS

Marijuana Prohibition

Petitions praying that legislation be enacted to give effect to the Law Society's recommendations on

reform of marijuana prohibition laws relating to the use, possession and cultivation of marijuana for personal use, received from the **Hon. R. S. L. Jones** and the **Hon. Ann Symonds**.

STANDING COMMITTEE ON STATE DEVELOPMENT

Report No. 11: Achieving Sustainable Growth: Regional Business Development in New South Wales

The Hon. PATRICIA FORSYTHE [10.38]: I bring up Report No. 11 from the Standing Committee on State Development entitled "Achieving Sustainable Growth: Regional Business Development in New South Wales: Volume Two - Initiatives for Implementing Policy", dated November 1994.

Ordered to be printed.

The Hon. PATRICIA FORSYTHE: I move:

That the House take note of the report.

Debate adjourned on motion by the Hon. Patricia Forsythe.

POLICE SERVICE-ETHNIC COMMUNITIES RELATIONSHIPS

Matter of Public Interest

The Hon. FRANCA ARENA [10.39]: I move:

That the following important matter of public interest should be discussed forthwith:

Police and the Ethnic Communities.

Motion agreed to.

The Hon. FRANCA ARENA [10.40]: So often when an Opposition criticises the Government's actions on different issues some people think the Opposition is simply trying to score points, but the Ethnic Affairs Commission report on police and the ethnic communities is a matter of shame and disgrace for the Fahey coalition Government. The report shows that the Government has failed not only persons from non-English speaking backgrounds but also members of the New South Wales Police Service. Community perception of the New South Wales Police Service has been tarnished and work performance criticised because the Fahey coalition Government and the Greiner Government before it have not provided funding for the programs essential for police community relations and crime prevention. This is not the first report on this matter from the Ethnic Affairs Commission to the Government. The index of the report shows on page 94 a whole list of reports pointing to the need to address the relationship between police and ethnic communities.

I looked at the 1979 report of the Ethnic Affairs Commission of New South Wales. Dr Totaro presented the report to then Premier Wran. The Ombudsman, Mr Masterman, presented a report in 1987. A report on community-based policing was presented in 1991. I could list all the reports. I am not saying that no action was ever taken under the Wran, Unsworth, Greiner or Fahey governments but the action has never been enough. This is a matter of grave importance. The relationship of ethnic communities, the general community and police is of utmost importance. The riots in October 1993 at the Arabic festival resulted in the current report but there had previously been riots at Bankstown in 1989 or 1990. Many pious words were said but there was

very little action. Unfortunately, I could not attend the Arabic festival last year but I attended this year. I have never seen a better behaved crowd. One should read the report bearing in mind how well behaved the Arabic-speaking community has been. When the riots took place last year there was a lot of provocation and an overreaction by police, who arrived with hoses and dogs. Whether we are Arabic, Italian or Anglo-Australians, we would not like to be attacked by police dogs.

Programs on the relationship between police and ethnic communities are an essential component of in-service training, strategy and review, policy development and customer service. I have looked at the New South Wales Police Service corporate plan. Some of it is quoted in the report. One paragraph states that by the end of the decade - one assumes the year 2000 - not only will we have a republic and the Olympics but New South Wales will have the safest streets in Australia. This compares with the statement by the Hon. R. J. Hawke that by the year 1990 no child would live in poverty. I do not know which genius wrote such a statement. I wish it were true but I have a lot of doubt. The New South Wales police corporate plan 1993-96 has as its objective police and the community working together to create safer streets. How safe they will be by the year 2000 I do not know. That objective can be a reality only when funding and programs essential to the realisation of this motto are put in place.

The Government has not only failed the ethnic communities and all citizens of New South Wales in police and crime prevention; it has also failed sworn members of the New South Wales Police Service because the report shows severe policy gaps in the New South Wales police portfolio. The criticism does not belong to the men and women who make up the New South Wales Police Service; it belongs to the Fahey coalition Government and particularly the Minister for Police and the Minister for Multicultural and Ethnic Affairs. The report shows clearly that police are not being trusted and persons from non-English speaking backgrounds are being victimised. If the New South Wales police corporate plan motto of police and the community working together to create safer streets is going to work, funding has to be made available for essential programs.

It is obvious from the contents of the report that there is a need for an increase in the number of sworn police officers of non-English speaking background. The report, at page 14, recommended that the ratio be improved as a matter of importance but the Minister for Multicultural and Ethnic Affairs, and Minister Assisting the Minister for Justice, the Hon. Michael Photios, flippantly stated in the *Daily Telegraph Mirror* of 14 November that the underrepresentation of minorities was a feature common to most police forces. Just because most police forces have an underrepresentation of minorities does not mean that New South Wales has to follow suit. At the time of the Bankstown riots a few years ago there was a call for the appointment of police men and women of Vietnamese background. It was claimed that because of the generally shorter stature of Vietnamese it was impossible to recruit them to the police force. However, the Commissioner of Police waived the height requirement for members of the Vietnamese community. Everybody expected that to result in the recruitment of many Vietnamese people to work in the areas in which there was a need. I think there was only one applicant. This is of shame and concern to us all.

The Minister for Multicultural and Ethnic Affairs should be aware that New South Wales has a higher proportion of persons from non-English speaking background than any other Australian State. His comments indicate the status to which persons of non-English speaking background are relegated under the Fahey coalition Government. The report noted that the visual image of police wearing black leather jackets and carrying guns on their hips is militaristic, aggressive and latently violent and is a threat that constitutes a symbolic barrier to communication, most especially to persons of non-English speaking background who have escaped from war or an authoritarian state. Some submissions indicated that some ethnic communities are reluctant to seek police assistance because of language difficulties and experience in their countries of origin.

The issue of interpreters in the Police Service is as old as I am. It has been raised over and over again. People ask why police do not make better use of interpreters. There should be police men and

women who speak another language. A community language skill allowance for speaking another language amounts to a miserable $520 a year. What incentive does that give to people? The payment was instituted by the Wran Government in about 1986 and it has not risen since. It could have been linked to the consumer price index to give a bit more incentive to police men and women of non-English speaking background to make use of another language. Submissions to the inquiry clearly showed that not enough ethnic community police liaison officers are being effectively used. The distribution of the officers is inadequate. There are only nine ethnic community police officers and they are expected to cover six police patrols. There are 50 registered bilingual officers in a Police Service of 13,000. Mr President, you as a very fair person would agree that 50 bilingual officers in a police service of 13,000 is too few. The report exposed the chronic need for community education about the role of the police. I quote from page 24 of the report:

> Community perception can only be altered through educating communities on the role of the Police in Australia . . . and by identifying the difference between this role and that of police in other communities.

The report reveals that many people with ethnic backgrounds are not encouraged to report disputes to the police; they want to handle the disputes among themselves. This problem is as old as Methuselah. The mafia become such a terrible cancer in Italy because people did not trust the corrupt police. The community set up its own organisation to protect itself.

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The Hon. Dr B. P. V. Pezzutti: You are joking!

The Hon. FRANCA ARENA: The Hon. Dr B. P. V. Pezzutti says, "You are joking". He does not know the history of his own country. He should know that people will set up their own organisations to protect themselves if they believe the police will not protect them. If the Newman case is not solved, how will the Asian communities feel? They will believe that they cannot trust the police. It is important that the Police Service is given the necessary funding to do its job. I have the greatest esteem for most police officers. I know some are corrupt and that the police commissioner is doing his best to rid the service of those corrupt officers. I know also that good policemen and policewomen need sufficient funding from the Government and the assistance of this Parliament to carry out their duties.

What has been the Government's response? The Government has allocated $480,000 over three years. That is a mere $160,000 a year. This is a serious problem. It is not one of those furphy problems that can be solved by a bit of sticky tape here and a bandaid there. This is a basic problem in our society. The relationship between the Police Service and the community is of the utmost importance. Police officers and ethnic communities must be educated to understand the Police Service. Evidence was given to the inquiry conducted by the Standing Committee on Social Issues into youth violence that young people, particularly those from non-English speaking backgrounds, do not trust the police. Reverend the Hon. F. J. Nile, who is a member of that committee, will remember well the Asian youths who told the committee that they have no resources and that they do not trust the police. These youths congregate in shopping malls because they are the only places they have to go to talk to one another. The police ask them, "What are you doing? Get away!"

The police need to understand that for some of these youths, getting together is a natural thing, and sometimes a shopping mall is the only place they can go because places are not provided for them to meet, talk to one another and discuss their problems. Last year the budget for the ethnic affairs portfolio was increased by 57 per cent, but this year it has received an increase only in line with the consumer price index. The amount of $160,000 will be sufficient only to employ about three people for the whole of the State. This problem does not relate only to Sydney. It is evident in Newcastle, Wollongong, Griffith, and in all other country areas. It is a shame that a mere $160,000 has been allocated for the police to receive better training and for the education of the ethnic community.

Mr Fahey is a big spender in relation to many matters, but certainly not on this important issue. I am a great supporter of the work of the Ethnic Affairs Commission of New South Wales. However, in this area it has failed to make its voice heard loud and clear, not only now but prior to the Arabic festival riot. It was all very well for the commission to compile a report after the Arabic festival riot in 1993, and to now make pious statements. But where was the commission last year and the year before? Where was the commission after the Bankstown riots? The Ethnic Affairs Commission knew about the problems. Why did it not make demands on the Government? After all, it is supposed to be a statutory authority. Why did it not tell the Opposition that it was not receiving sufficient funding for its programs? When the Labor Party is in government next year - [*Time expired*.]

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [10.55]: No-one in this House or in the community doubts that the relationship between the Police Service and ethnic communities is critical to the wellbeing of our society. That relationship extends across the full spectrum of the community, and the Police Service bears a special responsibility in that area. In recent times a number of alarming incidents have taken place that have attracted a great deal of media coverage. The riots at last year's Arabic festival which sparked the recent report of the New South Wales Ethnic Affairs Commission is but one example. The Police Service conducted an operational review of that particular event. I am pleased to report to the House that since the 1993 incident Canterbury police have met at least monthly with the Arabic Australian Welfare Council to jointly plan this year's festival.

No doubt as a result of the lessons learned, the 1994 festival went off without a hitch. Honourable members of this House who were present can testify to the success of that day. That is but one example of the police and ethnic communities working together to reach a satisfactory solution. I anticipate that even more of that cooperation will be evident in the future, particularly in relation to the planning of large-scale ethnic events. Immediately after the events at Tempe, my colleague the Minister for Multicultural and Ethnic Affairs, the Hon. Michael Photios, commissioned the Ethnic Affairs Commission to produce a report on those events and on the relationship between police and ethnic communities. My colleague launched that report on Monday, 14 November. The Chairman of the Ethnic Affairs Commission stated in his foreword to that report:

> This is a report which seeks to build: to build bridges between police and our ethnic communities and to build trust and cooperation, where in the past there has been a measure of suspicion and familiarity.

I am pleased that both the Police Service and the Police Association extended their full cooperation to the Ethnic Affairs Commission. That spirit of cooperation and commitment to improvement was evident in the reception by the police of the report's recommendations. Members on both sides of the House will recall that some time after the Ethnic Affairs Commission commenced its work, the Ombudsman, Mr David Landa, also announced a special inquiry into the relationship between the police and ethnic communities. The Government again recognised the need for assistance in this sensitive

area and threw its full support behind the Ombudsman's inquiry by committing funds from the police budget to the tune of $100,000.

In July of this year the Ombudsman released a discussion paper and sought comment from numerous ethnic organisations and groups throughout the community. It is to be hoped that this report will give a better insight into the way in which the New South Wales Police Service can work with ethnic communities to satisfy their concerns, to ensure their safety and to recognise their special needs. I understand that the Ombudsman's final report into race relations will be available shortly. When it is forthcoming, I am assured that the recommendations will be viewed seriously and implemented where possible. The Government believes the Police Service is making real attempts to tackle what no-one denies is a serious issue. The police have shown a commendable level of cooperation and commitment

in respect of both the Ethnic Affairs Commission's report and the Ombudsman's report. This in itself is an indication of the changing attitude of the Police Service: a change that is being pursued at all levels; a change that starts with student police officers being made aware that there is wide cultural diversity in Australia and that their attitudes need to reflect that diversity.

I should like to take some time to comment on what the Police Service has already done in relation to this issue. The steps taken reflect the depth of the Government's commitment to delivering effective policing in a multicultural society. The Police Service has undertaken positive recruitment action in recent years in an effort to ensure that the composition of the service is reflective of the multicultural community that it serves. Positive recruitment strategies have taken the form of media advertising in both mainstream press and ethnic-based newspapers, as well as visits to areas with a high proportion of people of non-English speaking background. These strategies are beginning to take effect and, whilst I acknowledge that there is a long way to go, there has been a steady increase in recruits from non-English speaking backgrounds in the past 12 years. In fact, of the current class of approximately 200 recruits, 12 per cent are from a non-English speaking backgrounds. Police human resource records indicate that approximately 550 officers possess second language skills.

The Hon. Franca Arena: How many?

The Hon. J. P. HANNAFORD: I said 550 - not the 50 to which the honourable member referred.

The Hon. Franca Arena: That is not what the report says.

The Hon. J. P. HANNAFORD: I can indicate that approximately 550 officers possess second language skills and that 42 languages are involved. It is anticipated that these figures will grow as the recruitment drive continues. Other organisational initiatives within the Police Service include: the preparation of an ethnic affairs policy statement and strategic plan, and the incorporation of those objectives into the Police Service corporate plan; joining with other Australian police services in establishing the National Police Ethnic Advisory Bureau, which operates as a central resource, gathering successful techniques and ideas from all over the country for use when working with communities from a non-English speaking background; the appointment of regional ethnic affairs coordinators and ethnic community liaison officers in key patrols, and the secondment of an ethnic affairs coordinator in the State commander's office; and issues concerning people of non-English speaking background are included as major components of the police recruit education program and other training courses, including the command development program for senior officers.

The Hon. Dr B. P. V. Pezzutti: That is in the Government's principles for a multicultural society.

The Hon. J. P. HANNAFORD: It is. A number of operational initiatives are also worthy of mention, including the establishment of local community consultative committees which allow police and local communities to meet and work on areas or issues of concern. I can say from my discussions with the community that they are working outstandingly well, and are strongly supported by the ethnic groups. The initiatives include liaison with local ethnic organisations such as Arabic welfare councils, the Lebanese community council, the Vietnamese community and the Bankstown area multicultural development network. Police officers are participating on ethnic radio talkback shows, crime prevention workshops in high schools and discussion sessions at adult migrant English services at TAFE colleges.

Leaflets have been prepared on police activities and have been translated into 15 major languages, including Asian languages, Balkan languages and other frequently spoken European languages. Cross-cultural training is being provided for police officers to help foster understanding of the issues which face different ethnic communities in Australia. Initiatives are being taken to improve communications, such as the placement of interpreting services and ethnic community liaison officers, through to increased ethnic representation on customer councils. From these examples I believe it is evident that the Police Service is genuinely striving to make itself more responsive to the community.

Great steps forward have been taken during the period of this Government's administration, but there is still some way to go. The issues are varied and complex, and there are no simple solutions.

I am sure honourable members would agree that these wider issues are not for the police alone to solve, but involve matters which need to be taken up by the whole community. Despite the many reforms made by the Police Service, more needs to be done. The way ahead is detailed in the comprehensive Ethnic Affairs Commission report released this week - which I am pleased to say has been accepted

by the Police Service. The Police Service will continue to implement and refine strategies to achieve the change that is needed. The service recognises the need to work more with the Ethnic Affairs Commission and ethnic communities to achieve positive results. I will conclude with another comment from the foreword by the chairman to the EAC report on "Police and Ethnic Communities". The chairman said:

> In recent years there has been plenty of publicity given to incidents where individual police have fallen below the standard of fairness and tolerance which the community has a right to expect.
>
> Writing a report which dwelt on these examples would be easy, but it would not change things: nor would it give credit to the vast majority of our police officers as fair-minded Australians, who on a daily basis risk their lives to protect our community; or to the Police Service as an organisation committed to change and improvement.

It is appropriate that the Hon. Franca Arena raise this matter for debate, and that is why I agreed that the matter should come on for debate. But I believe we should acknowledge that the Police Service has accepted this report from the Ethnic Affairs Commission, and I hope the honourable member will acknowledge that in her response. Over the past several years of the Government's administration there has been an outstanding and remarkable change in the outlook and attitude of police. It would be unfair for the Hon. Franca Arena not to acknowledge that. As she knows, I spend a lot of time with the ethnic communities and, as I indicated, those communities have acknowledged to me that there has been this remarkable change, particularly in those patrols which have very significant levels of people of non-English speaking backgrounds.

The Hon. Franca Arena: A lot more needs to be done.

The Hon. J. P. HANNAFORD: But - again I am using the word "but" - they acknowledge that much more needs to be done. Again, to be fair, a lot more has to be done throughout the general community. I think the honourable member would acknowledge that what I have done in my administration in the areas of anti-discrimination has been a significant step forward in addressing these issues.

The Hon. Franca Arena: The Opposition supported the racial vilification legislation.

The Hon. J. P. HANNAFORD: And it has been supported by the Opposition. Again, I think it should be fairly said that the New South Wales Government and its agencies have set the agenda in Australia for addressing these issues. We acknowledge that there is more to be done. There is a commitment from the agencies of government in that regard and I welcome the acceptance by the Police Service of this report as part of the continuing agenda to achieve improved relationships between the administration of justice and the ethnic communities, as I trust the honourable member does. As she is no doubt aware, as a further enhancement of this particular issue, I recently launched a report prepared on ethnic women and the law.

The Hon. Franca Arena: You sent me an invitation but I could not go. However, I appreciated the invitation.

The Hon. J. P. HANNAFORD: At that time I said that I welcomed the recommendations contained in the report. I indicated that I intended to move towards their implementation and would put together a monitoring group to ensure that those recommendations are implemented. The Government is committed to improved relationships in this area, as are the police. I hope that the honourable member will acknowledge that in her response.

The Hon. P. F. O'GRADY [11.07]: I well recall the television images which greeted us on the Sunday evening of that event in 1993. I recall being horrified by the television news of the ruckus which occurred. I suppose I watched with some glee the New South Wales police force yet again making terrible television pictures, giving terrible images of the New South Wales police force. This whole debate has to be put into the context of the Ombudsman's inquiry and report. I await with interest - as I always await with interest - the report from the Ombudsman into this matter. The report contains 52 recommendations and I do not really think that anyone could take much exception to those 52 recommendations. I note that the Minister said that the Police Service is committed to the implementation of these recommendations. Some of the recommendations are bland. One would have thought they would have been developed some time ago if the Government were serious about a commitment to the concept of community policing. Honourable members have heard a lot from the Government about community policing and beat police, but it seems to me that the report goes to the heart of the concept of community policing. Community policing is about the police force in the community working through issues.

The Hon. Dr B. P. V. Pezzutti: Working together.

The Hon. P. F. O'GRADY: Ultimately working together. I have said in this Chamber, much to the surprise of the Hon. R. T. M. Bull and others, that in relation to the gay and lesbian community I believe the New South Wales Police Service has moved a long way in coming to terms with the difficulties and seeking to deal with the issues at hand. This is another opportunity for the police force to face up to its responsibilities within its commitment to community policing. If the police force has a real commitment to community policing it must move to deal with issues to which the recommendations of this report relate. The police force must have a commitment to developing better relations with a variety of ethnic communities in New South Wales. Whether it likes it or not, it has to be deal with the fact that this report demonstrates that young people in a particular migrant community have some suspicion of the police force. From my perspective that is a reasonable suspicion to have.

The Hon. Franca Arena: Not only in the Arabic migrant community.

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The Hon. P. F. O'GRADY: Indeed, it could be extended across every migrant community which makes up the multicultural society of Sydney and Australia. A key issue which needs to be focused on is police recruitment. This is an issue which has been debated in this Chamber on many occasions. For our police force to represent and work effectively with the community it has to reflect the make-up of the broader community. No-one can say that the New South Wales police force is representative of the broader community. The police force has to treble or even quadruple its efforts in the recruitment of more women and more people from non-English speaking backgrounds.

The Hon. Dr B. P. V. Pezzutti: We have gone a fair way down the track for that.

The Hon. P. F. O'GRADY: I reject that assertion, because I do not believe -

The Hon. Dr B. P. V. Pezzutti: The principle for a multicultural society will ensure that. The police came up with a strategy before the report was printed.

The Hon. P. F. O'GRADY: Yes. There is always a strategy in the bottom drawer but only the

implementation of proper procedures and a commitment at all levels to adequate and proper recruiting from a whole range of ethnic groups will ensure that the New South Wales Police Service reflects the make-up of the broader community. To date, it does not. This report confirms that. If this report achieves only one thing it will be that the Government has put in place an absolute commitment to the changing nature of the New South Wales Police Service. A variety of recommendations have been made, some of which are quite simple. For example, recommendation 3 is to develop a booklet, for translation into community languages, providing advice on ongoing community events. Those sorts of measures are crucial for the smooth implementation and functioning of any major public event such as this event is, and hopefully will be in the future. The report also communicates that it has gone beyond the parameters of the events on that Sunday afternoon to raise matters such as domestic violence. Recommendation 7 states:

> That the NSW Police Service incorporates the issues raised in this report, including those concerned with domestic violence, in customer service training courses, and that this training be extended to all operational Police officers in NSW.

That is another section of the report which deals with education. If these issues are to be dealt with, then the police force has to be reminded and educated about its responsibility in extending the principles of community policing. Community policing cannot be perceived as beat police officers simply walking down the street. There must be a true commitment to a broader Police Service, a Police Service which works with the community to ensure that policing across the State occurs on a proper basis. Language barriers, of course, will always be a problem in areas such as this. Ultimately, the only way to deal with that problem is by having more police from non-English speaking backgrounds and engaging counselling services and translators to ensure that those being interviewed in a police station or dealing with police officers are able to understand what the police officers are saying.

The ability to understand what a police officer is saying removes the likelihood of aggression. The report demonstrates that aggression can arise very simply because there is a lack of understanding of the English language. The police force must deal with that inadequacy. One practical recommendation is to make a phone system available to interviewees in these circumstances - a three-way telephone system - so that a translator can be used. That is a basic principle that could be used by the Police Service to ensure that interviewees have the services of an interpreter so that the language barrier will not exist. I hope this will be part of a greater commitment to community policing and acknowledgment of the difficulties being encountered by persons in particular policing situations. The Ombudsman's report on this issue still has not become available. [*Time expired*.]

The Hon. HELEN SHAM-HO [11.17]: I am pleased to contribute to the discussion on this matter of public importance, which relates to the report on the police and ethnic communities. I agree with the Hon. Franca Arena that it is quite important. The report, produced by the Ethnic Affairs Commission of New South Wales and entitled "Police and Ethnic Communities" is certainly timely. I was a key speaker at the multinational Asian organised crime conference, held in the Marriott Hotel, Sydney, from 1 November to 3 November, organised by the Australian Federal Police and the National Crime Authority. The topic I covered was overcoming cultural barriers. This was appropriate because, as the Hon. Franca Arena said, there is never enough emphasis placed on the subject. All countries, from time immemorial, have had problems in the relationships between the police and the community.

It is a matter of understanding and communication. The Ethnic Affairs Commission report contains 52 recommendations. As the Attorney General said, these will be implemented in time. The recommendations have been supported by the Police Service and ethnic communities. In launching the report the Minister for Multicultural and Ethnic Affairs announced the Government's very important initiative to allocate nearly half a million dollars to a new police community training project. This will orientate police and ethnic communities working in partnership to achieve a more homogeneous relationship. As the Attorney General indicated, no easy solution is available. The solution lies in the relationship between the Police Service and the community. The ethnic communities must also work to

this end. The training will improve understanding of both parties.

I shall not use the speech notes of my address to the multinational Asian organised crime conference. In that address I spoke of the importance of cooperation between ethnic communities themselves. It takes two to tango. We must have response from

not only the Police Service, but also the ethnic community. Australia is the most multicultural society in the world. At the conference I attended last week were people from the United States of America, Canada, Hong Kong, Taiwan and Singapore; it involved a whole host of countries from around the Asia-Pacific rim. We discussed the promotion of understanding of each group, and how the cultural barriers must be understood to improve relations.

How do we overcome the barriers? It is not only a matter of police training. It is difficult for the police to understand every ethnic group because, for example, the Chinese people are extremely diverse. The police could not possibly understand the differences between the Hakka, the Teo Chew or the Szeyup. It is very difficult to understand the differences in ethnic groups; for instance, Italians have different personalities and characteristics compared with those of the Chinese. It is very difficult to understand the mix of Chinese. We expect a lot from the police. The community has every right to expect the police to service us; on the other hand, the responsibility for improving relations lies with the entire community, and the ethnic community bears some of that responsibility.

There is a stereotype view that Asians do not come forward to offer information to the police. This is for various reasons. To my knowledge, the Chinese do not come forward because they are afraid of reprisals, they fear that what they tell police will not be taken seriously by the police, and they hate to be victimised. Also, sometimes these people feel embarrassed about approaching the police. For all these reasons, education is needed by the community. Members of the community need to know that when they come forward they will not be victimised. They need to be assured that when they approach the police they will be treated appropriately, sensitively, and responsively. Those matters are important in promoting an improved relationship. Apart from the recommendations, this common sense approach is very important. This is very important because much of the time - I do not refer only to ethnic communities - a person's background and experience with the police will determine his or her attitude.

People from Asia are almost always suspicious of authority because of their backgrounds, and the police are regarded as authority. Undoubtedly, this has led to problems for the police in dealing with ethnic communities. The Police Service training initiated by the Minister for Multicultural and Ethnic Affairs is marvellous. The police will be trained in this regard to be sensitive and aware officers. As the Attorney General and the Hon. Franca Arena said, it is necessary to recruit people who do not have the linguistic problems that English-speaking people can have in dealing with ethnic communities. Again, communities must be responsive.

In 1984 or 1985 the then Labor Government changed the height and weight requirements for police recruits to enable Asians to be recruited to the police force. This was launched with my good friends Winton and Powell, who have since retired. This situation was not because the police force did not want to recruit Asians but they did not conform to the necessary criteria. However, this is a career in which Asians would like to participate. Policing is a difficult job. However, members of the community must come forward and state that they want to be recruited, and the Police Service must then take positive recruitment action. The Attorney General reported a 12 per cent increase in the rate of police recruitments from the ethnic communities. From the Government's point of view, that is marvellous. However, we must recruit more women, particularly ethnic women. I have not come across one ethnic policewoman.

The Hon. Franca Arena: I agree entirely.

The Hon. HELEN SHAM-HO: Two years ago I made a contribution to a conference in Parliament

House regarding ethnic women. I mentioned a concern that no ethnic policewomen were available to deal with Arabic women. This was evident on the day of the riot. [*Time expired*.]

The Hon. J. KALDIS [11.27]: I support the remarks of the Hon. Franca Arena. The Government is trumpeting this report as revealing its commitment to policing and ethnic affairs. The sad reality is that it reveals a commitment to neither police nor ethnic affairs; it reveals the inevitable result of seven long years of neglect by the Fahey Government. The unfortunate message from the report is that the Government is not serious about its implementation but is using it merely as a ploy to win votes at the next election. The report is a litany of the things the Fahey Government should have done but forgot to do; it is a litany of seven years of neglect. The report reveals that liaison between the police and the community was inadequate before the Arabic event at Tempe. For years the Government has trumpeted its achievements in community policing and has said a great deal about its consultative nature, but nothing could be further from the truth. The Government does not consult and never has consulted. Community policing is a clever advertising motto for the Fahey Government - otherwise it is business as usual.

The committee found that the event at Tempe was poorly planned and that marshalling and crowd control responsibilities were not assigned. It found that had there been better crowd control using marshals the widespread disturbance could have been avoided. Ever since the Government came to office it has had at its disposal one of the world's best examples of community policing and marshalling. Every year the mardi gras attracts close to 500,000 people and is the biggest community event in New South Wales. The lack of violence is remarkable. The march is policed almost entirely by community-trained marshals. Considerable liaison occurs between the organisers of the mardi gras and the Government on community marshalling yet, as always, the Government has drawn back from its offer of assistance in developing the community marshalling program. That is a great pity. If that

type of expertise had been available, the problems at Whitlam Park might have been avoided. Unfortunately they were not, and the Government must take the blame because once again it neglected to consult with the community to gather information or to provide it.

The Government must take responsibility because the Minister has direct and final control over the dispersion of beat police. The report notes also that there has been insufficient positive interaction between police and youths. Since the Government came to office a raft of literature has been produced, with the single aim of improving youth policing. In 1990 the youth justice coalition produced the "Kids In Justice" report, which was a blueprint for the 1990s. Even the then Commissioner of Police, Mr Avery, attended the launch of the report. At about the same time the Australian Institute of Criminality released a document entitled "Young People and Crime". After a great deal of unnecessary delay the Standing Committee on Social Issues recently released its report on youth violence.

That information was available for the Government to use but it neglected to do so. In the past three years, it has had ample opportunity to improve relations between police and youth. Since 1991 the Government allowed police recruitment to run down, thus making available ample facilities at the academy to provide training in youth liaison and policing. I suppose now we will be showered with statistics that show that the Government has made thousands of courses available to police. I make a similar point to that made in the report: that the Government has failed to ensure that necessary courses are available to police. It has failed to allocate adequate funding and resources to enable the Police Service to undertake training and education programs designed to improve relationships with ethnic communities.

Finally, I wish to deal with beat policing, which is very popular. Beat police are easily recognisable; they are capable also of providing a unique and efficient form of policing if used properly. The Government has not used beat policing properly; it has used it as a political tool, to win votes and to create a false impression of increased policing. In fact, the opposite is true and police response times are worsening. One might ask why that is so. The answer is simple: New South Wales beat police are

not controlled by experts in policing; they are controlled by the Minister. Only the Minister has the final say on where and when beat police are deployed, and his decision is politically motivated. If the Government seeks improved policing, it will have to place beat policing in the hands of people who know how to make it effective. It has neglected to do that. Once again the Police Service has shown evidence of racism. In fact, racism is evident almost everywhere in our society. Once again this issue reflects the policy and management applied to the deployment of police. That is precisely the same policy problem that emerged during the dawn raid on Eveleigh Street, which was evident in the *Cop it Sweet* program. [*Time expired*.]

Reverend the Hon. F. J. NILE [11.37]: The Call to Australia group is pleased to support the report of the Ethnic Affairs Commission of New South Wales entitled "Police and Ethnic Communities" released this month. We are pleased to note the tone of the report because issues concerning relationships between police and ethnic communities could become inflammatory. It is pleasing that the Chairman of the Ethnic Affairs Commission, in the foreword, referred to the objective of the report as follows:

> . . . to build bridges between Police and ethnic communities and to build trust and co-operation where in the past there has been a measure of suspicion and unfamiliarity.

He stated further:

> Writing a report which dwelt on these examples would be easy, but it would not change things: nor would it give credit to the vast majority of our Police officers as fair-minded Australians.

I thought that comment from the Chairman of the Ethnic Affairs Commission was positive and showed a helpful attitude. He also stated in his foreword:

> Police officers . . . on a daily basis risk their lives to protect our community . . .

The Commissioner of Police, Tony Lauer, often receives unfair media criticism. Therefore, it is pleasing to note that the chairman stated in his foreword:

> From the day I approached the Police Commissioner Mr Tony Lauer he extended his unstinting co-operation.

The chairman commended the Police Association for its support and presentation of an excellent submission to the inquiry. He included in his foreword thanks to the representative from the Goulburn police academy and to the chief superintendent, Bruce Johnston. He said that their assistance was greatly appreciated. As honourable members know, the catalyst for the inquiry was the events surrounding the Arabic Day carnival on Sunday, 17 October 1993. That issue formed the basis of the first terms of reference of the commission. The Ethnic Affairs Commission was to investigate that incident, to examine available information and to make recommendations to the Government. On page xii, under the heading "Executive Summary", the report stated:

> In examining the causes of these events, the Inquiry examined a range of sources including the official Police Report into the incident.

The report further stated:

> Liaison between the Police and the organisers before the event was inadequate.

That is one of the main reasons the event developed the way it did. The report continued at page xii:

> Police were unsure of the identity of the organisers and were not adequately briefed on the order of events or the layout of the Carnival area.

The event was poorly planned. Marshalling and crowd control responsibilities were not assigned and no external security agency was engaged for the day.

There was no established mechanism for communication between Police and the organisers in the event of trouble.

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There was a series of incidents of disorder and low-level violence throughout the day. Police were continually hampered by harassment and hostility emanating from young males in the crowd.

I believe that they would have been a minority. However, it is easy for such a minority to affect an event attended by thousands of people. The report stated further:

The disturbance was triggered by Police intervention in a physical altercation between two women. As trouble escalated, the Police were unable to gain assistance from the organisers of the event.

The police did not know who the organisers were and how to get their rapid cooperation. It is better for the organisers of such an event to seek to control and de-escalate violence. In all the public events I have been involved in the police have preferred that approach. The police cooperate with the organisers. It is best that the organisers, with the use of public address systems, et cetera, control the activities at events because they are leaders of the community. That is especially true if a minority within the group gets carried away with the excitement. It may not have intended to be violent. Events can get out of control. The report refers to the role of the ethnic community liaison officers. Though such officers exist and a role has been laid down for them, the report highlights that an insufficient number of officers have been appointed. The report recommends that the number of officers be increased. At page 52 the report outlines the responsibilities of ethnic community liaison officers as follows:

The establishment of effective communication between Police and the local ethnic community;

Mediation in disputes involving Police and ethnic groups;

The establishment and maintenance of a rapport with ethnic community leaders;

They are desirable objectives. I refer to page 54 of the report. I would not go so far as to say that there has been a token attempt to provide ethnic community liaison officers; it is more than that. However, the number is inadequate. Three ethnic community liaison officers have been appointed to Cabramatta, two to Fairfield, one to Marrickville, one to Bankstown, one to Sydney, and one to Ashfield. The report shows that the majority of such officers are of a Vietnamese or Chinese background. We know that the report was stimulated by problems that arose at an Arabic Day festival.

The Hon. Dr B. P. V. Pezzutti: It is hardly the fault of the police that a riot broke out.

Reverend the Hon. F. J. NILE: No, it is not, but ethnic community liaison officers with an Arabic background should have been present. Many Arabic people, especially the young, have come from communities overseas that have suffered a great deal of disruption, violence, civil war, et cetera. That has occurred in Vietnam, and it is still occurring in some Middle East countries. I should have thought that Arabic ethnic community liaison officers were a priority, but there are no such liaison officers. The lack of such officers provided the potential for the conflict to develop at the Arabic Day festival. It may have been prevented had Arabic speaking liaison officers been available. Call to Australia is pleased to support the recommendations in the report, particularly recommendation 1, which states:

> The NSW Police Service review its procedures for involvement in festivals and events so as to develop consistent procedures for effective liaison with organisers and to maximise opportunities to market Police services and to improve understanding between Police and the communities.

That is fairly obvious, but it must be followed through with action. The second recommendation was that Local Government and Shires Association bodies should not only approve major public events but should also consult the organiser and the police. That would pre-empt potential problems. Disagreements have occurred at sporting activities between, for example, Croatians and Serbians. Tension occurs not only within ethnic groups but between ethnic groups. I believe that disagreements can be anticipated and that by working with ethnic group leaders peaceful and happy events can result. Obviously, the object of the festivals is to provide a happy and enjoyable family day. The last thing the organisers want is for the atmosphere to deteriorate to the extent that it is necessary for police to arrive with dogs and so on. That situation should never be allowed to develop. [*Time expired*.]

The Hon. ELISABETH KIRKBY [11.47]: I support the motion before the House. I express my anger - which I think is not too harsh a word - at the way in which the Attorney General, and Minister for Justice addressed the issue. He tried to pretend that because various committees had been set up over the years everything would work perfectly. I support the remarks of the Hon. J. Kaldis. He pinpointed the problems that many ethnic communities are facing. I repeat what I said in my contribution to the budget debate last night: 2.6 per cent of community service grants are spent on people of non-English speaking background, but such people comprise 33.5 per cent of the population of this State. If more money were put into ethnic community service grants, some of the problems delineated in this report and in previous reports would be avoided. When I became aware that this debate was to take place this morning I requested from the Parliamentary Library the 1993 annual report of the New South Wales Police Service. It is now November 1994. I discovered that the annual report is not available; it has not been sent to the library. The Minister might like to look into that.

The Hon. Dr B. P. V. Pezzutti: It does not mean it is not available; it means the library does not have a copy.

The Hon. ELISABETH KIRKBY: It is strange that it has a copy of the annual report for every other year. I obtained the annual reports for 1991 and 1992. Interdepartmental committees such as the street safety coordination group, the juvenile justice advisory council, the working party on the national inquiry into racist violence, the police-

Department of Community Services joint training committee and the ethnic advisers committee have been set up, but how do they liaise with each other and how are their recommendations in regard to ethnic communities put into practice? In July 1994 the Ombudsman put out a special report entitled "Race Relations and Our Police". The discussion paper canvassed the opinions of minority groups about the adequacy of police practice and policy. The material in the discussion paper will be used by the Ombudsman in preparing his final report, which is apparently to be released early in 1995. On page 1 of the report the Ombudsman stated:

> While it has to be expected that some submissions may be coloured by anecdotal evidence of what happened to certain members of a particular community in particular circumstances, the Ombudsman's inquiry is not about collecting detailed evidence of individual incidents where the provision of police services has been seen as unfair or where access has been denied as a consequence of language or cultural barriers. The numbers and types of such incidents are clearly relevant to the broader issues of access and equity in an absolute sense, but this inquiry is about the adequacy of police practice . . .

He went on to deal with the adequacy of practice. A further report by the Ombudsman, a special report to the Parliament on allegations of police bias against Asian students, was published on 25 June 1993 following what was known as the Turramurra incident. The report stated:

> The police acted solely upon the information of the non-Asian students whom they knew had been involved in the fight, without conducting any balanced inquiry . . . the police had insufficient basis to proceed against the students they arrested and . . . the arrest was unreasonable and oppressive in accordance with s28(1)(b) of the Police Regulation (Allegation of Misconduct) Act . . . Assistant Commissioner Cook compounded this oppression in dropping the charges without the benefit of a full investigation . . .

But the Ombudsman did say:

> Assistant Commissioner Cook had no intention whatsoever of misleading the public . . . The failure to properly and fully address community concerns about the police handling of the matter simply entrenched mistrust of police and perceptions of police bias.

In recommendation 11.3 he stated:

> Given Assistant Commissioner Cook's seniority, I make no recommendations regarding his conduct. I suggest, however, that he better acquaint himself with the objectives of community policing and the necessity to deal with community concerns with the necessary level of attention. I recommend that the Police Service apologise to the families of the arrested students.

We have an assistant commissioner of police who does not really understand community policing. Nor did he find that it is necessary to carry out a detailed investigation. He accepted the unsubstantiated account of non-Asians against a group of Asians. That is the crux of the entire problem. If that happens at the most senior level, it does not matter what young police officers are taught in the police academy or what happens when they go out on patrol; their views will be coloured by the views of their senior officers. Always in these cases it is the leadership that counts, and that is important. I refer honourable members to an article written by Janet Chan titled "Policing Youth in `Ethnic' Communities: Is Community Policing the Answer?" Some very important points are made in the article, one of the most important being that the problems reportedly faced by ethnic youth have more to do with their youthfulness than their ethnic background. The article stated:

> . . . street kids do not see ethnic liaison officers as their friends and advisers . . . Young people do not find the presence of beat police reassuring . . . beat officers symbolise the ubiquitous arm of the law which constantly watches, threatens and hassles them in their activities.

The article also pointed out that although information about police services is disseminated in 22 different community languages and the young people speak their mother tongue, they do not understand it when it is written because they learn English when they come here and written language is very different from the spoken language of the home. It is recommended that committees have young people on them. I am happy that the Ethnic Affairs Commission of New South Wales has made that recommendation. In patrols where there is a large ethnic community there should be ethno-specific consultative committees so that people with language difficulties feel free to attend. In conjunction with all the excellent recommendations in this -

The Hon. Dr B. P. V. Pezzutti: What if you are at Cabramatta, where there are 15 different ethnic communities? You would have 15 different consultative committees.

The Hon. ELISABETH KIRKBY: If there are 15 different communities, there can be 15 different ethnic liaison officers. It is very simple. I do not believe the debate should be trivialised in that way. The report is a valuable document. I support its recommendations. This is not the time to gloss over the issue and to make play of the number of committees that have been set up. Honourable members know of deficiencies not only from the report but also from scholarly articles such as the one I referred to, many Ombudsman's reports and the knowledge within ethnic communities, which represent 33 per cent

of our population. They are dismissed continually as if they know nothing and we as Anglo-Australians know better and have the answers. That is not true; we do not have the answers and we have to pay more attention to what the ethnic communities are saying. [*Time expired*.]

The Hon. J. H. JOBLING [11.57]: I speak in the debate on the relations between police and ethnic communities. The old adage that the policeman's lot is not a happy one has never been more clearly confirmed than it was by some of the statements made by members on the other side of the House and on the crossbenches. I am appalled that the debate has been politicised in an attempt to score nothing more than what are in many instances cheap points. No-one will deny that the relationship between police and ethnic communities has its problems, but some of the comments made in the debate have been totally

outrageous. From time to time most people perceive the police as threatening. That perception may well result from the last time a member of this Parliament was pulled over by a traffic policeman for speeding or for any other reason, and the perception has continued.

The New South Wales Police Service has made a definitive attempt to resolve its problems, to overcome its shortcomings, and to respond to the report of the Ethnic Affairs Commission on the relationship between the police and ethnic communities. The problems experienced by police are the responsibility of all Australians, not of any specific group. I accept that the Arabic festival could have been better handled, but its unfortunate outcome is no reason to tar the entire police force as uncaring, uninterested and completely opposed to ethnic communities. Members of the Opposition have clearly attempted to do that. The police have clearly learnt a great deal from the Arabic festival at Tempe last year. They now take a completely different approach, they have instituted consultative measures, and the events at Tempe last year will not be repeated.

I have no doubt that the police support the 52 recommendations made in the Ethnic Affairs Commission report and will implement each of them as quickly as possible. The Police Service cooperated with both the Ethnic Affairs Commission and the Ombudsman in an endeavour to benefit both the delivery of policing services and the liaison with members of ethnic communities. The police are making a genuine attempt to tackle a serious problem. The argument as to whether the way police are regarded by ethnic communities is dissimilar to the way they are regarded by other communities is highly questionable. The learned treatise quoted by my colleague the Hon. Elisabeth Kirkby is an interesting point of view, but it is nothing more than that. The police have implemented a large number of organisational and operational measures to change their style and to respond to the problem.

The police are aware of the need to increase the number of recruits from different ethnic backgrounds to broaden the spread of the Police Service and positive recruitment action has been taken. Equally, female recruits are being sought, and senior female officers are beginning to fill the more senior positions in the service. Advertising in the ethnic and mainstream press is essential. That is being done, and it is working. An ethnic affairs policy statement and strategic plan is being prepared. Ethnic community liaison officers are being appointed in key patrols. Whether young people will choose to regard these officers as friends will depend on changes in attitude. Last weekend police stations held open days and hundreds of people brought their children to local police stations to see what happens there. I understand that many people from ethnic communities in New South Wales took advantage of that opportunity. That is highly desirable. Local community consultative committees are also desirable and will help to overcome the problem.

At the end of the day many of the attitudes towards police are passed on to children from older members of the family. These attitudes are then enforced by peer pressure and reaction. Initially families must be persuaded to change these attitudes. To help to change these attitudes police are participating in ethnic talkback radio and workshops, and attending various schools. Many people from overseas countries have experienced police forces who act totally differently to the way in which the Police Service in this State acts. That serious problem has not been overcome. I am sure the Hon.

Franca Arena will agree with me when I say that ethnic families have brought certain beliefs and fears with them from overseas and that they have inculcated those beliefs and fears into their children. It will probably take at least another generation before those attitudes can be eliminated.

The Hon. Franca Arena: How did the Irish immigrants regard the police 150 years ago?

The Hon. J. H. JOBLING: The Irish immigrants regarded the police 150 years ago exactly as one would expect them to regard the police: in the same way as they regarded the military and many other people. In dictatorships - whether in the East, in Europe, or in the Middle East - police have been used as an arm of tyranny, and the attitude of people from those countries towards police is difficult to change. It cannot be done overnight; it will take time. It requires liaison, education and a change of family attitudes. Certain people of non-ethnic backgrounds have an attitude problem with the police. That attitude is inculcated into children as young as two or three years of age. In my area on the open day last Sunday, one father, an Australian, brought along a 3-year-old child, who said, "I want to go and kick the policeman". The father said nothing and the 3 year old walked up and kicked a policeman in the shins. The policeman bravely and correctly smiled and ignored that. What does one do in a case like that? Assistance and education are necessary. On certain occasions in recent years the standard has been less than acceptable. The police will do their job and change those standards.

The Hon. Dr B. P. V. PEZZUTTI [12.06]: I speak briefly in this debate to make one important comment. Although the Hon. Franca Arena has clearly identified that there have been problems between the police and ethnic communities for many years, I ask which government has had the guts to conduct a proper inquiry into the problem? This Government has not only conducted the inquiry, it has accepted the responsibility of following up on the recommendations in the inquiry report. The Hon. Franca Arena also claimed that only 50 police officers have bilingual skills. Obviously that is not true. I know more than 50 police officers with Italian backgrounds and bilingual skills. The Hon. Franca Arena got the figure wrong. The figure should be closer to 50. There are probably 50 who do translation work, rather than 550 who are bilingual.

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The number of police officers from non-English speaking backgrounds has increased as the population has increased. That is obviously important. The Premier, and the action man, Michael Photios, have brought forward the charter for a multicultural society, which includes for the first time anywhere in Australia the right of ethnic people to gain access to government jobs in any part of the public sector, no matter what their background. That encourages people from non-English speaking backgrounds and from many highly-prized ethnic communities to bring forward people into many areas of the public service. It is important also that the Hon. Franca Arena not promote the development of the mafia in Australia. She claimed that the mafia protected the poor. Honourable members know what happens when the mafia gets going in any country, and the Hon. Franca Arena apologised for the mafia.

The Hon. Franca Arena: On a point of order: the Hon. Dr B. P. V. Pezzutti is not only telling untruths, he is also casting aspersions on my reputation. I have never apologised for the mafia. I ask you to direct him to withdraw that remark.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! Will the Hon. Franca Arena tell me what the offensive words are that she wishes the Hon. Dr B. P. V. Pezzutti to withdraw?

The Hon. Franca Arena: He said that I was here to apologise for the mafia.

The Hon. Dr B. P. V. PEZZUTTI: I did not say that.

The Hon. Franca Arena: And I did not apologise for the mafia.

The DEPUTY-PRESIDENT: Order! No point of order is involved.

The Hon. Dr B. P. V. PEZZUTTI: It is important that the community councils get together so that everyone is using the same police force and has the same community expectations of that police force, otherwise mafia-style arrangements will develop in this country. I would be absolutely appalled if that happened. There are other protections for the community - the equal employment opportunities legislation, the Anti-Discrimination Act, et cetera. I support the recommendation by the Ethnic Affairs Commission, and agree that the ethnic communities should work with their police in their communities to improve community policing, because that is what is meant to happen. It is no good for the police to change if the communities do not help them. It is also important -

[*Time for discussion expired*.]

The Hon. FRANCA ARENA [12.10], in reply: I thank honourable members who have taken part in this debate. I want to put on record that, when he was Minister for Police, the Hon. E. P. Pickering - who has come into the Chamber since the debate commenced - was very responsive to propositions I put to him regarding the Police Service. I want to emphasise that my contribution has not been an attack on the Police Service, but an attack on the Government for its lack of action. The Police Service is changing, nobody doubts that. Many times in this Chamber I have heard the Minister for Energy, and Minister for Local Government and Co-operatives talking about the police culture. I am pleased that the Police Service has accepted the recommendations of the Ethnic Affairs Commission report, but the reality is that there is still a police culture which is not sympathetic to minorities.

The Attorney General, and Minister for Justice, who was in the House earlier, said that 12 per cent of the Police Service is from non-English speaking backgrounds. The report at page 14 says clearly that a relatively small number of police officers come from a non-English speaking background. This rate should be improved as a matter of importance. The Attorney General suggested that 500 officers possess language skills. What is meant by "language skills"? It means that if you are of Greek background and your children are born in this country, because their parents are from a Greek background, they have language skills. In many cases they only speak the dialect; they do not know how to speak the language of their parents. It is important to realise that sometimes members of the Police Service use as interpreters people who are bilingual. Page 39 of the report clearly says police believe - as inane people such as the Hon. Dr B. P. V. Pezzutti obviously also do - that any bilingual person can be used as an interpreter.

The Hon. Dr B. P. V. Pezzutti: On a point of order: I object to being called inane and I ask the honourable member to withdraw that comment.

The Hon. FRANCA ARENA: I withdraw it. The police believe that any bilingual person can be used as an interpreter. That is not true. I am a bilingual person but I do not think I would make an excellent interpreter. One has to be trained for such a job. Page 39 of the report states:

> Parents who do not speak English are called in as witnesses while children are being interviewed by Police. The children interpret the conversation for the parents. The parents then sign documents;

This is 1994 and we should never accept that kind of thing. I appreciate the contributions of people such as the Hon. P. F. O'Grady, who spoke about police recruitment - and I think honourable members would all agree with that; and the Hon. Helen Sham-Ho, who spoke about the need to have a two-way relationship - and I would agree with that, also. Those on this side of the House always try to be constructive and endeavour to understand that there is a two-way process. Yes, the community has to understand the police better. The Ethnic Affairs Commission should hold a few more seminars to help, apart from publishing booklets in languages other than English. They might be very useful, but unfortunately not many people read them.

I think one of the best contributions was made by the Hon. J. Kaldis, who pointed out that the report is a litany of initiatives that the Government should have

taken in the seven years that it has been in office - seven long years and very few initiatives. The Hon. J. Kaldis pointed out how community events can be held without any violence, either from the community or from the police. I think the best example he gave was the annual mardi gras. He spoke about racism and the Hon. Elisabeth Kirkby spoke about what happened in the Turramurra incident. Unfortunately, racism is still rampant in our society. Despite all the goodwill in the world, despite all our talk, a lot of racism still exists - not only in the Police Service but in the community. One scratches the surface and there it is. If we are aware of that we can be constructive about it and take action. I think that is very important.

Reverend the Hon. F. J. Nile also made a good point that the report is a constructive document and that it tries to build bridges. I agree with him, and I agree with what Mr Stepan Kerkyasharian said in the foreword to the report. It would serve no purpose to stand here and say that the police behaved like the dogs that they brought to the Arabic festival. Most probably they panicked as well, because they did not understand the culture of the people who were there. It was not my intention to stand here today and attack the police; my intention was to attack the Government for its ineptitude and lack of funding - the lack of funding for training and retraining of police. The Government has the responsibility to set in place suitable programs to prevent problems.

It is all very well to have these reports after the event; it is all very well to say mea culpa - words I think the Hon. J. R. Johnson used yesterday - mea culpa, mea culpa, and say, yes, we will try to do better in future. We should have learned enough. As I said, it is 1994 and we should have learned enough to put programs in place so that events such as the riot at the Arabic festival do not occur. I wish to thank the Hon. Elisabeth Kirkby for her contribution. She also made some important points. The Government is setting up committees galore - committees about this and committees about that. It is a way of not taking any action. I am proud to say that one of the most important instructions that Bob Carr has given us as members of the new government after March, is that we must try to do away with as many committees, boards and councils as possible.

There is a proliferation of committees, boards and councils everywhere, and it is just another way of preventing action. People are sick of this; they are sick of new bodies being set up all the time. There are enough bodies and there is enough consultation. I think what we would all like to see is action. I want to conclude by congratulating the people who have been involved in this important consultation. I know that there will be very little time for the Government to implement the 52 recommendations contained in the report and it will be left to a Labor government to implement them. I assure honourable members that, whoever is going to be the Minister for Police on 25 March, I and my colleagues will be monitoring the implementation of these recommendations. The Opposition believes that the relationship between our ethnic communities and the Police Service is of the utmost importance.

The Hon. Dr B. P. V. Pezzutti, as always, has trivialised matters and attempted to put words into my mouth about the mafia, which I absolutely reject. I only brought that criminal organisation into the discussion because it is important that we understand the mentality of such criminal organisations in the Italian, Vietnamese, Chinese and other communities. After all, some of the people in gaol for criminal activities have very good Anglo-Saxon names, so this is a problem that affects all communities. If we are aware of the problem we can take action, but it is not much use talking, setting up committees and making recommendations if the funding is not available - $160,000 a year from a Government which has increased its ethnic affairs budget by 57 per cent; a Minister who goes around continuously dropping cheques like confetti at ethnic functions, 30,000 here, $25,000 there and $50,000 there. When I am present he refrains from doing that because he knows that I will ensure it is reported in the ethnic media. It is a miserable amount, $160,000 a year, to spend on this very important issue. When the Opposition is elected to government next March I will be one of the people knocking on the door of the Minister for Police to ensure that the recommendations are implemented and that money is made available for these

important community relations programs.

Discussion of matter of public interest concluded.

FINANCIAL AGREEMENT BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

WESTERN LANDS (LAND PURCHASE) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives), on behalf of the Hon. R. J. Webster [12.23]: I move:

That this bill be now read a second time.

The main purpose of this bill is to restore the right of the holders of certain types of leases in the western division to apply to convert their holdings to freehold title - rights which were unjustly removed by the Labor Government in 1985. As some members would be aware, approximately 93 per cent of the 32.5 million hectares comprising the semi-arid western division of New South Wales is held as leasehold tenure under the provisions of the Western Lands Act 1901. An additional 3 per cent is held as freehold, which for the most part was granted before the turn of the century. The remainder comprises other public lands such as national parks. The Western Lands Act was originally introduced with the objectives of encouraging closer settlement, and

reconstruction of holdings, following a period of serious rural recession and drought, and to protect the Crown's estate from unwise land management practices.

In 1901 broad-acre sheep grazing was the only practical economic land use within the western division and the strategy behind the enactment of the Western Lands Act was to control land allocation and land management by retaining the land in Crown ownership. The leasehold tenure provided a vehicle for ministerial oversight of transfers of title to ensure that no undue aggregation of holdings took place, and the monitoring of conditions relating to such matters as stocking rates and care of vegetation cover. By 1927 it had been demonstrated that some limited areas of the division were capable of sustaining more intensive agricultural land use. It was accepted by the government of the day that investment in the development necessary for farming would not be made on leasehold lands which at that time were generally for a term of years rather than in perpetuity.

In response to this view, legislation was introduced in 1927 to permit the holders of land held under lease for the purpose of agriculture or agriculture and grazing combined or mixed farming, to apply to convert the land to purchase tenure and ultimately freehold title. In 1949 provision was also made to extend the right to apply to convert to holders of leases for the purpose of residence, business purposes, or similar purposes. The holders of leases held for the purpose of grazing have never had a right to convert to freehold. When the Labor Government removed the right of holders of agricultural leases to apply for conversion, it did so without any justification or for any cogent or logical reason. Item (3) of schedule 1 to the bill does no more than restore that right. I should emphasise that the right it restores is a right to apply to convert and not an automatic conversion right. Conversion, therefore, would be at the

discretion of the Minister in exactly the same way as the pre-1985 right had operated since 1927.

I should also point out that the conversion price - that is, the price to be paid by the holder to the Crown to gain freehold title - would be set at the market value of the land again, the same arrangement that applied previously. Holders who are granted approval to convert their leases to freehold would have the right to repay the purchase price over 33 years at an interest rate which is currently set at 8 per cent. These incomplete purchase arrangements, as they are known, are set out in the Crown Lands (Continued Tenures) Act 1989 and are the same as apply to lease conversions in the eastern and central divisions of the State. It is sometimes said that one of the main justifications for retaining a leasehold regime is the land use management regulation and control that it provides. In proposing changes to this bill, the Government is conscious of the need to maintain suitable land management controls. To this end, the bill provides for the extended application of section 18DB clearing controls in the Western Lands Act to land converted to freehold under the proposed reforms.

Section 18DB prevents the clearing of land except in accordance with the provision of clearing licences issued for the land by the Western Lands Commissioner. In other words, the same restrictions on clearing of land as apply while the land is leasehold land will apply to the land after it is freehold land. The bill also provides for the amendment of section 18DB to clarify the definition of "clear" in that section. Schedule 1 to the bill also amends section 47 of the Western Lands Act to provide that the Western Lands Commissioner may give directions to require an owner or lessee to comply with the provisions of section 18DB. This is required as it is possible that following conversion to freehold tenure an owner may lease his or her property to a third party. The Government considers it necessary to be able to take action against persons holding such an interest should they act to clear land without authorisation.

Section 48 of the principal Act is also amended to allow the Western Lands Commissioner in the foregoing circumstances to enter such land to undertake corrective action at the cost of the land-holder or owner. At the same time, schedule 2 to the bill significantly increases the penalties for failing to comply with the requirements of section 18DB - from a maximum penalty of $10,000 to a maximum penalty of $50,000. The bill also provides for increased penalties in other related areas. The increased penalties for illegal clearing are in line with penalties for comparable offences under the Soil Conservation Act 1938. Significantly, the penalty provisions also apply to land converted to freehold under the arrangements set out in the bill.

Clause 4 of the bill amends the Land and Environment Court Act 1979 to allow proceedings in relation to offences under section 18DB to be brought in either the Land and Environment Court or a Local Court. Section 21 of the Land and Environment Court Act is amended to allow proceedings to be considered by that court in a summary manner. In bringing forward this legislation, I am conscious of the claim that the conversion of a lease to freehold removes the opportunity to invoke that most drastic of sanctions - forfeiture of the land. However, notwithstanding that I am currently considering forfeiture action in respect of recent illegal clearing at Collarenebri in the State's north-west, because of the seriousness of that case, the imposition of suitable monetary penalties represents a more workable arrangement in most instances. Indeed, this was recognised by the Labor Government when it introduced the 1985 amendments to the Western Lands Act which included the penalty provisions for breaches of section 18DB. To quote from the Hon. Jack Hallam's second reading speech to the Legislative Council at the time:

> However, forfeiture of lease is such a drastic penalty that it has rarely, if ever, been used. Consequently, it is necessary to introduce a workable system of penalties to ensure that the Crown estate is protected against that small minority of lessees that does not abide by the rules.

The bill currently before the House recognises this by increasing those penalties and by having those penalties apply after conversion, thus ensuring continuation and enhancement of the effective land

management-regulatory aspect of the leasehold regime. The Government's view is that in these difficult times the legitimate interests of rural landholders should be addressed. Being able to freehold their leases is an important aspiration for many landholders for the often quoted following reasons: freehold title is perceived to offer a better security of title; it is perceived to be easier to transfer, particularly when that transfer is occurring within families; it is perceived to be easier to raise debt finance with a freehold tenure than a leasehold tenure; and it removes the need to pay rents. Returning the pre-1985 right in the manner in which this bill provides addresses those aspirations and is consistent with the philosophical viewpoint of this Government. Further, it does this without compromising land management regulation and controls, which are seen to be important features of the leasehold system. I commend the bill to the House.

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

IRRIGATION LEGISLATION (FREEHOLD TENURES) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

The Hon. E. P. PICKERING: (Minister for Energy, and Minister for Local Government and Co-operatives), on behalf of the Hon. R. J. Webster [12.32]: I move:

That this bill be now read a second time.

The objects of the bill before the House, which will amend the Crown Lands (Continued Tenures) Act 1989, the Hay Irrigation Act 1902 and the Wentworth Irrigation Act 1890, are twofold. Firstly, this bill will provide a mechanism for removing restrictions on freehold land in irrigation areas. Secondly, the bill will remove the statutory prohibition on corporations and trustees holding agricultural land in irrigation areas. The bill is another step in the Government's program of irrigation area reform and deregulation.

Before I deal with the substantive provisions of the bill, I take this opportunity to explain to honourable members the rather complex system of land administration and tenure in irrigation areas and the maze of legislation that governs dealings in land in such areas. In this regard honourable members will appreciate the substantial impact that these reforms will have in simplifying land transactions and land usage in irrigation areas by facilitating the removal of government controls. In particular the Government, through this bill, has sought to redress the inconsistencies that exist between landholders in irrigation areas and the holders of other lands in relation to their rights to apply to the Minister to remove the requirements for ministerial consent to transfer that apply to their land.

The right to derestrict, which in respect of land outside irrigation areas has existed for over 20 years, has been denied to the holders of similar land situated in the irrigation areas of the State. This bill will sweep away this anomaly in that it will place holders of land in irrigation areas in the same position as holders of land in the eastern and central division of the State with respect to their entitlement to remove restrictions on the transfer of their land. To understand the nature of the reforms introduced by the bill it is necessary to have a brief understanding of the present scheme which governs land dealings in irrigation areas.

Generally, all dealings in land within irrigation areas, with the exception of some derestricted freehold urban land and land that is situated in the Curlwaa and Hay irrigation areas, are subject to the provisions of the Crown Lands (Continued Tenures) Act 1989. In respect of land in the Curlwaa and Hay irrigation areas, such land is vested in the Water Administration Ministerial Corporation and all dealings affecting such land are governed by the Wentworth Irrigation Act 1890, the Hay Irrigation Act 1902 and the Irrigation Act 1912, which are essentially, in respect to controls on the transfer of the land, mirror versions

of the Crown Lands (Continued Tenures) Act.

Generally, all farming land in irrigation areas is subject to restrictions on dealings in that the land cannot be transferred, leased, subleased, assigned or otherwise dealt with without obtaining the Minister's consent or in respect of land in the Hay and Wentworth irrigation areas, the consent of the Water Administration Ministerial Corporation. This restriction applies not only to leasehold land or land in course of purchase from the Crown or ministerial corporation but also to freehold land. In this speech, for ease of explanation, I will refer to both the Minister and the Water Administration Ministerial Corporation as the consent authority.

The current legislation requires that an application must be made to the relevant consent authority to obtain consent to a dealing with the land and the consent authority has a discretion to either grant or refuse consent. Land which is subject to such restrictions is known as restricted title land. However, the consent authority may not grant consent to a dealing if in the consent authority's opinion the dealing will result in the person who will take the benefit of the dealing holding an area of land which is substantially in excess of a home maintenance area. The home maintenance area principle as a land administration policy was introduced in 1909 for the purpose of preventing the undue aggregation of land which was being disposed of by the Crown and thereby achieving the closer settlement of land. The home maintenance area concept applies to restricted title land both within and outside irrigation areas.

In essence the home maintenance area concept is intended to prevent a person from aggregating lands in excess of an area considered sufficient for the maintenance in average seasons and in average circumstances of an average family. A husband and

wife cannot separately hold title to land within an irrigation area if such an area exceeds a home maintenance area. The accepted home maintenance area standard for horticulture farms in irrigation areas is 100 hectares and 600 hectares for mixed farms. In 1971 legislation was enacted to authorise the derestriction; that is, the removal of the requirement for the Minister's consent to a dealing of restricted title freehold land where the holder paid a derestriction fee to the State. This fee is currently prescribed at 3 per cent of the land value of the land. The rationale for the payment of the fee is that unrestricted title land is more valuable than restricted title land and that the State should consequently share in the increased value brought about by the removal of restrictions affecting that land.

This reform was introduced in recognition of the fact that the traditional objective of closer settlement had largely been accomplished and that the economic circumstances of the 1970s called for a legislative scheme which did not hinder appropriate farm build-up in the interests of maintaining the viability of farm enterprises. The 1971 legislation did not apply to land within irrigation areas except in the case of non-farming land. From this distance it cannot be said with certainty why the 1971 amendments were not applied to irrigation areas. However, it seems likely that because the irrigation areas represented the most successful closer settlement project in the State and in 1971 the concept of closer settlement and home maintenance areas still had wide support and relevance in irrigation areas it was decided by the government of the day not to authorise derestriction in these areas.

It may also have been the case that the economic conditions that led to the need to break down the scheme outside irrigation areas were not present in irrigation areas. In the absence of any clear reasons for excluding the irrigation areas from the 1971 amendments, and given that economic and farming conditions have changed drastically since 1971, it is the Government's view that the time has come to sweep away these unnecessary restrictions. The Crown Lands (Continued Tenures) Act contains specific provisions which prohibit corporations or trustees from holding farming land in irrigation areas whether that land is freehold, incomplete purchase or leasehold. No statutory restrictions of this type apply elsewhere in the State, although as a matter of longstanding policy adopted by all governments since 1909 corporations or trustees are not permitted to hold restricted title freehold land or land held under incomplete purchase or lease if that land is farming land. However, unlike the holders of freehold farming land in irrigation areas, the holders of freehold land outside such areas can derestrict their titles,

in which case corporations and trustees may acquire these lands.

The purpose of this policy prohibition is to protect the home maintenance area principle. If a corporation or trust were allowed to hold restricted title land, the restrictions on the aggregation of land could effectively be avoided by a dealing in the shares of the corporation or by the appointment of beneficiaries by a trustee. Neither of these dealings would be subject to ministerial control. The restrictive nature of these statutory prohibitions in irrigation areas is illustrated by the problem confronting the Coomealla Memorial Club Limited within the Coomealla irrigation area. The club has for some time sought to acquire an adjacent irrigation farm to expand its recreational facilities. However, due to its status as a corporation it has been prohibited from doing so.

Similarly, corporations involved in the horticulture production industry are also prevented from acquiring lands in these areas due to the existence of the statutory prohibition. The bill, by removing this prohibition and providing for derestriction, will enable corporations to own land in irrigation areas. In this regard the only way in which a corporation may acquire such land is if the land is, in the first instance, derestricted in accordance with the new amendments. Last, I might also point out to honourable members that, with the projected privatisation of irrigation areas in the near future, it is important that this bill be enacted if the full efficiencies which will flow from privatisation of irrigation areas are to be realised.

I turn now to the substantive provisions of the bill. The bill provides, through its amendments to the Crown Lands (Continued Tenures) Act, the Hay Irrigation Act and the Wentworth Irrigation Act, that the holder of land in an irrigation area may apply to the Minister for the issue of a certificate that the land can be transferred or otherwise dealt with without the Minister's consent; that is, the land may be derestricted. The fee for such an application will be an amount equivalent to 3 per cent of the land value. However, if that land does not exceed two hectares or if the land is declared to be non-farming land and is suitable for residential, commercial, industrial or business purposes, holders of such land will be able to continue to apply to the Minister to derestrict their land. This is the position under the present law and no derestriction fee is payable in these cases.

Schedule 2 to the bill amends the Crown Lands (Continued Tenures) Act by removing the prohibition on corporations or trustees owning land in irrigation areas, which similarly reflects the position that exists in the eastern and central division of the State. However, as outlined earlier, this will not serve to alter the Government's current policy, which will continue to protect certain restricted title land of a farming nature from being acquired by corporations and trustees. In conclusion, this bill will serve to progress land and water reforms in irrigation areas. I commend the bill to the House.

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

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2)

Bill read a third time.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 1994-95

Debated resumed from 15 November.

The Hon. DOROTHY ISAKSEN [12.43]: At the outset of my contribution to the budget debate I should like to comment on the important issues raised by the Hon. D. J. Gay in relation to air safety. All honourable members shared his grief at the loss of his two young cousins, Jane Gay and Alanda Clark,

and that of the friends and relatives of the other five passengers who died as a result of the crash of the Monarch Airlines plane at Young in June 1993. I had the opportunity of meeting Stephen Ward, who also died in this crash, when he appeared before the Standing Committee on State Development as President of the Shires Association. I had the pleasure also of sharing a table with him and his wife at the State dinner for the President of Ireland, Mary Robinson. Our community lost a very worthy citizen with the death of Stephen Ward.

The Hon. D. J. Gay raised many issues in relation to the fitness of Monarch to run the airline, and the role of both the Civil Aviation Authority and the New South Wales Air Transport Council. The recent crash of the Seaview plane on its journey to Lord Howe Island and the loss of all passengers on board, as well as a number of other air crashes, indicate that the present regulating bodies need our urgent attention. When one considers the danger signs, as outlined by the Hon. D. J. Gay, concerning Monarch Airlines and the matters raised in the Federal Parliament by the shadow minister, John Sharp, regarding Seaview, together with concerns detailed in a letter forwarded to the chairman of the Air Transport Council from Lachlan Travel, one knows that urgent action is required to prevent these tragedies from happening again. It is not hard to imagine the additional stress and anguish it must be causing those who have lost loved ones to know that an earlier response to these complaints may have avoided their great loss.

I agree with the Hon. D. J. Gay that we must ask the question: at what cost do we support deregulation? It should be of some concern that the annual report of the Department of Transport for the year ended 30 June 1993 shows approximately 100 regular transport licences are now on issue, with a further 110 licences on issue to charter operations. There is a tremendous capital investment in airlines, which must work at top capacity to produce a return of profit. Small operators pose a problem. We cannot sacrifice safety for convenience. In a recent interview on Sydney radio former Chairman of the Civil Aviation Authority, Dick Smith, was brutally frank when he explained the degree of safety involved in large companies such as Qantas and Ansett, and in the small operators. He advocated a safety rating being displayed on airline tickets, a suggestion which he said was not enthusiastically supported by the industry. I ask: how many of us think of these matters when we fly off on a business trip or on a holiday with our families? I commend the Hon. D. J. Gay for his pursuit of this matter and the information detailed in his speech. I have taken the liberty of sending a copy of that to a number of my colleagues in Canberra.

The 1994-95 budget has allocated a total of $7.389 million to the Zoological Parks Board, including $2.6 million for capital works to maintain and upgrade existing facilities and infrastructure at Taronga Zoo and the Western Plains Zoo. This is an increase of $0.9 million. Our two zoos in New South Wales have undertaken important projects that are vital to conservation, education, tourism and public education. The parliamentary environmental caucus of the Labor Party had the opportunity of visiting Taronga Zoo and the Western Plains Zoo earlier this year, and I must express my appreciation of the time spent by staff in explaining many of their projects. It has been a number of years since I last visited Taronga Park, so I found the changes very pleasing. The construction of the orang-outang exhibit is a most valuable addition. Both the rainforest enclosure and the residential facility are world class.

Recent discoveries in Ethiopia of fossils of apelike animals estimated to have lived over four million years ago have been claimed as the closest science has been to finding the evolutionary time when apes and humans diverged. The fossils excavated in the past two years at a remote site named Aramis in north-eastern Ethiopia are described as the most apelike hominid ancestor known and the closest link found in the evolutionary chain of species between humans and their African ape ancestors. The orang-outang enclosure enables visitors to observe at close quarters the similarity between humans and apes, and perhaps dwell a little on the Darwinian theory.

Acknowledgment should be given to McDonald's Family Restaurants, which has committed a sum of $1 million over five years in support of the total reconstruction cost of approximately $3 million for the orang-outang rainforest exhibit. The Zoological Parks Board has been very successful in gaining

sponsorship from the corporate sector for a number of their projects. At Taronga Park we also had the opportunity of seeing the white tiger, a huge magnificent animal. The new enclosure with its glass panels enables the public to get a closer look, which was not previously possible.

In yesterday's *Sydney Morning Herald* there was a story about the success Taronga Zoo has had in mating a four-year-old Sumatran tiger. If all goes well, the cubs of the tiger - named Selatan - will be delivered in the next few weeks. There are as few as 400 Sumatran tigers remaining in the wild, and there are another 50 or so in captivity. Their native habitat has been destroyed through Indonesian resettlement programs involving several million people moving from Java to Madura. The birth of these cubs will be warmly welcomed by zoos around the world, which have been working hard to save these animals from extinction.

Our visit to Dubbo took place in June. The Director of the Western Plains Zoo, Ian Denney, gave us an excellent insight into the management of this vast establishment. Everyone who has been to Taronga Zoo should visit the Dubbo zoo to experience the contrast of freedom the animals have there. Of course, the big attraction is the black rhinoceros. The Western Plains Zoo, along with conservation agencies in the United States, operating through the International Rhinoceros Foundation, has been involved in the capture and translocation of black rhinos from Zimbabwe as a last effort to save the species from extinction.

Because of poaching, the wild population of black rhinoceros in Africa has dropped by about 97 per cent since 1970, with less than 2,000 now surviving. The zoo has joined the international efforts to save the species by establishing captive breeding groups. A large facility for breeding this species has been established at the Western Plains Zoo. Eight animals imported from Zimbabwe form the nucleus of the breeding group. The zoo's involvement in the black rhinoceros program has been made possible through a very generous sponsorship from Consolidated Press Holdings Limited in conjunction with the *Australian Women's Weekly*.

The other interesting and very successful project has been the breeding of the Przewalski horses from Mongolia. These unique animals were becoming extinct because of war and environmental changes in their habitat. We are now in a position to commence a reintroduction program and to send breeding stock back to Mongolia. One obvious ingredient of these successful conservation programs is the commitment and involvement of the staff at both zoos. It goes beyond the job; the staff have a love of animals and a determination to do their best for their wellbeing. The management and staff of our zoos deserve our congratulations. The budget allocation to the Zoological Parks Board is small compared with that of other departments and agencies. However, this is a very important section of funding and a good investment.

There are two matters in the budget which are good news. The first is the removal of liquor licence fees on low-alcohol beverages and the second is tourism. It is estimated that the removal of the liquor licence fee will reduce the cost of a carton of light beer by as much as $1.50 and cut about 5¢ from the price of a middy of draught light beer in a club or hotel. The Government will forgo around $7 million a year in lost revenue from the abolition of licensing fees, which are currently 7 per cent for light beer and 13 per cent for low-alcohol beer. Low-alcohol beer is defined as having 3.5 per cent alcohol or less and grape wine as having 6.5 per cent alcohol or less.

The use of alcohol is estimated to cost Australia $7 billion each and every year. That cost includes road accidents, alcohol-related diseases and violence. It is estimated that 6,500 Australians die annually as a consequence of alcohol. Alcohol is a contributing factor in 50 per cent of the road toll, 30 per cent of homicides and 20 per cent of suicides. Furthermore, according to police statistics, nearly 80 per cent of youth street crime, 73 per cent of assaults, 84 per cent of offensive behaviour and 80 per cent of hospital admissions for overdoses by those aged 12 to 25 are alcohol related.

Consumption of alcohol in Australia has declined steadily since 1982. On average Australians now drink about 15 per cent less alcohol than they did in 1982. The only product to show marked sales growth since 1982 is low-alcohol beer, which has seen a 75 per cent sales increase. Sales of full-strength beer have declined. According to the Bureau of Crime Statistics and Research, figures indicate a fall in sales for New South Wales coincident with the introduction of random breath testing, and the fall is more marked than those evident in the rest of Australia.

While it is difficult to separate the effect of the recession from the effect of random breath testing, the comparative figures for the rest of Australia and the fact that the recession was beginning to lift by late 1983 suggest that there was an effect from random breath testing in New South Wales over and above the effect of the recession. According to the bureau, low-alcohol beer seems to be gaining increasing acceptance, which is perhaps not surprising considering the level of advertising for low-alcohol beer. The advertising is aimed at increasing the masculine image of low-alcohol products and easing the fears of arrest for drivers who drink.

It is also accepted that there has been a marked improvement in the quality and taste of low-alcohol beer, which makes it much more popular. Unfortunately, winemakers have not had the same success. Perhaps it would be a good investment for the Government to support more research and experimentation in this area. It is to be hoped that the hotel and club industry pass on these concessions fully to their customers as a sign of their responsibility and support of the health and safety of their customers.

I believe in giving credit where credit is due. The current Minister for Tourism is certainly doing a much better job than did her five predecessors. According to the *Sydney Morning Herald*, tourism now earns Australia $8.6 billion a year. Tourism earns us twice as much as wool or meat. It also earns us more than the mineral industry. Twelve per cent of the work force is dependent on the tourism industry. Spending on tourism in New South Wales has increased for the second year in a row - by 15 per cent, from $27.9 million last year to $32.5 million this year. This is expected to create 3,000 new jobs in the tourist industry over the next 12 months. Funding for regional tourism has increased by 34 per cent to $5.1 million. This money will be used mainly to attract visitors to smaller towns throughout New South Wales.

An additional $5 million is being provided for an extension of the Seven Wonders campaign throughout Asia and New Zealand to sell New South Wales as a major tourist destination. This will be matched by a similar contribution from the industry. The Seven

Wonders campaign is estimated to have contributed to a 22 per cent increase in business to New South Wales travel centres since its launch last October. It is estimated that hotel accommodation takings have increased by $20 million in the June quarter this year. This is the second time accommodation occupancy rates have increased in New South Wales following the jump in figures for the March quarter. This was the first increase in four years.

Six Ministers have held the tourism portfolio since the coalition took office in 1988. The first Minister was Garry West in 1988; then there was Michael Yabsley in 1991; in 1992 the Hon. R. J. Webster held the position for a short period; he then handed it over to Bruce Baird; and in May 1993 the Hon. Virginia Chadwick became Minister. This regular change of Ministers resulted in very little being done for New South Wales tourism. Other States - Queensland, Victoria and Tasmania - have had good campaigns, but who can remember any campaign promoting New South Wales? The Seven Wonders campaign commenced last year by Minister Chadwick has been very successful and has won a number of major tourism awards. Minister Chadwick has been a great improvement on her predecessors.

[*The President left the chair at 1.00 p.m. The House resumed at 2.30 p.m.*]

The Hon. DOROTHY ISAKSEN [2.30]: A report in the *Sydney Morning Herald* of Friday, 3 September, drew attention to the Government's failure to provide for children who are in need of care. The Government's policy of reducing welfare spending and privatising community services has been an absolute failure. The actions have been deliberate. The Government axed services, commissioned a major report, the Usher report, and then ignored it until there was so much public anger and reaction that the Government belatedly used bandaids. The Government should be shamed by the claim of Children's Court magistrate Chris McRobert that there was an urgent need to provide secure emergency accommodation for adolescents to prevent another tragedy similar to the Jasmine Lodge tragedy. Magistrate McRobert said that Ormond in Thornleigh was the only secure centre with emergency accommodation for adolescents. It has 16 beds plus a camp stretcher. He said that 15 children were waiting for accommodation and the list was getting longer by the day. At that stage there was a two-week wait for a vacancy.

Mr McRobert said children as young as 14 had been ordered into secure care by his court but the Department of Community Services had been unable to carry out the orders because of a lack of beds. Former magistrate Barbara Holborow said on Australian Broadcasting Corporation radio that time and again magistrates have cases before the court in which children, some very small, need to be moved to a safe and caring home, yet often they are returned to the place where the problems began because there is no alternative. She cited a number of places the Government had sold and disputed that new places were being opened. In fact, she said that they were old places being reopened after being closed down two or three years ago. And some of these places are being taken by children transferred from Renwick - children not placeable into foster care.

Economic rationalism has no place in the life of children. The Government will now rely on Barnardo's and Centacare to do its work. Those organisations too will be starved of funds. The Government has an appalling child protection record marked by staff cuts, office closures and underexpenditure of available funds. The recent exposure by my colleague the Hon. R. D. Dyer of the risk children are facing because the department is not complying with its own guidelines that child abuse reports must be investigated within 24 hours is a scandal. Information obtained by the shadow minister shows that while children living on Sydney's north shore would receive attention within the specified time, only 73 per cent of children living in Sydney's inner west will receive urgent attention. The Department of Community Services has guidelines for the investigation of urgent child abuse notifications. Those guidelines require that in cases in which there is an immediate threat of sexual or physical abuse or where the child is being harmed or threatened or could be said to be in immediate danger, the department should intervene within 24 hours.

In Manly-Warringah guidelines are complied with in 98 per cent of cases, but in other less advantaged areas such as Cumberland-Prospect in western Sydney the intervention rate within 24 hours is only 75 per cent. In 1989 the Greiner Government closed approximately a quarter of the department's local district offices throughout the State and withdrew all 77 specialist child protection workers. Late last year the current Minister restored 20 workers in response to community concern. This means that under this Government 57 fewer specialist officers are dealing with child protection matters than when the Labor Government left office. Fifty per cent of the workload of district officers involves child protection matters. District officers are not specialists in this field; they deal with disability matters, substitute care of children and all sorts of other matters.

Private consultants commissioned by the Government have recommended that child support workers and follow-up workers employed in women's refuges should be dismissed and that the children they were helping should be placed in mainstream child care centres or preschools. That would be catastrophic. Most of the children have come from violent and abusive family situations. Most of the families involved are in refuges away from their own suburbs. I do not know of any suburb where there is not a waiting list for child care. Are the mothers now expected to go searching for vacancies for their children? Is the average child care centre equipped to handle these traumatised children?

The refuge workers provide emotional and practical support to women, with legal, financial and other specialist counselling. Most families stay some

weeks before other accommodation is found. In most cases they are assisted in establishing their families in new surroundings. The follow-up worker keeps an eye on them and on how the mother is coping. This is a very important time for the family. Yet the consultants are recommending that this service be discontinued. Who is to fill the vacuum? One can only assume that it will be the local office of the Department of Community Services, yet repeatedly the department contacts the refuge workers to help them out because of their heavy workload. It is to be hoped that the recommendations from the supported accommodation assistance program review will be rejected outright. The recent announcement by the Environment Protection Authority that it has asked the Water Board to prepare environmental impact statements on sewer overflows is most welcome. The EPA will require the Water Board to hold licences for all sewer overflows that pollute our waterways.

There are 3,000 sewer overflows in the Sydney area, and every time there is heavy rain creeks, rivers, lagoons and beaches are contaminated. Stricter control of the overflows could reduce water pollution by up to 50 per cent. In April last year, after heavy rain, sewage overflowed for up to three days in Middle Harbour from the Quakers Hat outfall. Tunks Park outfall at Northbridge overflowed for nine hours and the Roseville Bridge outfall overflowed for almost three hours. Raw sewage discharges into Middle Harbour in quantities similar to that flowing through the North Head treatment plant. Sewer overflows and stormwater run-offs are now the two main sources of water pollution in the metropolitan region, putting sediments, nutrients, bacteria, pesticides, heavy metals, plastics and litter into Sydney waterways. I was informed recently of the notification of three cases of encephalitis from contact with Manly Lagoon. Swimming is prohibited, but the naval cadet base TS *Condamine* is in the area. A map provided to me by Warringah Council shows that seven sewer overflows discharge directly into Manly Lagoon.

The Minister for the Environment has stated that any pollution control licences issued will contain legally binding pollution reduction programs. These programs will set out measures that the Water Board must adopt to control, monitor and report on sewage overflows. The Water Board has agreed to spend more than $1 million to prepare environmental impact statements for its 36 independent sewage treatment systems. The board will also have to assess the cumulative environmental effect of all the different sewage systems on all the overflows. The board has now formally applied to the Environment Protection Authority for licences for all the overflows that now discharge sewage illegally under the Clean Waters Act. These licences will cover most catchments in the urbanised parts of the Sydney, Blue Mountains and Illawarra regions served by the board.

Sewer overflow structures were originally designed as emergency pressure relief points in case the sewer became blocked or overloaded for some reason. In the past the structures have generally been designed with little regard to the impact they might have on the receiving waters. The number of overflow structures that might operate during a storm depends on the intensity, spread and location of the storm. Sydney's waterways are adversely affected by overflows between 20 and 50 times a year. It has been estimated that it would cost around $2 billion to solve this problem. The total amount collected under the special environment levy will be $488 million, which is equivalent to the amount taken from the Water Board in special dividends. The board knows that there is a desperate need to replace old pipes that are cracked and add to the stormwater problem.

One should ask why the board has not had a program of ongoing maintenance over recent years. How is it able to declare a dividend when such imperative works have been neglected? The levy should never have been used for this work. What plan does the Government have under corporatisation to undertake this major work? Will everyone have to pay higher rates to the Water Board to pay for these works, when the Government has been milking the board of large dividends? The Government should make this clear before the election next year. It is significant that the Minister issued his discussion paper entitled "Choices for Clean Waterways" in March this year. The 12-month period for community

consultation and public submissions opened on 18 March. So, on 18 March 1995 the period for consultation will close. That is the Saturday before election day, and is far too late for any real commitment from the Government. What a great confidence trick the Minister for Planning, the Hon. R. J. Webster, has played on the electorate.

The 1994-95 budget is not a budget to get excited about. It is bland and is definitely not an election budget. It is obvious that the Government is keeping the surprises for its election campaign, which can be expected in the new year. Honourable members know that the Government has squirreled away $20 million for the election campaign. After Labor's great wins in the Parramatta and Cabramatta by-elections, that amount will not save the Government. After seven years of broken promises, run-down services and underspending on police, community services, transport, health and education, the electors will turn to a Carr Labor government for the things that matter.

As I might not have another opportunity to do so, I should like to extend my good wishes to the members of this House who are retiring. The Hon. Beryl Evans has been a good friend to all members of this House, irrespective of their political allegiances. Beryl has been regarded as one of the sisterhood, and on many occasions honourable members have appreciated her support. The Opposition Whip, the Hon. K. J. Enderbury, has had the difficult job of keeping the troops in order. Keith and I have been working friends since I worked in Australian Labor Party headquarters in Sussex Street and Keith was the country organiser. I hope he finds an interesting and rewarding job for his future working years.

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I hope the Hon. Judith Walker, who is also retiring from this House at the next election, will be able to spend some time in the sunshine at Ballina so that she can improve her health. Honourable members know that Judith's health has been a problem during recent months, and I am absolutely delighted that she has lasted the distance in this House. We will miss her fiery speeches, but I assure honourable members opposite that some of her most fiery speeches have been those made within the confines of the Labor caucus. We will miss those also. All members of the Labor Party were proud of Judith's contribution to the debate on the Industrial Relations Bill. Her contribution was a great effort and demonstrated her experience in the trade union movement. In conclusion I wish my dear friend the Hon. Delcia Kite well. Delcia is the mother of the House; she has mothered just about everyone, whether they be staff or members of Parliament. Whether they were sick, had personal problems or merely wanted to borrow an umbrella or a cardigan, Delcia was always there to offer her support. Delcia is perhaps the only one of the retiring members who is fair dinkum about retirement; she is looking forward to it. I wish all of the retiring members well. I hope that whatever they do in the coming years will give them much happiness.

The Hon. L. D. W. COLEMAN [2.46]: I intend to confine my contribution to the budget debate to fairly narrow but important grounds. I hope my comments are taken in the context they are meant because nothing is more vital to the National Party, the Government and the State than the subject I intend to talk about: the Government's timber policy. That policy is designed to provide long-term viability for the timber and forest products industry, and at the same time ensure the preservation of pristine forest areas. Both sides of the House have indicated that they want an end to the bitter and emotive debate about the timber industry. For 51 days honourable members witnessed a stupid display outside Parliament with the hippies on one side of Macquarie Street and representatives of the timber industry and the unions on the other side of the street protesting against the hippies. Both sides were completely and utterly against the other's point of view.

In 1990 Premier Nick Greiner launched the old growth strategy: a freeze on the harvesting of timber from large tracts of old-growth forest pending the results of comprehensive environmental impact studies to be carried out progressively over the following five years. An area of 180,000 hectares of timber in 14 different forest management areas was subject to these studies. That area was 10 times the area sought for consideration by the conservationists at the time. How times have changed! At that time the

Premier said:

> I don't pretend for a moment that the Government's forestry strategy will satisfy everyone but reasonable people who care about the environment will see it as an effective balance between the interests of the timber industry and the need for an overall conservation plan.

That strategy formed the basis of the Timber Industry (Interim Protection) Act. That Act was supposed to provide some balance and stability while longer term studies could be undertaken. The Act looks at each management area and sets aside the most sensitive areas of old-growth forest under a moratorium. Those areas cannot be logged until an environmental impact statement has been approved by the Minister for Planning. Less sensitive areas are made available for harvesting so that industry has somewhere to operate while longer term studies on the more sensitive areas are completed. How much old-growth forest is there? Depending on one's definition, which, of course, varies, it is estimated that there are approximately five million hectares of old-growth forests in New South Wales alone - two million hectares in national parks, 1.6 million hectares in State forests, 1.1 million hectares on various Crown land tenures and about one-third of a million hectares on privately owned land.

Of the total of five million hectares, two million hectares in the national parks system is permanently reserved. Of the 1.6 million hectares within the forests, 1.3 million hectares are deliberately excluded from logging - for example, flora reserves or catchment protection areas and areas unsuitable for logging because of excessively steep terrain or because they are economically inaccessible. This means that 92 per cent of old-growth forest is conserved in national parks or State forests. The radical environmentalists do not appear to support this sensible and balanced approach. Industry is not happy with it, for that matter, but wants some form of sanity and an indication that it will have areas in which to operate while the studies are being undertaken. Industry has reluctantly agreed to try to live with it in the hope that at the end of the process there will be some form of more permanent agreement. It is a pity that the radical environmentalists could not try to do the same. Let me take the example of Wild Cattle Creek in compartment 579, an area I have visited on at least two occasions, a reasonable distance apart.

I am told and have seen from the map that the area covers approximately 161 hectares. Following the application of licensing conditions by the National Parks and Wildlife Service the area was reduced to approximately 55 hectares, which were then made available for harvesting. That is less than one-third of the total catchment. In other words, even in that compartment two-thirds is locked away. That is the picture for that site, but what about a broader perspective? I visit the Dorrigo area regularly and know it well. It is very pretty but, unfortunately, the town will run out of water in the foreseeable future, which is obviously of great concern. The Dorrigo management area comprises 83,000 hectares of State forests, 14,200 hectares of which are under the Timber Industry (Interim Protection) Act moratorium. The area cannot be logged without environmental impact statement approval from the Minister for Planning.

What about the permanent conservation reserve system in Dorrigo? Adjacent to compartment 579 is Guy Fawkes National Park, covering 35,000 hectares.

That old-growth resource will never be touched. So much for the last of the old-growth forests that are being thrown at us by uninformed radicals. Anyone who is aware of the area will know that the biggest worry for the forest is bushfires, which are a cause for grave concern. However, unless there is an overall, well-managed program with good access roads for firefighting equipment, the problem will only be accentuated. I certainly hope that those who are opposed to fire trails have learned from their mistakes.

The nearby Dorrigo National Park contains 27,885 hectares of forests; Mount Hyland Nature Reserve covers 1,636 hectares; while a little further to the south the New England National Park covers just under 35,000 hectares of forests. When seen in this context, could honourable members honestly say that 50 hectares in compartment 579 constitutes an integral part of the conservation reserve system? That will give honourable members some idea of the absurdity of the situation. Fortunately, logging has resumed but not without a lot of heartache and problems. The biggest problem in the environmental

debate is one of perception. Pictures of warm, cuddly animals or the stump of a huge old tree provoke an emotive reaction - a desire to protect what is often portrayed as the last of the old-growth forests. In reality, of course, one cannot protect every single specimen of a species, nor would one want to. When people see such pictures, honesty goes right out the window. Unfortunately, cameras can give a false picture. I welcome the Hon. J. R. Johnson into the Chamber. It is good to see that there are now three members of the Opposition listening to my contribution.

The Hon. J. R. Johnson: And three on the Government side.

The Hon. L. D. W. COLEMAN: Unfortunately, the Hon. J. R. Johnson cannot count to four.

The Hon. Virginia Chadwick: There are four.

The Hon. L. D. W. COLEMAN: As the Minister for Education, Training and Youth Affairs has so rightly pointed out, there are four. I could raise that to five without much problem, if I were to look more closely.

The Hon. J. R. Johnson: How many Government members are there?

The Hon. L. D. W. COLEMAN: I am glad that an Opposition member is awake at long last. The Hon. J. R. Johnson has had a good meal and has a smile on his face. He is now relaxing and getting some wisdom. A population can be managed over time and space to ensure overall survival of the species.

The Hon. J. R. Johnson: By limiting the population? You are mad.

The Hon. L. D. W. COLEMAN: The problem is that when the Hon. J. R. Johnson came into the Chamber he did not realise that the debate was about trees. If one overpopulates with trees, one tends to get runts and stunted trees that die before they mature.

The Hon. Virginia Chadwick: It happens with some humans, too.

The Hon. L. D. W. COLEMAN: I did not want to say that for fear of offending someone. I used the example of the honourable tree. Honourable members will be interested to learn that a judge in recent Wingham Land and Environment Court proceedings noted that government agencies responsible for the natural resource management of this State implement practical, achievable management techniques. Some environmentalists were not happy with the proceedings, because they showed the reality. They routinely and selectively quote from page 11 of the judgment, which stated:

> Until the assessments are completed, forest management agencies will avoid the activities that will significantly affect those areas of old-growth forest or wilderness that are likely to have high conservation value.

Honourable members could enter into a lengthy debate about what the word significantly means, but this is neither the time nor the place. Suffice it to say that the pro- and anti-timber camps have different definitions of the words "significantly affect". Where does the industry go with these assessments? It can and does take years to complete an assessment. Those who drafted the national forest policy statement were not so naive as to overlook the problems that this poses. Page 16 holds the answer. It says:

> Australia will continue to use old-growth timber for many years. It will come from disturbed forests containing some old-growth trees and from old-growth forests that are not required for the nature conservation reserve system described in section 4.1.

No-one would expect the industry to completely shut down while these studies were done. The national forest policy statement also acknowledges that there must be a transitional phase-out of old-growth logging. Imagine the effect on the original communities, many of which are timber dependent, if there were no transitional arrangements. The extremists would have us believe that the NFPS means that absolutely no old-growth forests can be touched. That simply is not the case. It sounds great in theory but it is impossible to achieve in practice without causing extreme dislocation in rural New South Wales. Such a view ignores the fact that at present we export $700 million worth of timber, but we import a massive $2.4 billion worth - 60 per cent of which are exports coming back to Australia as value-added imports. I will return to this later.

The Government is committed to long-term management strategies which will achieve a balanced phasing out of old-growth logging. In May the Premier announced a $6 million boost to the State for a eucalypt plantation program. I note that the Labor Party scrapped the New South Wales eucalyptus plantation program when it was in government, yet Opposition members seem to have had a change of heart and support the Government's policies. Interesting, is it not! It is interesting to note that we are looking now at 2,000 hectares in the current financial year. The Labor Party is applauding the Government for that; it has learned something from this Government - very good, move up one place!

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The program will increase to 3,000 hectares in 1995-96 and to a massive 5,000 hectares the year after. The ultimate goal of State Forests is to have 100,000 hectares of hardwood plantation providing a harvestable renewable timber resource. Of course, it is solar powered, and I hope the Hon. R. S. L. Jones - who is not here to hear my words of wisdom, because he never likes being educated by someone as practical as I am - is listening when I say that timber is solar powered. It is a renewable resource, as rain is. Advertisements have been placed in the media calling for joint venture partners to further assist in this great program. For this to work we will need to have resource security and also great faith. Without faith we will not get backing.

One of the hindrances to private sector investment is the lack of guaranteed harvesting rights for plantations. Obviously, we are setting in place the accreditation scheme so that plantations will meet the strict criteria for a guaranteed harvesting approval. I notice that some of the green people are talking about wanting a third of the plantations put away. Obviously, they are not very good with their maths; they do not know what happens when you take a third of a product away. The Government is trying to address these issues in a constructive and balanced way. Those who understand the problems and what is being done in compartment 579, and the like, should realise that if the Government fails - in other words stops logging in those areas - the precedent set will make null and void all the good work done by the Government in looking at long-term security.

I am not talking about a couple of beautiful old trees in a small compartment in a distant forest, although that is what the environmentalists would have us believe. We are talking about the future of the whole industry. We are talking about undermining an entire harvesting assessment approval process established by this Parliament. It is essential that we are able to continue to log compartment 579 and the like. It is interesting to note that when the universities resumed after the holidays, the protesters disappeared. When the school holidays start and the universities have finished we will see the summer vacationers sitting in front of bulldozers, interfering with hard-working, honest, loggers.

Fortunately that is not a reflection on the education establishments or the system. In fact, it probably shows how good the timber workers are to be able to cope with those sorts of people and still get on with the job. The protesters must cause great problems within their own organisations - they certainly do when they are in the forests, so I cannot see why they would change. The environmentalists are asking the Parliament to ignore the formal process that this House established in 1992, to cast it aside and to reopen the debate and make it a free-for-all. Of course, that was the idea behind the 51 days of fasting. I have never seen such a fast in all my life: they got fatter, instead of thinner. Such a

move as that proposed would destabilise the industry and regional communities. It would create massive uncertainty and a violent backlash against the Parliament.

The Timber Industry (Interim Protection) Act sets in place a balanced transitional process so that both conservation and industry interests are reasonably served while formal assessments are undertaken. The supporters of this idea are asking the Government to scrap that process, to throw out all the work that has been done to date, to take the emotion out of the debate and put some constructive processes in place. That would be a blatantly irresponsible act on the part of the members of this Parliament. The community looks on the Government for balanced and sensible management of the State. That involves making decisions which may not please a particular sectional interest group. In reality everyone cannot be satisfied and the best to be hoped for is a balance.

The Parliament has done that through the Timber Industry (Interim Protection) Act. There is a formal process which addresses the heated emotional debate over forest harvesting. We should not ignore that process, otherwise we go back to the anarchy that reigned in the past. That is what supporters, like those who spent 50 days outside this Parliament, would like to see inside the Parliament. Of course, that is the opposite to what everyone else would want. Do we want to get down to this sort of debate over every single forest compartment? The opponents of these operations want to use information which is irrelevant to the assessment and approval process. They find experts who say that these areas contain old-growth timbers. They say that the national forest policy statement means that one cannot touch an old-growth tree at all and therefore logging must cease, irrespective of the relatively small scale of the operation.

They ignore the overall management regime for the area and focus on the microlevel. Do they intend to allow the industry to have back some of the areas already in the conservation reserves? The industry would argue that this should be a two-way street. It is definitely something that needs to be looked at. There is no point in tying up resources that will not be utilised. If they are excessive, just rotting away, the timber should be utilised before it becomes overmature. An overmature tree has a long period of degradation and plays only a limited part in the ecosystem. Only a certain number of them are needed.

This is the level of chaos that would be created if the proper processes were ignored. The environmentalists run an emotive argument, but we should not be fooled by our green friends into doing more harm than good for the people of this State. A raft of irrelevant issues has been raised by our opponents, and none of them addresses issues such as the effects on families, schooling, hospitals, small businesses and recapitalising the work and logging equipment. In other words, if we are not careful we will have an antiquated industry, and that is not efficient.

The Hon. J. R. Johnson: I have heard this speech before.

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The Hon. L. D. W. COLEMAN: I find that interesting as this speech is an original. The honourable member has something which the rest of us do not have - somebody looking after him. He needs that help. Compartment 579 was originally classified as being available to sustain industry pending the completion of the Dorrigo environmental impact statement. Harvesting in the compartment is strictly controlled by the application of conditions on the licence by the National Parks and Wildlife Service and the Environment Protection Authority. The environmentalists made a nomination to the Heritage Council in respect of this area, and it was rejected. This area has a history of logging, and while an area of negligible disturbance can be defined as old growth within the compartment, the operation was in accord with the national forest policy statement.

Criticism has been made of the delays in the presentation of the Dorrigo environmental impact statement, but those who criticised the delay want to compromise the quality and integrity of the

document. One of the first tasks of the Minister for Land and Water Conservation upon gaining that portfolio was to direct a complete revision and update of the environmental impact statement. However, this was challenged in the court by the environmentalists before it was completed. The enterprise must be beyond reproach. I make no apologies for ensuring that the job is done properly. I am pleased to see the Hon. Ann Symonds enter the Chamber.

The Hon. Ann Symonds: I came in here to talk to you; I want to reassure you after your group made some great blunders.

The Hon. L. D. W. COLEMAN: We have done a very good job with forests. There should be no compromise on quality simply to meet a timetable before realising the amount of work involved. I am sure that my colleagues in the other place, such as the honourable member for Coffs Harbour, will provide much more detail on this review in time. This will outline the difficulties experienced with contractors and operators in recent years. Unfortunately, the environmental extremists have professional lobbyists, including Bob Brown and the Hon. R. S. L. Jones, to publicise their cause.

The Hon. Ann Symonds: Fine fellows!

The Hon. L. D. W. COLEMAN: Obviously the Hon. Ann Symonds has not been listening to my words of wisdom in making that comment. Press conferences have been held on this issue and the lobbyists have portable, solar-powered computers and mobile telephones. The ratbag element in this movement operates outside the law and the poor logging contractor has no such resources. I thought the Labor Party looked after the poor old logging contractor - the poor old fellow who employs workers. Many people earn a living from this industry!

The Hon. D. J. Gay: They are too busy trying to flog off Sussex Street.

The Hon. L. D. W. COLEMAN: Any timber in Sussex Street?

The Hon. J. R. Johnson: Talk to the Libs.

The Hon. D. J. Gay: Talk to Eddie. He just bought a piggery; he might buy Sussex Street.

The Hon. L. D. W. COLEMAN: He may need some sawdust on the piggery floor. With timber workers and contractors having to carry out their jobs and earn a living surrounded by a large number of jeering and abusive protesters, it is a wonder that no accidents have occurred. Members opposite would not allow non-union labour on a building construction site for fear of accidents. Nevertheless, men work on dangerous machinery in the face of deliberate provocation and interference. I send a thankyou to the police who have supervised the operations at places such as Wild Cattle Creek and provided protection for the forest workers and their equipment. The equipment has been increasingly vandalised in recent months. This situation has been extremely difficult for State Forests staff who have been trying to juggle the oversight of the protesters while fighting bushfires. It is not easy, and their efforts are very much appreciated. Opposition members should spare a thought for those workers - they have been doing it tough. No member opposite has spared a thought for them.

The Hon. J. R. Johnson: That is not right.

The Hon. L. D. W. COLEMAN: We have not heard the Hon. J. R. Johnson go in to bat for these people. If the workers are not working they cannot put food on the table. These protesters are not hurting only the big timber companies. The small timber workers are being affected by this action. Labor Party members should spare a thought for these workers, bearing in mind that it calls itself the working man's representative. The Labor Party has a short memory as in 1982 it removed 100,000 hectares of timber from production. That rainforest decision had a significant impact on the availability and viability of jobs within the industry. The Labor Party told the industry that it would guarantee that the

remaining resource base would not be further eroded. What is happening now? Where is the support from the Labor Party, the party that misguidedly believes it will swap benches in this place in a few months? The Labor Party has forsaken the workers for the radical environmentalists. Timber workers and their families will not forgive them for that, and the Labor Party will suffer in timber electorates around New South Wales in March.

The Hon. D. J. Gay: The Minister for Education, Training and Youth Affairs is pleased that Laurie Brereton is helping her out.

The Hon. Virginia Chadwick: He has been doing a wonderful job!

The Hon. L. D. W. COLEMAN: Good old Laurie! Let us consider a few facts and figures about the timber industry. It is comparable in gross value with the cotton or sugar industries; value added it is worth just under $4 billion. The turnover value of wood and paper is about $3 billion, the same as

clothing, footwear and textiles. The value of meat processing is only about $2 billion. Twenty-three per cent of New South Wales is covered by forest and woodlands -

The Hon. J. R. Johnson: Do not skip any of those pages. There is wisdom in there.

The Hon. L. D. W. COLEMAN: Unfortunately, time is short for my words of wisdom, otherwise I would give honourable members the full benefit of it; I know they would like that. It takes 25 years before plantations start to become viable and there is some return on investment. Our very good friend Bob Martin, who makes a few boo-boos and is on the run and shaking because of the Hon. I. M. Macdonald, has said that Labor would create 5,000 new jobs in the timber industry in no time at all through plantation investment. How is he going to pay for it? By imposing an additional tax on the industry itself.

The Hon. Virginia Chadwick: No, they are going to abolish all of those government departments.

The Hon. L. D. W. COLEMAN: I wonder whether education will go as well?

The Hon. Virginia Chadwick: No.

The Hon. L. D. W. COLEMAN: Are we going to keep that? Sport and recreation has gone.

The Hon. Virginia Chadwick: Sport and recreation has gone; tourism has gone.

The Hon. L. D. W. COLEMAN: Of course, they would not understand what tourism is.

The Hon. Virginia Chadwick: The Ministry of Education has gone.

The Hon. L. D. W. COLEMAN: Will there be no ministry? The Liberal Party-National Party see advantages in plantation investment so the Government is supplying capital for that and entering into joint ventures. I shall now refer to the Government's stance because Pam Allan MP in the lower House has mentioned what she will do to help honourable members opposite, the workers and supporters. On 9 November at a Wilderness Society meeting she was obviously trying to get a few radicals on side and felt quite at home there. She is quoted as saying:

> . . . [Labor] needs to implement a whole lot of radical policies if we are going to ease some of the environmental problems that we have.

It sounds great. On the question of the conservation movement being generally concerned about the wilderness versus jobs argument, her answer was:

I can say that now with a great deal of respect that that is too simplistic to say that. I think that we are going to have tension, absolutely, I'm not retreating from that at all, we are going to have vigorous brawls within cabinet between resource based ministers and pro-environmental ministers.

I do however think that there has been an increasing realisation over the last two years at least by workers in some of these industries that they are going to have to do other jobs.

What jobs will those workers get once they leave the timber industry? Where will they get jobs? I hope honourable members opposite have been honest with them because, if they have, their March goes out the window. Of course, the alternative for those workers is the dole, and who pays for that? The workers, through taxation, will pay for that. Pam Allan also stated:

The minerals industry is in my opinion as great a threat as the forest industry to our National Parks.

I suppose that is Bob Carr's 20 new national parks, and at what cost to the timber industry, suppliers of jobs to the towns, and schools?

The Hon. D. J. Gay: Whom do you believe? Do you believe Federal Labor members who say they are granting exploration of national parks, or do you believe Pam Allan? One story for one situation and another story for another.

The Hon. L. D. W. COLEMAN: One must believe in fairytales. Pam Allan further stated:

The unions I think who have basically been in bed with the industry for years and ganging up on the Labor Party every time the Labor Party wants to protect anything, just come along hand in hand with the bosses essentially to say, "you can't touch that", "you can't do this" -

The Hon. Virginia Chadwick: Is this Pam?

The Hon. L. D. W. COLEMAN: Yes, this is Pam. She continued:

- it's going to mean you know 100 jobs are lost, two mills close". It's usually been down in the South East where the problems have been most marked.

Sorry, Pam, but this has also been happening on the north coast. She cannot see that those people are desperate to continue to eat. As with most honourable members opposite, she does not know the real world. I wish to refer now to the Gardens of Stone, a most interesting and magnificent area near Lithgow that I have visited and viewed from the air, the ground and even from underneath. The Government does want to keep this area because with the longwall mining we will go around it and not issue licences under it. Mining companies do not even want to mine it, but Pam Allan has stated:

On Gardens of Stone, an area outside Lithgow which I've visited and I fully appreciate the beauty of, the Parliamentary Labor Party has a position that we will not be establishing a national park there.

So you're right on that issue. It's been tough on us in terms of the possibility of impacting on a lot of mining jobs in the area and we've chosen a position which hasn't been warmly received by the conservation movement.

The Hon. D. J. Gay: That is not what she said in the first place.

The Hon. L. D. W. COLEMAN: Of course not! That is a 180-degree turnaround. Why apologise to the conservation movement? This should not have to be a national park because a national park would not be needed if the area were mined as the Government wants it mined. I could go on and on,

but unfortunately I must leave further debate to other

honourable members. I am not a hog and I know honourable members opposite can take only so much at a time. I would like it noted that honourable members opposite have unanimously called for more and more. I know honourable members would be interested to hear a few comments about what is happening in the world of shooting.

The Hon. Virginia Chadwick: Why not tell them more about Pam?

The Hon. L. D. W. COLEMAN: No, I will show honourable members the human side. I will take a short time to express my appreciation to some of the shooters who have given credit to the Parliament for the work done on their behalf. Such examples are the Sydney Gun Club, which has made me an honorary member, and the Australian Clay Target Association, which has made me a full shooting member. I hope the Hon. Ann Symonds is listening because the Phoenix Pistol Club has made me patron and a full member of the Australian Pistol Association - even if it did deny me second or third place in a recent shoot after a count back. It counted me out, so I was fourth. However, I note that the Governor shot a bull at Easter at the Australian championships, so obviously I need a little more practice. Of course, if anyone would like to ask what happened to the first shot at the Australian trap down the line at Wagga Wagga in a howling wind -

The Hon. J. R. Johnson: You missed a greenie with it?

The Hon. L. D. W. COLEMAN: I must have thought it was a greenie. What would happen if it had been feral? I would like those comments deleted because they might come out the wrong way.

The Hon. Franca Arena: You said it. We are the witnesses.

The Hon. L. D. W. COLEMAN: I am sure we will read it the way I meant it to be said in *Hansard* tomorrow. The Hansard reporters record everything perfectly, as honourable members have all noticed. I have also been made patron of the Sydney Rifle Club and follow a long line of distinguished gentlemen who have previously held that position. Honourable members hardly ever hear a word about Eastern Creek from the Opposition these days.

The Hon. J. R. Johnson: I spoke about it yesterday.

The Hon. L. D. W. COLEMAN: I will give Opposition members an update on what is happening. It is of great value to the western suburbs, to the Blue Mountains and to New South Wales generally. I looked at the bookings recently. All weekends until the end of the year are booked. Over the year weekend bookings have averaged 80 per cent and weekday bookings have averaged an incredible 70 per cent.

The Hon. J. R. Johnson: Where?

The Hon. L. D. W. COLEMAN: At Eastern Creek. I thought the honourable member said that he spoke about it yesterday. Obviously he did not have the facts. In the future the problem at Eastern Creek will be whether it will have enough time to dismantle the structures for big features in time to prepare for the next user's access, plus time for normal maintenance, which is now being done at night. The community will notice how successful the Government has been. I look forward to commenting on the coalition's budget in 12 months.

The DEPUTY-PRESIDENT (The Hon. D. F. Moppett): Order! Before extending the call to the Hon. K. J. Enderbury, I remind honourable members of the potential significance to him of this address. I ask that it be received with the decorum appropriate to the occasion.

The Hon. K. J. ENDERBURY [3.32]: As this may be the last opportunity I have to speak to the House, certainly in a wide-ranging debate such as this, I intend to cover a number of matters. With respect to the budget, I am pleased that this Government, along with the Federal Government, is continuing to give increased attention to tourism. It has taken Australia a long time to realise the vital importance of this industry. For many years tourism was not regarded as an industry. Only in the last 15 years has attention been given to this major dollar earner. The rest of the world was a long way ahead of us and we are still catching up to the sophisticated approach of those countries. It remains a very competitive industry and one which generates a large volume of employment.

I refer briefly to the racing industry. This vital industry for the Treasury coffers in this State is very ably administrated by the Australian Jockey Club. However, if the revenue earning capacity of the industry is to be maintained at its present level, it is important that the industry remain healthy. It employs thousands of people to maintain the race-tracks and all their facilities - the stables, the horses, the breeding industry, and so on. In an article which appeared in the *Sydney Morning Herald* of Monday, 14 November, journalist Max Presnell said:

> Comparing the year just completed with 1989-90, the Government has taken an extra $42 million out of the chop while the return to the racing industry has gone up by a pitiful $100,000.
>
> The Kennett Government is taking less out of TABCorp and the Victorian racing industry this year is receiving an increase of $40 million in revenue over last year, which is going to make it an awesome rival of New South Wales.

A 1992 report showed that all racing codes contributed $926 million to the gross domestic product of New South Wales and 50,000 people were employed directly or indirectly by the industry. The Totalisator Agency Board could not exist without the industry providing the action at a high-quality level. There is an ever-constant danger that the bean counters in the Treasury think that to increase revenue all that is necessary is to increase the margin on betting. This, as has been proved recently, is disastrous for the industry and the Treasury. Such a decision could be made only by people who know nothing about the industry. The punters stop betting

or transfer their money into areas where the margin for betters gives them greater winning chances. This also costs the Treasury dearly. It is a delicate balance. I urge this Government and the next to fully consult the industry on the need to preserve this balance for the health of the industry and the Treasury.

During my time in Parliament I have had the opportunity to serve on the Standing Committee on Social Issues, which I regard as the most rewarding part of my duties here. For the most part, matters are determined in a non-partisan and non-political manner. I felt that I was contributing to worthwhile future legislation. I express appreciation to my colleagues and staff who have served this committee. I have also had the opportunity to serve as a vice-president of the Commonwealth Parliamentary Association. This body has achieved much in providing for the needs of poorer countries within the Commonwealth and in building better understanding amongst the peoples of the Commonwealth. I am pleased that despite the push for a republic there is universal support in Australia for us to remain within the Commonwealth. It was also pleasing to see South Africa recently rejoin the Commonwealth and the CPA.

I would like to cite some observations about politics. This may affect all of us in different ways. Needless to say, the quotes are not necessarily original. It has been said that politics is not an exact science; politics indeed makes strange bedfellows; politics is the art of who gets what, when and why. Disraeli said, "Politics is organised opinion". Aristotle said, "Man is a political animal". I have learned that politics is the art of the possible and politics is numbers. I have always been alert to detect the influence of extremism in politics. Extremism has always been rejected by the electorate whenever its candidates have presented themselves at election time - whether they be of the far right or the far left - and so it should be.

Extremists still exist. From time to time the far right will attempt to infiltrate the Liberal Party and the National Party and the far left will attempt to infiltrate the Labor Party. Fortunately, so far they have had little success. These extremists believe that they can achieve their aims by climbing onto the backs of the major political parties. They have no place in our society. However, this does not stop fanatics from trying. I always believe that the mark of an extremist is a person who starts with a conclusion, a rigid position, and then scratches around to look for and create evidence to justify that position, ignoring all evidence to the contrary.

The Hon. Virginia Chadwick: They are just people who have had an unhappy childhood.

The Hon. K. J. ENDERBURY: It is very unscientific, to say the least. As we know, scientists do the investigation before reaching qualified opinions or conclusions. An extremist does it the other way around: he starts with the conclusion. Extremists believe that the end justifies the means. Beware of them in politics. All my life I have opposed discrimination in all its forms. That includes discrimination against women, which is perhaps thousands of years old. Indeed, I have gone on record in this House on this subject in a speech I delivered in 1985 attacking discrimination against women. My party has decided to proceed to achieve a 35 per cent quota for women in winnable seats. For several years now there has been a trend for more women to enter Parliament. Probably the 35 per cent target would have been achieved by natural means in about 20 to 30 years, but that is too slow. I believe the Australian Labor Party's decision will give the process a much needed jolt, so I am happy to support it. However, I do have some reservations.

The Hon. Ann Symonds: You want to pick the 35 per cent.

The Hon. K. J. ENDERBURY: That would be nice too, yes. For example, what happens when the 35 per cent is realised? Do we let the rule lapse as no longer needed or do we increase the target to become, say, 50 per cent? I do not know. I would like to think that it would be no longer needed. When it comes down to choosing a man or a woman for a particular seat, does it mean that the man must stand aside? If so, that is discrimination against men and, to be consistent, I would not be happy about that. I believe the jolt to quicken the process is probably needed but a worthwhile result is not yet proved. We shall see. I am reminded that many years ago in the French parliament one deputy was claiming that there was very little difference between men and women and another deputy leap to his feet with the immortal words, "Vive la difference" - long live the difference. I believe that men and women are different and for that reason -

The Hon. Virginia Chadwick: Do you?

The Hon. K. J. ENDERBURY: Oh, yes. There are some people who do not believe that there is a difference; I am not of that school. Because men and women are different, absolute equality of numbers in Parliament may be an unattainable ideal. Judgment is reserved. I believe in the two-house system of Parliament for two reasons. First, it allows for a pause in the legislative process, allowing for further debate after representations and after interest groups have had their say. This leads to better legislation. I also believe that the second House acts as a safeguard against the excesses of Executive power. Enough said. I have had the honour to serve as Opposition Whip in this place following a distinguished line of members before me who have held this important post.

The Hon. Virginia Chadwick: And done it very well too.

The Hon. K. J. ENDERBURY: Thank you. At this point I wish to thank all of my parliamentary colleagues from all parties for their support, which has made my job that much easier and to thank all of the staff at Parliament House for their unfailing courtesies and kindness. When I became a member of this place I had three major aims. The first was

for Labor members of the Legislative Council to gain admittance to the State parliamentary Labor Party caucus. The second was to gain parity in salary for the Legislative Council with the Legislative Assembly.

The DEPUTY-PRESIDENT (The Hon. D. F. Moppett): Order! I remind members of the importance of the honourable member's speech being heard with proper order. Honourable members should exercise due decorum.

The Hon. K. J. ENDERBURY: The third was to gain full-time secretaries for all members of the House. All these goals have been achieved. Though I certainly would not claim credit for this, I am pleased to have been at the forefront of fighting for and achieving these aims. Before I end this speech I would like to offer some advice to those who will be members after 25 March next year, with some apologies to Jonathan Lynn and Antony Jay. The first rule of politics is: as soon as you see you are in a hole, stop digging. A good political speech is not one in which the speaker can be proved to be telling the truth; it is one where no-one can prove he is lying.

As far as the media are concerned, it is a political axiom that problems that have been solved are not news. So you tell the media a story in two halves - the problem first and the solution later. They get a disaster story one day and a triumph story the next. Like all members, I have at times been swamped by masses of paper coming through the system. It seems to me that too much public service work consists of circulating information that is not relevant about subjects that do not matter to people who are not interested.

To Ministers I say: it is axiomatic that hornets' nests should be left unstirred, cans of worms should remain unopened, and cats should be left firmly in bags and not set among the pigeons. Ministers should also leave boats unrocked, leave nettles ungrasped, refrain from taking bulls by the horns and resolutely turn their backs to the music. Seriously though, one thing I really believe is what Abraham Lincoln once said, "No man is good enough to govern another man, without that other's consent". This, I believe, is the essence of democracy.

I wish personally to thank my secretary, Miss Debra Ward, for not only being a devoted, loyal and superefficient secretary, but for being a good friend as well. I would also like to pay a tribute to my two sons, James and Christian. I became a single parent just one month before I became a member of Parliament and over the years my sons have had to suffer long absences by me on parliamentary duties, including absences on many weekends and sometimes absence from the family home for many weeks, plus my being away late on countless nights. I have on occasions been obliged to miss their birthdays, school activities and so on. At times it has been very difficult for all of us. However, their loyalty and support for me have never wavered. To them I give a big thankyou. Finally I wish to quote the closing words from my maiden speech in this House:

> If I can contribute to greater public esteem towards this Council, if I can help to improve facilities, if I can build the effectiveness of membership of this Council, if I can well and truly serve the people who have sent me here, if in any way I can improve this Council, and if, in the final summation, I can leave the people I have known here somehow better off for having known me, then I will be satisfied with my time here.

Debate adjourned on motion by the Hon. J. H. Jobling.

PROTECTED DISCLOSURES BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

POLICE SERVICE (RECRUITMENT) AMENDMENT BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

HOMEFUND MORTGAGES (REVIEWS AND APPEALS) BILL

Bill received and read a first time.

CRIMINAL PROCEDURE (SENTENCE INDICATION HEARINGS) 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) [3.53]: I move:

That this bill be now read a second time.

This bill will amend the Criminal Procedure Act 1986 to extend the sentence indication hearings pilot scheme for a further 12 months. The scheme was set up under part 12 of the Criminal Procedure Act 1986, and enables judges of the District Court to indicate the sentence that might be given if an accused person pleads guilty. The current pilot scheme will expire on 31 January 1995. Under the sentence indication hearings scheme, a person committed for trial in the District Court can, without prejudice of his or her right of trial, obtain an indication from a judge of the sentence likely to be imposed should a plea of guilty be entered. Such an application can be made on or before being first arraigned. Only one application may be made by an accused.

The offender may elect to plead guilty and accept that sentence rather than go to trial. The indication hearing is held in open court to avoid any possible perception of improper practices. However, the court may make orders prohibiting publication of those details considered to have the potential to prejudice the right of the accused to a fair trial. After the indicative sentence is stated, the accused is arraigned

and given the opportunity to enter a guilty plea or else proceed to trial before another judge without penalty. The indicative sentence is intended to bind the judge who formulated it, provided that the material presented at the indication hearing is not altered when the matter proceeds to the sentence hearing. If different or additional material is adduced at the sentence hearing, the judge may decide to impose a lesser or greater sentence. The accused is not obliged to accept the greater sentence and may instead choose to change the plea to not guilty and proceed to trial before another judge. Procedures have been put in place to ensure that the same judge who gave the sentence indication does not preside over the trial should the indication be rejected.

The scheme was first introduced as a pilot scheme at Parramatta District Court in February 1993 and it was subsequently extended to Sydney District Court in June 1993. It has now been introduced in country circuit venues from the beginning of the judicial term of 1994. The pilot scheme currently operates under part 12 of the Criminal Procedure (Sentence Indication) Amendment Act, which was passed by Parliament in November 1992. The Act provides that the pilot scheme should operate between 1 February 1993 and 31 January 1995, both dates inclusive. It is proposed to amend part 12, section 52

of the Criminal Procedure Act, to extend the duration of the pilot scheme for a further 12 months. At the time I introduced the legislation which put the pilot scheme in place, I said in my second reading speech that a two-year time frame would allow for the operation and proper monitoring and evaluation of the pilot scheme. The monitoring and evaluation of the scheme was to be undertaken by the Bureau of Crime Statistics and Research.

Some hundreds of cases have been the subject of applications for sentence indications and more than 70 per cent of the indications have been accepted, resulting in considerable savings of time and expense in the preparation of trials for hearing. It has been estimated that the scheme may have saved the equivalent of 590 sitting weeks, or approximately 14 judge years. This, of course, represents the maximum possible savings, and does not recognise the fact that many of the accused accepting a sentence indication would have pleaded guilty in any event. Evaluation to date by the Bureau of Crime Statistics and Research indicates that there has been an increase in the number of trial matters in the District Court being dealt with by way of a guilty plea since the introduction of the sentence indication scheme in 1993.

Therefore, it has been decided that the pilot scheme should be extended for a further 12 months to allow the Bureau of Crime Statistics and Research to undertake a full assessment of the pilot scheme, taking into account the impact of the implementation of the recommendations of the sentencing review, which was undertaken earlier this year. The sentencing review makes a number of recommendations, which, together with the sentence indication scheme, should offer judges considerably more options when considering sentencing of an offender. What we have so far learnt from the pilot scheme is that what the scheme really achieves is that it brings guilty pleas forward. This means that such matters are dealt with earlier with resulting savings in court time, services and resources. In addition, the scheme assists in achieving greater date certainty for the listing of trials.

Prior to the introduction of the scheme, many accused would not enter their guilty pleas until the morning of the trial, at the door of the court as it were, with a resulting waste of jurors' time and inefficiency in the allocation of court resources. Such action meant that to ensure the courts were fully occupied, more trials than could be heard had to be listed to allow for those trials that would fall out of the list due to a late guilty plea being entered. Under this scheme, fewer trials have to be listed to ensure a full complement of matters are ready and available for the court. The savings have been equated to savings in judge time. Perhaps just as importantly, if not more so, are the savings achieved in all those unrecognised areas where costs are so difficult to calculate: savings such as a reduced call upon the number of jurors needed to be called on any given day to constitute the necessary juries; the saving of expense and inconvenience to the citizens of our community who constitute our juries should not be underestimated.

This is true also of the various witnesses who must make themselves available during the trial process. There can be few things more frustrating to the average person, often caught up in some minor aspect of proving a case against a person, than to have to hang around the court waiting to be called to give evidence, only to find that they are no longer required. It is not only jurors and witnesses who are inconvenienced when a guilty plea is taken at a late stage of the proceedings. It must be remembered that others, such as police officers, judges' associates, court attendants, interpreters, corrective services and legal aid personnel, are all involved in such matters. Their time can be spent more fruitfully than hanging around a courthouse, waiting for their matter to get on. The sentence indication scheme is therefore an important contributing factor in the greater efficient management of the court system. The extension of the scheme for a further 12 months will allow for a fuller evaluation to demonstrate more clearly these efficiencies. When the legislation setting up the pilot scheme was debated in Parliament, the Opposition, the Australian Democrats and the Call to Australia group all supported the legislation. In light of the success of the pilot scheme, I trust that this bill will now receive the full support of this House. I commend the bill to the House.

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

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

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QUESTIONS WITHOUT NOTICE

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DEPARTMENT OF JUVENILE JUSTICE DISCIPLINARY PROCEEDINGS

The Hon. R. D. DYER: I ask the Attorney General, and Minister for Justice a question. Were departmental charges preferred by the Department of Juvenile Justice against two of its senior officers, Mr Liam Guilfoyle and Mr Lawrie Myers? Why were these charges ultimately withdrawn by the department in the case of Mr Guilfoyle, and was an appeal allowed by the Government and Related Employees Appeal Tribunal in the case of Mr Myers? Were the estimated costs of prosecution of the two sets of charges about $250,000 and, if so, will the Minister indicate to the House how this expenditure has been justified?

The Hon. J. P. HANNAFORD: In view of the detail required by the honourable member, I will take his question on notice and obtain an answer for him.

LOCAL GOVERNMENT ENVIRONMENTAL REPORTS

The Hon. S. B. MUTCH: Can the Minister for Energy, and Minister for Local Government and Co-operatives advise the House what progress has been made by councils in reporting on environmental issues and what, if any, assistance is being provided by the Department of Local Government and Co-operatives in this process?

The Hon. E. P. PICKERING: I am pleased to have an opportunity to respond to the honourable member's question on council accountability, and in particular on environmental reporting. As honourable members would be aware, councils must now provide state of environment reports as part of their annual reporting requirement. This is the first time that such comprehensive reporting has been required of councils, and I must say that the response from the majority of councils has been exemplary. At this point I would like to quote two consultants who recently conducted a review of 141 state of environment reports from councils. They said:

> Nowhere else in the world, to our knowledge, have all the local government [areas] within a state or province produced detailed state of environment reports, as they have in New South Wales. Local government in New South Wales therefore deserves high praise for its accomplishment.

The Government is committed to encouraging environmental management at the local level, and to long-term environmental management planning.

The Hon. J. W. Shaw: This was a Labor Party initiative. This was our amendment, admit it.

The Hon. E. P. PICKERING: I am simply reporting the facts. The 1993 Local Government Act provides the framework for this management planning to occur, and state of environment reports provide the necessary raw material. It is important to note that the Department of Local Government and Co-operatives has been active in its support of councils, and is taking a keen interest in information provided by their reports. Guidelines for state of environment reporting were developed by a committee

of State Government, local government and environmental group representatives, and were issued in October 1993. The department also issued a circular in December 1993 which contained more in-depth advice on the preparation of state of environment reports.

In addition, a departmental survey is currently being undertaken to assess costs involved in the preparation of the reports; to investigate the level of community involvement in the process; and to examine any difficulties which may have arisen in gathering the necessary data. In August this year two consultants were asked by the department to review state of environment reports compiled by councils as part of their 1993 annual report, and a draft report has been received. In addition to analysing and assessing the reports, the consultants also interviewed 10 councils of varying sizes and locations. It is heartening to know that councils were able to highlight the benefits - some unexpected - of preparing reports on their local environment.

Just the exercise itself proved to be, in many cases, a team-building exercise between various divisions of council administration, and between regional groupings of councils. Councils also found the process useful in terms of community participation. Some sought the involvement of residents in the preparation stage, while others surveyed their communities for feedback after the report was issued. Either way, most have acknowledged that, for successful environmental management in the future, community involvement will be essential. Local government is beginning to realise that this is not merely a data-collecting exercise, but a means of gathering information vital for local economic development, environmental management and resource allocation. Many stated that, for the first time, they had access to a comprehensive picture of their local environment. Councils are to be commended for the effort which went into the preparation of the reports. The consultants indicated that, of the total 141 reviewed, 93 per cent had been compiled by council staff with only 7 per cent seeking the assistance of outside consultants. This is a considerable achievement and I again quote the consultant's team, which stated:

> The processes developed, the volume of baseline data assembled, and the quality of many of the reports produced are extraordinary considering the point at which most [councils] began only a year ago: there was no experience with state of the environment reporting; no procedures were in place; no resources had previously been allocated for such tasks. In a number of cases, the quality of the [reports] is a tribute to the commitment of local government staff who devoted many hours, both paid and unpaid, to production of the reports.

The Department of Local Government and Co-operatives will shortly be assessing the results of its own survey, and after consolidating all available information on the environmental reporting process,

will issue a practice note to assist councils in future report preparation. Monitoring and reviewing of local environments by councils is an essential component of environmental management in this State. As the Minister responsible, I take a keen interest in the process, as does the director-general of the department. Every necessary assistance has been provided to local government in carrying out this important management role, and will continue to be provided in the future. As I have said on previous occasions, we all have an increasing obligation and duty to protect the environment in which we live. One has only to go to places such as China or Japan, as I did recently, to really understand the need for us to ensure that our environment does not go the way the environments of those countries have gone.

I must say that when flying back into Sydney one is utterly proud of the remarkably clean environment we have, compared with most modern cities in the world today. The people of New South Wales can be very proud of what we have in this State. To achieve this, it is obviously essential that we think well into the future. We all have the ability and the responsibility to do so, and local government is naturally at the forefront of environmental protection. On a final note, I would like to say that the State Government has achieved a great deal in protecting the environment. That is most evident in the improved states of Sydney's beaches in recent years. The Government's commitment is also evident in the initiatives announced through my portfolio, and by the Minister for the Environment in recent days, to tackle the problem of stormwater pollution.

TEACHERS SALARIES

The Hon. ELAINE NILE: I direct my question to the Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier. Is it a fact that the Independent Schools Association and the Catholic Education Commission have agreed to an 8 per cent wage increase for their teachers, after negotiations with the New South Wales Independent Teachers Association? What effect will this discussion have upon current negotiations with state school teachers, and the demands by the New South Wales Teachers Federation for a 10 per cent wage increase?

The Hon. VIRGINIA CHADWICK: The honourable member's question provides me with an opportunity to congratulate the Independent Schools Association and the Independent Teachers Union for its maturity and good sense, and for the manner in which it has conducted its negotiations. It has brought credit to everyone involved and has achieved a very happy result for the independent teachers in New South Wales. Sadly, that is in contrast to the actions of the New South Wales Teachers Federation executive to date and the misinformation it has been peddling in relation to a very similar pay offer that was made by me on behalf of the Government to the teachers as a result of five months of negotiation.

Honourable members know that that offer has been rejected by the federation, which brings no credit to its executive. The public schoolteachers of New South Wales will not only not gain the benefits of the pay increases that would have come to them before Christmas, and then at six-monthly intervals for the next 18 months, but they will lose money because of the stop-work meeting and the strike they are planning to have on 23 November. Nothing could be more stark than the contrast between the way that the union has conducted itself through these negotiations and the independent teachers of New South Wales. The independent teachers can recognise a good, fair and reasonable offer when they see one. They took it and signed up without dispute and without upsetting the students or the parents of this State.

The Hon. J. W. Shaw: They have a reopening provision.

The Hon. VIRGINIA CHADWICK: I will get to that reopening provision in a moment. Some areas of similarity are worth noting. Equally the points of difference are worth noting because they bring no credit to the New South Wales Teachers Federation, which is misleading its membership. The independent teachers have signed up for a two-year agreement which will end in April 1997. The 8 per cent, which is the same pay offer for a similar period, will be paid in two instalments. The first 4 per cent will be paid in May 1995 and the second 4 per cent in July 1996. Additionally there were some other entitlements such as six weeks maternity leave. Despite the comments that the Teachers Federation has made about that maternity leave - it tried to pretend it really meant a 9 per cent pay increase - it is to be phased in by January 1996.

The six weeks maternity leave will not count as service for the purposes of leave loading nor will it count as service for progression up the salary scale. Long leave entitlements have also been included in the enterprise agreement so that teachers in independent schools may accrue two weeks per year after 10 years service. After 10 years service there are no restrictions on when this leave may be taken and entitlements are not transferable between independent schools. This responsible and fair agreement between teachers in independent schools and their employers serves to highlight the attitude of the New South Wales Teachers Federation and to question its motives in recommending to its membership that it should refuse to accept the Government's offer of an 8 per cent salary increase.

Let us look at the difference. The Government's salary offer allows for the 8 per cent to be paid by July 1996. The independent teachers signed an agreement which ends in April 1997. The Hon. J. W. Shaw should ask them about the reopening provision. The agreement for the independent teachers will end in April 1997; the Government's offer to the government schoolteachers will end in July 1996. The Government's offer would be paid sooner with 2 per cent paid by December this year, then 2 per cent

every six months after that. The first

instalment for the independent schools is 4 per cent in May 1995. The Government's offer provides for a 2 per cent increase in December and 2 per cent every six months after that, a much better deal which would put money into the teachers' pockets before Christmas.

The agreement on offer to the federation will end in November 1996. The agreement between the Association of Independent Schools and the Independent Education Union runs to April 1997. Much has been made in the last 24 hours of the entitlements that have accrued to the independent teachers such as maternity leave and long service leave. Government schoolteachers already have an entitlement to six weeks maternity leave on full-pay and six weeks maternity leave after the birth on half-pay, which is more than the independent teachers get and in addition the maternity leave in most instances counts towards service. So it assists the teachers in their progress up the salary scale, to leave loadings, and to other entitlements.

Government schoolteachers already enjoy generous long service leave provisions, something that was included for the independent teachers this time. In government schools after 10 years service teachers accrue 15 calendar days of leave with no formal restrictions on when teachers can take this leave entitlement. The entitlement is transferable across the whole government school sector, something that is not available to teachers at an independent school. The Teachers Federation again is peddling misinformation in its recent statements to the media on the agreement reached with the independent sector. The federation is trying to represent that these increases are something in the order of 9 per cent. All these increases do is bring teachers in independent schools a little closer to the maternity leave and long service leave provisions already available in government schools. The provisions for maternity leave or long service leave are not as generous as those already in government schools.

In addition there are a number of other differences between teaching in an independent school and in a government school. For example, there are fewer career paths because, by definition, an independent school is a stand-alone school. One cannot move around the system to be promoted to the position of deputy principal, leading teacher or principal of a school; there are far more restrictive career paths. Equally, if one is a teacher in an independent school one is employed year by year. One does not have a contract for life. Basically, that is what a teacher in a government school system has. The prospect of teachers in an independent school saying to the school council, or headmaster, or headmistress, that they did not feel like taking sports duty or the drama group on a Sunday is unlikely.

The Hon. Patricia Forsythe: I had to do that, on a Sunday.

The Hon. VIRGINIA CHADWICK: My colleague has worked in that sector and knows full well that there is very little choice when one is asked to volunteer for extracurricular activities in independent schools. That is comparing apples with oranges and yet they have accepted an offer that, while it is similar, is not as generous and extends over a longer period than the offer made to the government schoolteachers of this State. The executive of the Teachers Federation has done a grave injustice to the teachers of this State. It is costing the teachers of this State money. They are being asked to go to stop-work meetings and to industrial actions to further the political ambitions of some of the executive of the Teachers Federation, and the presidential ambitions of some others on the executive of the Teachers Federation.

But the farce continues even further. Today I received a copy of a media release from the New South Wales Teachers Federation. I understand that it was meant to be embargoed until midnight tonight. Again, this federation is pursuing the notion of a 10 per cent increase which is most unreasonable in the light of the independent schools agreement. Although I might listen to Paul Keating and Laurie Brereton urging wage restraints, it is perfectly clear that the words of our Prime Minister and of Mr Brereton are falling on deaf ears with the executive of the Teachers Federation. It is peddling this

notion of a 10 per cent salary increase and has produced the most amazing mechanism by which it asserts that increase may be achieved.

The most amazing of these points - this should be noted by anybody who ever wondered whether the federation truly represents its membership - is the introduction of an early voluntary retirement scheme which it is estimated could net $60 million for the State Government while opening up several thousand new jobs for graduate teachers. That is very interesting, but where will the thousands of teaching job vacancies come from? The federation is suggesting that thousands of teachers represent deadwood; thousands of teachers are non-performers; and thousands of teachers are not needed. The federation would be perfectly happy for me to get rid of those teachers as that would help me pay for the salary increase. So much for the federation caring about its membership! So much for its voodoo economics! The offer before the teachers - it is still before them - is fair, reasonable, and achievable. It will put money into teachers' pockets before Christmas, and will make our teachers the highest paid in Australia. Despite the provocation from the executive of the Teachers Federation that is so woefully letting its membership down, my offer still stands.

NAMBUCCA COUNCIL

The Hon. B. H. VAUGHAN: My question without notice is directed to the Minister for Energy, and Minister for Local Government and Co-operatives. Is the Minister aware that the Nambucca Council tabled in open council the following comments by the Ombudsman regarding the council improperly recognising alleged existing user rights for gravel extractions in the shire? Does the Minister remember what the Ombudsman said? He said:

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> In sum, this is the conduct of a council in thrall to the gravel extraction industry. It is a council whose contempt for the law and its responsibilities as a consent authority, has been long standing and brazen . . .
>
> It is difficult, however, to posit motives other than corrupt ones for this extended and consistent course of conduct.

In view of these comments by the Ombudsman regarding the Nambucca Council, does the Minister propose to take appropriate action in the interests of the ratepayers of the shire, and in the interests of lawful local government?

The Hon. E. P. PICKERING: This is a very important question if the facts are as presented by the Deputy Leader of the Opposition. To the best of my recollection, I have no knowledge of this matter. I am informally advised that the report to which the Deputy Leader of the Opposition referred is an interim report. From my understanding of procedures, it is normal for the Ombudsman to acquaint people involved in an investigation of an interim report upon which he seeks comment before providing a final report. Under those circumstances, I would expect it to be possible that the report referred to has not yet been formally drawn to the attention of my office by the Ombudsman's office.

The Hon. B. H. Vaughan: It is certainly not referred to as an interim report; I have it with me.

The Hon. E. P. PICKERING: I do not know. I am only surmising on the basis of some quick advice which was put to me which may or may not be valid. Of course, I will pursue this matter, and in the fullness of time I will report to the Chamber.

Later,

The Hon. E. P. PICKERING: A moment ago I was asked a question by the Deputy Leader of the Opposition regarding the Nambucca Council and I indicated I would respond as quickly as I could. I am now advised that a report from the Ombudsman was received by my department last week. It is a draft confidential report, as I initially thought it would be. I am told that the report contains serious findings and that the department is examining the report with a view to reporting back to the Ombudsman. It is clear that following the conclusion of that process I will receive a final report from the Ombudsman, which obviously I will read with care, and take appropriate action.

EDUCATION PROGRAMS FOR AUTISTIC CHILDREN

The Hon. HELEN SHAM-HO: I address my question to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. Can the Minister inform the House about assistance given by the Department of School Education to the Autistic Association of New South Wales?

The Hon. VIRGINIA CHADWICK: I know this issue is of concern to many members of this Chamber, not only the Hon. Helen Sham-Ho. This subject was raised in this Chamber last evening by the Hon. Elisabeth Kirkby. I understand that a function will be held this evening within the precinct of the Parliament for those concerned and involved with autism in order to support the Autistic Association. It is well known that the Autistic Association of New South Wales provides a range of services to, and represents the interests of, children and adults with autism, and their families. These services include early intervention and diagnostic assessment, assistance in accessing other services, schools and educational outreach, family support and counselling, accommodation, and post-school training and employment.

The Autistic Association of New South Wales plays a significant role in providing both direct educational programs for children with autism, and in working collaboratively and innovatively with the Department of School Education. The association currently operates seven schools, with a total enrolment of 156 students. Additionally, satellite classes are operated in Belrose and Killarney Heights schools in Sydney's north, and Hayes Park and Towradgi schools on the south coast. The Autistic Association, my department and I have an excellent collaborative relationship and this has resulted in a number of innovative programs which have been developed jointly. One such program is the metropolitan outreach service, the physical transfer of some association schools into departmental school premises, and the external evaluation of programs and support of students in the department's early childhood classes. Indeed, the achievements include the seven satellite classes in regular schools, and a request was made for a further five of these classes for 1995. We have established two schools within the grounds of regular schools, and the proposal is for a further school next year. Forty-three students from association schools were integrated into regular schools and/or support classes in 1994. The metropolitan outreach service is highly valued.

Also, negotiations are currently under way with the special education directorate to further this program in metropolitan south-west and on the south coast. The number of Department of School Education teachers and aids who have attended association training courses, and received programming assistance, totalled 217 in 1994. The sharing of integration and aid support has allowed the further successful integration of individual children, and a grass roots relationship has developed between local schools and the association schools through shared activities. Peer support programs have been developed, along with sporting and cultural events. Support has been provided for students in departmental classes, such as those at Lalor Park and our schools for specific purposes.

I am well aware that there has been concern by the association that neither its resources nor the significant support it receives from the department has allowed it to cope with the extra demand on these services. The Hon. Elisabeth Kirkby would be pleased to know, given that she provided me with

material on this very issue not long ago, that my response to the association's request for additional support was speedy. The association was told a week or so ago that I would provide it with a further grant of $200,000 to cover the needs of some of the students on the waiting list. I hope this will allow the association to accommodate students on the waiting list and that the good relationship between the department and the association will continue in the future.

AUTISTIC ASSOCIATION FUNDING

The Hon. ELISABETH KIRKBY: My question is addressed to the Minister for Education, Training and Youth Affairs. In view of the reply the Minister has just given, is she aware that 7,000 people in New South Wales have been diagnosed as autistic and that each year 1,000 children are diagnosed as autistic? Is the Minister further aware that in spite of the best efforts of the Autistic Association of New South Wales it cannot meet the needs of these children? Will the Minister give further consideration not only to new programs but to increasing funding to enable autistic children to be included in normal mainstream education?

The Hon. VIRGINIA CHADWICK: The honourable member would be aware from my previous answer that the Autistic Association and the department have had discussions about the number of students seeking support and services and the difficulties in which the Autistic Association finds itself. I have advised the Autistic Association that I am immediately providing a further grant of $200,000 to assist it at this time.

DISTRICT COURT DELAYS

The Hon. J. W. SHAW: I direct my question to the Attorney General. Is it a fact that in the Sydney District Court the criminal trial disposal rate is down 50 per cent on last year, that new criminal trials cannot be listed until the second half of next year due to lack of court resources and that the number of lengthy criminal trials now pending is double the number when the acting judge system was brought in? What steps will the Government take to deal with this serious situation?

The Hon. J. P. HANNAFORD: I am aware that the disposal rate of criminal matters in the District Court is down on last year. However, my recollection is that the total number of trials pending is around 2,400, which is a significant decrease from the number of trials pending 18 months ago. I am led to believe that the backlog of trials pending is continuing to fall and that it is soon likely to reach about 2,000. Part of the problem with the reduction in the disposal rate is the length of trials. It has been drawn to my attention that trials in the District Court have experienced significant lengthening. I am addressing that issue, and that will necessitate examining the management of criminal cases. As the honourable member would be aware, the Nader report has been available for discussion and is being examined with a view to its implementation. I will provide an example of one trial that has blown out because evidence on the voir dire took approximately two weeks - a most unusual occurrence, as the honourable member would appreciate. These types of instances blow out the delay in reaching cases. The Hon. J. W. Shaw can be assured that I am aware of the drop in the disposal rate, but on the information made available to me at this time that should not be a cause for concern.

TRANSPORT WORKERS UNION STRIKE PROPOSAL

Reverend the Hon. F. J. NILE: I ask the Minister for Education, Training and Youth Affairs, representing the Minister for Industrial Relations and Employment, a question without notice. Is the Transport Workers Union demanding a 15 per cent wage increase be paid to its members or they will strike to prevent the delivery of food supplies to supermarkets, et cetera, prior to Christmas? In view of the disastrous effects of the drought on the delivery of food supplies for the huge population of Sydney

and rising food prices, what effect will the threatened strike have on the families of New South Wales as they prepare for their Christmas celebrations? Are these threats by the Transport Workers Union and similar strike threats by the New South Wales Teachers Federation part of an Australian Labor Party plan to cause maximum disruption prior to the 1995 State election?

The Hon. VIRGINIA CHADWICK: I commend Reverend the Hon. F. J. Nile for his obvious concern for the families of New South Wales. That concern is shared by the Government, but, sadly, it is not shared by those who, for whatever motive, are intent on disrupting the life and good order of New South Wales with great emphasis on the Christmas period and, dare I say it, in the lead-up to the election next March. It can be no accident that those who, to suit their own purposes, are flexing their industrial muscle to achieve their own selfish or misguided ends, or those who have a different political agenda from that of the Government, see this as a good time to strike. It is appalling that the Transport Workers Union, beyond the bounds of reason, is making such an outrageous claim well above any increase in the consumer price index or the cost of living.

The claim and the threat of industrial chaos before Christmas have been roundly condemned, not only by people of my political persuasion in the Government but by those who traditionally would be regarded as closer allies, for example, the Prime Minister and those who started off their lives as trade union officials. Members of the TWU, who must have families and children and be looking forward to the celebrations of Christmas, must realise from their own personal desires, beliefs and expectations of the Christmas period what chaos they will cause to the families of New South Wales if they strike. Indeed,

they have been up-front in saying that Christmas is a good time to strike because maximum chaos can be created. Is that a responsible attitude? Is it a sign of a mature union trying to negotiate a sensible wage increase? I do not think so.

New South Wales families are trying to balance their budgets, to buy Christmas gifts and dinners, and to plan the holiday season. It is appalling that when they go to the supermarkets they might not only have bare shelves; they might have increasing prices. Those increasing prices are a worry to all families in New South Wales, many of which are doing it tough and having to watch their budgets carefully. It is one thing for prices to increase and shortages to occur as a result of a natural disaster - people are doing it tough in the drought - because there is a level of understanding and sympathy. But it is reprehensible that such increases and shortages could be compounded because a union determines for industrial and political reasons in the pursuit of industrial goals that it is a good time to cause maximum pain to the people of New South Wales. It is disgraceful; it is reprehensible. Before this action is taken members of the union should stop thinking about the union and look at themselves as individuals and members of families. They should take a more responsible attitude. Clearly, there is an agenda that goes beyond salaries. One can only wonder what connection that has with the election of next March.

JUVENILE JUSTICE PROGRAMS

The Hon. Dr MARLENE GOLDSMITH: My question without notice is directed to the Attorney General, Minister for Justice, and Vice President of the Executive Council. He has spoken extensively in this place of the initiatives he is driving for juvenile girls who have been sentenced to detention. Will he inform honourable members whether programs have been initiated to look after the specific problems of boys in juvenile detention?

The Hon. J. P. HANNAFORD: The Hon. Dr Marlene Goldsmith takes a significant interest in this critical area. Honourable members on both sides of the House will be pleased to know that this Government does not discriminate when it comes to the welfare of juveniles in its care. The former Labor Government completely ignored the specific needs of young girls in its care, and it was left to the coalition Government to establish a program for girls. But I am sure the Opposition is pleased to know that the Government is rectifying that neglect and establishing appropriate programs where they are

needed. It does not matter to this Government whether the detainees are male or female. The programs for males and females have been identified and are being implemented throughout the system. They do not discriminate.

For example, during the past two weeks I was pleased to open the specialist therapeutic Robinson program, which is a new unit for boys at the Reiby Juvenile Justice Centre at Airds. This 18-bed unit has been established for boys under 16 who are not able to cope with their emotions or the fact that they are in detention and act out their frustrations by hurting themselves or others whilst they are incarcerated. The unit was designed following the establishment of a committee with representatives from across the department to develop a new program, staffing structure and training program. This new high security unit is the result and it will deal with these boys by discovering the cause of their behavioural problems and by teaching them methods by which they can modify their reactions.

The program will not only manage boys who act aggressively out of fear and frustration and who have poor socialisation skills; it will cater for boys who have low self-esteem or who lack understanding of the outcome of their behaviour. Prior to the opening of the unit, these boys - who may have committed assaults on staff or other residents - were transferred to Minda Juvenile Justice Centre, which was the most secure centre in the juvenile justice system. The establishment of Reiby will allow the Government to change the role of Minda - it will become a centre for remandees. Depending on numbers in the system, Minda may include some boys on committal when necessary.

The training program formulated by the committee has already been undertaken by members of staff, who have spent days and nights in the centre prior to the intake of the boys. This gives the staff members a sense of ownership of the centre and greater confidence when the boys are first introduced. In the past when both detainees and staff were introduced to a new unit at the same time, neither had immediate ownership of it and it led to problems. Everything has been thought of in this unit. The unit will not be filled immediately. The department needs to see how the program works out and how the layout of the unit works before a full complement of boys is introduced. To open the unit one day and to bring in 18 boys the next was tried during the time of the former Labor administration. I am told that the results were disastrous. I am sure that members opposite would be glad to know that we are learning from their mistakes.

The committee set up to devise this unit also set up the management structure. The two program coordinators will be jointly responsible for managing the unit - one with specific experience in managing difficult children and one with a clinical-psychotherapy background. This is the first time that the department has conducted this kind of arrangement. By the nature of the work it is carrying out, the unit will have to be very structured, with a high level of discipline. Once the boys have begun to bring their problems under control they will be moved through three stages of the program, with the aim of releasing them to the mainstream of the community.

This program therefore meets the recommendations of both the Royal Commission into Black Deaths in Custody and the Burdekin report. This is yet another example of how New South Wales is leading this nation with its implementation program

of the recommendations from both those inquiries. The Robinson unit's completion is another indication of this Government's commitment to breaking the cycle of crime in the community. It ensures that young people are cared for and, at the same time, it goes a long way to helping them accept responsibility for the crimes they have committed. I assume that the hard work being put into the program by juvenile justice officers and the professionals in the department will receive the support of members from both sides of the House. I commend the Hon. Dr Marlene Goldsmith for her continuing interest in juvenile justice.

ANSWERS TO QUESTIONS UPON NOTICE

The Hon. DOROTHY ISAKSEN: My question without notice is directed to the Attorney General, and Minister for Justice, in his capacity as the Leader of the Government in this House. At the end of every question time and on numerous other occasions he invites honourable members to place questions upon notice. Is he aware that approximately 70 questions that were put on the question paper between March and May this year remain unanswered? Will he take steps to see that his ministerial colleagues respond to the Opposition's questions, or is it wasting its time?

The Hon. J. P. HANNAFORD: If only 70 questions remain unanswered at the end of this administration that will be about one-tenth the number of questions that remained unanswered at the end of the previous administration. I know that Ministers in this House are committed to ensuring that questions are answered. That will be pursued appropriately. The Labor Party should not crow with this sort of question; it should look at what occurred during its administration.

SUTHERLAND SHIRE COUNCIL POLITICAL CAMPAIGN FUNDING

The Hon. D. J. GAY: Is the Minister for Planning, and Minister for Housing aware of the report in today's *St George and Sutherland Shire Leader* that Sutherland Shire Council has awarded itself another $15,000 of ratepayers' money in its political campaign on Helensburgh?

The Hon. R. J. WEBSTER: Yes, I did read the *St George and Sutherland Shire Leader* this morning. I was perturbed to see that Sutherland Shire Council has seen fit to indulge itself in another $15,000 of ratepayers' money, bringing the funding of the political campaign of Genevieve Rankin, the endorsed Labor Party candidate for Sutherland, and Paul Smith, the endorsed Labor Party candidate for Miranda, to a total of $60,000. I hope my colleague the Minister for Energy, and Minister for Local Government and Co-operatives is listening to what I have to say. An amount of $60,000 of ratepayers' money has been allocated to raise the profile of the Mayor of Sutherland and endorsed Labor candidate Genevieve Rankin and Councillor Paul Smith, the endorsed Labor candidate for Miranda.

The $60,000 is to fight an issue in another council area. What better way to get publicity than with ratepayers' money? What is behind the Helensburgh issue? The election of Ms Rankin and Mr Smith. For the benefit of honourable members I shall run through the history of this disgraceful episode yet again. A commission of inquiry that I appointed into a proposed development at Helensburgh is currently under way. However, as I have stressed before, I will not be the consent authority for the development; the consent authority remains Wollongong council.

The Hon. R. S. L. Jones: Why are you wasting money, then?

The Hon. R. J. WEBSTER: I will come to that in a minute. Despite my having made this clear time and again, Sutherland council has tried to whip up local opposition to the State Government over Helensburgh. It has used ratepayers' funds to produce an anti-State Government brochure on the issue which urges Sutherland residents to write to the State Government to protest over Helensburgh when the council well knows that it is Wollongong council, as the consent authority, to which residents should be writing.

The Hon. E. P. Pickering: A Labor council.

The Hon. R. J. WEBSTER: Indeed. Not so many weeks ago Paul Smith brought a petition on Helensburgh to present to the Leader of the Opposition, a political stunt that was an embarrassing failure for both of them. It was revealed by me in this Chamber at the same time that the Leader of the Opposition, one Bob Carr, was grandstanding about how he would rezone Helensburgh that it was Bob Carr as Minister for Planning and Environment who had put Helensburgh on the urban development program in the first place. Can honourable members believe the promises of the Opposition? No, no,

no. I have another question for members opposite. Who said this? I quote from the *Wollongong Advertiser* of 17 February 1982, so long ago that this gentleman may have forgotten that he said this. Knowing the gentleman, I would not be surprised. He said that Helensburgh was "just screaming out for development". Who said it?

The Hon. Virginia Chadwick: Rex Jackson.

The Hon. R. J. WEBSTER: No. He was in favour of it too, but it was not Rex Jackson. He used to be called the orang-outang from Burragorang but now he is the member for Bulli. In those days he was Alderman Ian McManus. That is not all he said. He also said, "We just want the facilities that other towns have". As a member of the council, and the Helensburgh Labor Party branch, according to the papers, he decided to seek a meeting of his deputation with environment and planning Minister Eric Bedford to discuss the town's development. There is more: Alderman McManus also said that State government departments had spent millions developing Menai and Campbelltown yet were reluctant to spend money on Helensburgh. He was talking about his own people.
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This is the same person who has the hypocrisy to join with the man who put Helensburgh on the urban development plan in the first place, trying to score a few political points in Sutherland.

I know that Opposition members do not like this, but they are going to get a bit more of it before I am finished. My colleague the Minister for Education, Training and Youth Affairs referred to the former member for Helensburgh, Rex Jackson. He was also in favour of a "huge development plan" for Helensburgh. In all our research it was hard to find anyone in the Labor Party in those days who was not in favour of development in Helensburgh. If we dug hard enough we would probably find that the former member for Cronulla was in favour of development there.

The Hon. J. H. Jobling: He was totally rejected.

The Hon. R. J. WEBSTER: Yes, he was. For some reason Labor members have gone quiet or changed their minds. The commission of inquiry no doubt will bring down a decision which will ensure that the people of Helensburgh once and for all will have all the very important issues both for and against development properly aired outside the political climate. That report will be handed to the Wollongong City Council, which is the consent authority, and it will be able to make reasonable and rational decisions based on the report.

MALABAR INCINERATOR OPERATIONS

The Hon. R. S. L. JONES: Why has the Minister for Planning, and Minister for Housing ignored the resolution of the lower House concerning the Malabar and Manly incinerators? Is he not aware that it costs $1.3 million per annum to incinerate the one tonne of waste material Malabar produces each day compared with a cost of only $6,000 a year to landfill the materials? Why is the Minister allowing the waste of well over $1 million of taxpayers' money a year on incineration and why is he further allowing $2 million to be wasted on a refurbishment of the Malabar incinerator? Why does he not close the incinerator?

The Hon. R. J. WEBSTER: I was not aware that members of this House had to take notice of what members of the lower House told them to do. If the Hon. R. S. L. Jones put it to a vote he would lose. Members of this House are not bound to accept decisions of the lower House; the Legislative Council is a separate House and its members are able to make their own decisions.

The PRESIDENT: Order! I am having difficulty hearing the Minister's reply.

The Hon. R. J. WEBSTER: I do not want to take up too much of honourable members' time. I

have several pages of explanation on why the Malabar incinerator is remaining open and why it should remain open. I am happy to canvass the reasons when I have more time. I do not want to see members kept here unnecessarily, but I feel I should take a few minutes to explain to honourable members - particularly the Hon. R. S. L. Jones, who has been braying at me from the backbenches - exactly what the implications might be if the Government were to close the Malabar incinerator, which on every test, medical and environmental, is perfectly safe and doing an adequate job. The waste being burnt in the incinerator -

The Hon. Judith Walker: You have to burn it somewhere.

The Hon. R. J. WEBSTER: Indeed we do. I am glad to hear the Hon. Judith Walker say that. That is the case. What is being burnt in the Malabar incinerator is not sludge. The sludge from Malabar is now being used for a variety of other purposes - agriculture, landfill, et cetera. What is being burnt at Malabar incinerator is what the Water Board euphemistically describes as screenings. I do not want to unnecessarily disturb the sensibilities of honourable members by describing in great detail what screenings are. Screenings are mainly little things that most of us use in our everyday lives. Unfortunately, they find their way into the sewerage system. The alternative, of course, is not to burn these screenings at Malabar but to take them to a landfill site.

I will give honourable members the choices. Ms Genevieve Rankin, to whom I referred earlier, would not be at all happy if the screenings went to Menai. I guarantee that the honourable member for Londonderry, the devoted fan of the Leader of the Opposition in the other place, would not be overjoyed if they went to Londonderry. They are the two choices. I guarantee that a little more of Sutherland ratepayers' money would be used to try to prevent the screenings going to Menai. I am sure one would not be able to print what the honourable member for Londonderry would say if the screenings were sent to Londonderry. I would like the Leader of the Opposition, in whose electorate the Malabar incinerator is situated, to tell me where he would like the screenings to go, and then watch him squirm.

The Hon. J. P. HANNAFORD: In view of the hour, I suggest that members who have further questions should put them on notice.

GOVERNMENT CLEANING SERVICE

The Hon. E. P. PICKERING: On 21 September the Hon. A. B. Manson asked me a question without notice relating to the Government Cleaning Service. I have now been provided with the following answer:

> The continued employment of Government Cleaning Service staff was of the highest priority for the Government when negotiating the sale of the Government Cleaning Service. To this end, the Government was successful in obtaining ongoing and secure employment for staff for the life of the contract which is expected to be five years. Her Honour, Justice Schmidt recognised the efforts of the Government, and observed, with respect to the period of ongoing employment, that:

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> "This is a guarantee beyond that which the employees had as employees of the Government Cleaning Service"
>
> The Sale Agreement also contained some of the strongest employment projections, with respect to hours of duty, income and staff movements, ever negotiated for the sale of a government entity.
>
> It is therefore difficult to understand why the Government should be required to make redundancy payments to former Government Cleaning Service staff.

The sale of the Government Cleaning Service involved the transmission of a business. Redundancy awards have previously been declined in cases involving the transmission of a business, both in the New South Wales and Federal jurisdictions.

Clearly, the judgment of the Industrial Relations Commission has significant implications, both for the private sector and for any future transmissions of businesses by the Government to the private sector. For this reason the Government has indeed spend in excess of $100,000 in legal costs fighting this case.

The Government believes that the Industrial Relations Commission erred on a number of grounds in the making of an award providing for redundancy payments for former Government Cleaning Service staff. It has lodged an appeal asking that the decision and award of the Industrial Relations Commission be set aside and will quite properly continue to vigorously fight its case.

The Hon A B Manson's question is an over-simplification of what has proven to be a complex matter.

Following the announcement of the sale of the Government Cleaning Service the Public Service Association and the Australian Liquor, Hospitality and Miscellaneous Workers' Union made applications for a Government Cleaning Service Privatisation Award, which amongst other matters sought redundancy payments for affected staff. The Unions also subsequently lodged a number of unfair dismissal claims on behalf of their members. The Industrial Relations Commission determined that the Privatisation Award and the unfair dismissal applications would be jointly heard.

The Union's Privatisation Award application raised significant threshold questions in relation to the Commission's jurisdiction to make such an Award. Senior Counsel was engaged by the Government and the Unions to handle this complex matter.

As mentioned earlier, the Government was also faced with a number of unfair dismissal claims which it strenuously, and in the end, successfully, argued against. The Commission determined in this regard, that there was no general basis upon which it could be concluded that the dismissal of the former Government Cleaning Service staff was harsh, unreasonable or unjust.

The Union's privatisation application, seeking the public sector redundancy package, would have resulted in redundancy costs to the NSW taxpayer of around $50 million, if successful. In circumstances where former staff have secure and on-going employment, the community would expect a responsible Government to vigorously oppose Union claims for redundancy payments.

The reduced quantum of redundancy payments granted by the Commission means the Government is faced with costs of around $20-25 million. For reasons which I have outlined above, the Government will be appealing this decision.

To imply that actions taken by the Government are a waste of money, or that the redundancy payments to former Government Cleaning Service staff is the only issue in question, demonstrates either a complete lack of understanding of the issues and principles involved, or an attempt to sidetrack the debate to a simplistic and meaningless level.

LOTTO DIVIDEND TELEPHONE LINE

The Hon. E. P. PICKERING: On 21 September the Hon. J. R. Johnson asked me a question without notice concerning the Lotto results telephone line. The answer is as follows:

(a) Yes

(b) The removal of the 11521 results number on 30 September 1994, has not imposed any additional costs on NSW Lotteries' customers who use a telephone results service. The 11521 number utilised old technology and could no longer be reliably maintained causing a number of complaints from customers. As a result of this feedback from customers, a new 0055 service has been installed to provide a service level that meets the standard customers expect.

(c) The 0055 service allows any player in NSW to telephone for lotteries results at a maximum call charge of 25 cents, the same as a standard call charge. This means that it costs customers in the Sydney (02) telephone area no more than the previous 11521 service. However, a major benefit of the new service is that customers outside the (02) zone will pay only 25 cents per call.

If customers do not wish to take advantage of the 0055 service, an alternate voice response telephone system operating 24 hours a day is available. This facility is accessible to customers by telephoning NSW Lotteries Customer Enquiries Unit on (02) 563 5555. Telephone costs are identical to the charges applied to Sydney based customers and STD areas under the previous 11521 service.

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STATE REVENUE LEGISLATION (FURTHER AMENDMENT) BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

BILL RETURNED

The following bill was returned from the Legislative Assembly with amendments:

Electricity Transmission Authority Bill

CRIMES (THREATS AND STALKING) 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) [5.04]: I move:

That this bill be now read a second time.

This bill seeks to amend two provisions in the Crimes Act which concern behaviour constituting a threat to the public or members of the public. The first provision to be amended is section 562AB. That section can be found in part 15A of the Act, which deals with apprehended violence orders. Presently, under part 15A, a person can apply to a court for an apprehended violence order to be issued against

another person. The purpose of an apprehended violence order is to give protection to a person who holds a fear that another person will commit a personal violence offence against them, or engage in conduct amounting to harassment, molestation, intimidation or stalking. Section 562AB provides that it is

an offence for a person to stalk or intimidate another person with whom he or she has a domestic relationship with the intention of causing the other person to fear personal injury. The offence carries a maximum penalty of two years imprisonment or a fine of $5,000, or both.

The aim of this provision is to target behaviour that is intentionally harassing or threatening. The act of stalking, for instance, may involve repeatedly following a person about, or watching or frequenting a person's home or place of work. Behaviour that is intimidating may include the making of repeated telephone calls or conduct which amounts to harassment or molestation. As honourable members will be aware, section 562AB was introduced toward the close of 1993 as part of a package of reforms to the Crimes Act and the Bail Act to deal with domestic violence. This Government was then concerned at the capacity of the criminal law to adequately respond to domestic violence situations. In this context, section 562AB, as presently worded, is tailored specifically to domestic violence. It is clearly conceivable, however, that stalking or intimidating behaviour can occur regardless of whether or not a domestic relationship exists between an offender and a victim.

This Government is concerned that the section is too narrow in its application. As a consequence, the law may not be affording full protection to all members of the community from certain threatening behaviour. This bill therefore proposes to remove from section 562A the words "with whom he or she has a domestic relationship". By the removal of the restriction of the offence to domestic relationships, the stalking offence will effectively be expanded. Commission of the offence will no longer be contingent upon the existence of a domestic relationship between the offender and victim. This follows the position taken in other jurisdictions, including Queensland and South Australia, where the stalking offence is not confined to domestic relationships. It is also proposed that the penalty for this offence be increased from a maximum term of imprisonment of two years to a maximum term of five years. This increase will reflect the seriousness with which this type of behaviour is viewed and will provide an effective deterrent.

The second amendment concerns section 31. This section provides that it is an offence to send any letter or writing threatening to kill any person. The maximum penalty for this offence is penal servitude for 10 years. It is the view of this Government that section 31, as presently worded, is again too narrow. For example, there may be instances in which a person will send a letter of an extremely threatening nature which does not contain an express statement that a person will be killed. It may be that only a threat of some unspecified harm is made. It is further conceivable that articles other than threatening letters or writings are sent. Section 31, as presently worded, will not cover these kinds of situations. It is therefore proposed to amend the section so as to create an offence of sending, delivering to, or causing to be received by, another person any document threatening to kill or inflict harm on any person. It will be immaterial whether or not any document sent is actually received, and whether or not the threat contained in any document is actually communicated.

The Government has taken the view that the sending of a document containing such a threat should carry the same penalty, regardless of whether the document is intercepted before reaching its intended recipient. It is the intentional sending of the document that is the gravamen of the offence. The existing offence will effectively be widened to the extent that it will apply to any document and not to just a letter or writing. This includes, at law, a video recording or tape-recording. The offence will also no longer require an express threat to kill. A threat of any type of harm will be sufficient. This will cover those situations where only veiled threats are made. The penalty for the offence will remain unchanged. It is considered that the existing maximum penalty of 10 years penal servitude adequately reflects the seriousness of this type of offence.

Consistent with existing sentencing principles, judicial officers may have regard to the nature of the threat and to the maximum penalty for offences concerning the actual infliction of bodily harm in determining the appropriate penalty in each case. The effect of these proposed amendments will be to enhance the ability of the law to protect members of the public from threatening and fearful behaviour. The community has a right to expect the protection of the law from any type of behaviour which threatens a person's personal safety. In bringing forward this bill, this Government is committed to ensuring that

the safety of every member of the community is upheld. I commend the bill to the House.

Debate adjourned on motion by the Hon. J. W. Shaw.

CRIMES (HOME INVASION) 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) [5.10]: I move:

That this bill be now read a second time.

During question time in the Legislative Assembly on 27 October 1994, the Government foreshadowed a proposal to rewrite the burglary offences in the Crimes Act 1900. The House will be only too aware of the spate of these types of offences which have dominated the news in recent weeks. In addition to losing money and valuables, members of the

community have been beaten, stabbed, raped or imprisoned in their own homes. As the law presently exists, there are some provisions in some sections of the Crimes Act for increased penalties in aggravating circumstances, but these do not reflect the range of aggravating circumstances which have recently been inflicted on innocent victims. The applicable maximum penalties are also perceived as being too low to act as an effective deterrent.

The proposed bill redrafts the sections relating to housebreaking and burglary to include a basic offence of break and enter, with two levels of aggravating circumstances. At each level increased maximum penalties will apply. The first level of aggravating circumstances - circumstances of aggravation - will apply where one or more of the following occurs: the alleged offender is armed with an offensive weapon or instrument; the alleged offender is in the company of another person or persons; the alleged offender uses corporal violence on any person; the alleged offender maliciously inflicts actual bodily harm on any person; or the alleged offender deprives any person of his or her liberty.

The second level of aggravating circumstances - circumstances of special aggravation - will apply where either or both of the following occur: the alleged offender wounds or inflicts grievous bodily harm on any person, or the alleged offender is armed with a firearm, within the meaning of the Firearms Act 1989; or a prohibited weapon or prohibited article, within the meaning of the Prohibited Weapons Act 1989; or a spear gun, whether loaded or not. Some of the existing burglary offences carry a maximum penalty of 10 years imprisonment. Others, which are considered to be more serious offences, carry a maximum penalty of 14 years imprisonment.

The effect of these proposed changes is that, where the present maximum penalty for the offence simpliciter, that is, the basic offence, is 10 years imprisonment, the maximum penalty will increase to 14 years if circumstances of aggravation are proved, and to 20 years where, in addition to circumstances of aggravation, one or more circumstances of special aggravation are proved. Where the present maximum penalty for the offence simpliciter is 14 years imprisonment, the maximum penalty will increase to 20 years if circumstances of aggravation are proved, and 25 years where, in addition to circumstances of aggravation, one or more circumstances of special aggravation are proved. The circumstances of aggravation or special aggravation may occur immediately before, at the time of or immediately after any elements of the offence concerned occurred. These circumstances of aggravation and circumstances of special aggravation are defined in proposed section 105A.

The bill also provides for a situation where a person is charged with, for example, an offence in circumstances of special aggravation but the jury does not find this level of aggravation proved beyond reasonable doubt. In such a situation an alternative verdict is available. The jury may find the person guilty of the lower level of aggravation or the basic offence, if they find this lower level or basic offence proved beyond reasonable doubt. In order to maintain consistency with these burglary provisions, the Government has also decided that existing robbery offences, namely sections 95 to 98 of the Crimes Act 1900, which are currently two tiered to provide for limited aggravated circumstances, should also be amended to provide for similar aggravating circumstances. The result of all these amendments is that the shortcomings in the current legislation in relation to aggravating circumstances are addressed, and a strong deterrent of up to 25 years imprisonment is provided to those who would commit these appalling crimes. I commend the bill to the House.

Debate adjourned on motion by the Hon. J. W. Shaw.

COMMUNITY PROTECTION BILL

Second Reading

Debate resumed from 15 November.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [5.16], in reply: As I indicated yesterday at the end of the debate on this bill, a number of the contributions to the debate by honourable members require a considered response, and I now have had the opportunity to prepare one. Before I comment on the amendments foreshadowed by the Hon. J. W. Shaw, I will respond to the general criticism of the bill by a number of honourable members, namely that the bill represents a departure from the longstanding principle that persons should only be deprived of their liberty upon proof of the commission of an offence.

When formulating this proposal, the Government was acutely aware of the unprecedented nature of the proposed legislation, and while it is true to say that there is one individual who prompted the Government to take this course of action, there was and remains a real concern on the part of the Government that there is a complete absence of a mechanism to detain - and where possible provide treatment for - persons considered dangerous although not mentally ill. Where there is evidence that is capable of satisfying a Supreme Court judge on the balance of probabilities that a person is more likely than not to commit a serious act of violence, should we be powerless to act until that person actually kills or injures another?

The existing provisions in the Crimes Act 1900, which deal with threatening behaviour and to which honourable members have referred, have proved inadequate and have failed on a number of occasions to prevent anticipated violence by certain dangerous individuals. The Government has taken the view that it is not sufficient to wait and see whether or not a potentially dangerous individual will actually commit an offence which will then allow detention pending trial and, in the event of a conviction, detention pursuant to a sentence for that offence. However, I note that honourable members on the crossbenches and the members of the Opposition all agree that the application of the legislation should be limited to only one person. The Government does not, therefore, have the numbers in this House to pursue the original proposal.

It is also clear from discussions with Independent members in the other place that they will also support the Labor Party to ensure that this legislation applies only to Mr Kable. The Hon. J. W. Shaw has sought an explanation as to why the individual who prompted this legislation has not been charged with an offence under section 31 or section 33B of the Crimes Act. Firstly, might I remind the honourable

member that at present section 31 of the Crimes Act is restricted to threats to kill which would therefore exclude such a charge being laid in respect of threats to inflict serious injury or threats which do not, in specific terms, amount to a threat to kill. Further, section 33B of the Crimes Act is restricted to persons who threaten injury with an intention to commit an indictable offence and is not appropriate in cases such as the present.

Leaving to one side these restrictions on the existing offences within the Crimes Act, the advice of Crown law officers in relation to whether a charge of that nature could be brought against the prisoner referred to by honourable members was obtained. That advice is to the effect that whilst the letters and correspondence were replete with innuendo and implication of death threats, the words, on their face, did not actually contain a threat to kill in clear and unambiguous terms. Therefore it was doubtful either that a threat amounting to a threat to kill could be established or that the person against whom the threat was made could be established beyond reasonable doubt. In any event this legislation, as has been correctly observed, does not insist on proof of a threat before an application to the Supreme Court is capable of success.

Whilst the most obvious example of a potentially dangerous person is one who makes threats either to kill or to inflict serious injury, an insistence on the making of such threats as a threshold for an application under the proposed legislation ignores the very real possibility that there are equally potentially dangerous persons who have made no threats. There may be persons who, in the opinion of treating psychiatrists, are not mentally ill but are more likely than not to commit serious acts of violence which they disclose in the course of conversations. I have repeatedly stated that I fully understand the concerns raised by honourable members in this House as well as civil libertarians who have commented on the proposal in the media.

I wish to make it clear to the House that I will not be persuaded by those who would make representations to me as Attorney General that I should use the legislation in anything other than the clearest of cases which call for a measure of this type. An application which has no prospect of meeting the criteria for a preventive detention order would hardly be made in the first place. Even assuming that existing offences might be charged in relation to a potentially dangerous person, it would be wrong to assume, as the Hon. J. W. Shaw assumed, that bail would be denied in circumstances where there is evidence of threats of violence. The experience of this Government is that charges under existing criminal offences and apprehended violence orders have, on occasions, proved ineffectual in preventing the commission of a number of murders and serious assaults even when the offenders have made no secret of their intentions.

The Hon. J. W. Shaw also asks for an explanation as to why the Crown has not appealed against the leniency of the original sentence that the prisoner who prompted the legislation received for the manslaughter of his wife. I am advised that consideration was given at the time the sentence was imposed to the question of a Crown appeal and that on the basis of the evidence which was in possession of the Crown, the view was taken that the sentence was not manifestly inadequate and the appeal stood no prospect of success. As the Hon. J. W. Shaw should know, the Crown cannot appeal against the inadequacy of the sentence merely because information has come to hand since the prisoner's incarceration which casts some doubt on the validity of the evidence upon which the sentence was originally imposed. That in itself represents a form of double jeopardy and I am quite sure that the Opposition would not wish to be seen to be infringing that principle.

Before I turn to the amendments foreshadowed by the Hon. J. W. Shaw I would alert the House to amendments which the Government has introduced which will remedy the problem I have identified with section 31, namely that it is restricted to threats to kill. The bill that I have introduced this afternoon will widen the scope of the offence to include threats to inflict bodily harm and will also remove the present restriction on the offence of stalking, namely that the person stalked must be in a domestic relationship with the accused, so that an offence of stalking or intimidating may be prosecuted regardless of whether the alleged victim is known to the accused. The bill will also increase the maximum penalty for that

offence from two to five years. It is clear that these amendments demonstrate that the Government has not blindly pursued the measures set out in the Community Protection Bill to the exclusion of other remedies.

With respect to the comments made by the Hon. Elisabeth Kirkby on the inclusion of certain sexual offences in the definition of a "serious act of violence", it is essential in my view to ensure that the provisions of the bill are capable of applying to repeat sexual offenders who may represent a significant danger to a person or the community generally, albeit without committing acts of violence which have a real likelihood of causing death or serious injury. Sexual offences against children are generally committed in the absence of acts of violence precisely because the children's immaturity facilitates their compliance in sexual activity. Parliament has seen fit to legislate to protect children from the sexual predaciousness of adults and to protect male children specifically from the sexual predaciousness of male adults. The fact that a differential age of consent applies to heterosexual and homosexual activity does not remove the need to include existing sexual offences within the ambit of the bill.

The Hon. Elisabeth Kirkby also canvassed in the debate the possibility of amending the definition of mental illness to include personality disorders. The
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Government is aware of the need to re-examine the issue of mental illness and has requested the Minister for Health to pursue that matter. Honourable members will be aware, however, that the legislation relating to mental health was settled as recently as 1990 and any revision would entail a significant amount of debate within the psychiatric community and would therefore take a considerable time to resolve. While that revision may in the long term provide a solution to cases of the type within the contemplation of this bill, it is not capable of resolving the immediate dilemma.

The amendments foreshadowed by the Hon. J. W. Shaw would result in a hybrid of nonsense, which at least the Hon. I. M. Macdonald was honest enough to acknowledge in his contribution to the debate. The result of the foreshadowed amendments being made would be to emasculate the bill to the point where nothing at all can be achieved. One is therefore forced to the conclusion that this is yet another cynical attempt on the part of the Opposition not to be seen to be dismissing out of hand the potential danger to the community posed by one specific individual. The result is to create a piece of legislation which purports to allow for the detention of an individual while in reality it is incapable of achieving that objective. I therefore commend this bill to the House.

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

The House divided.

Ayes, 21

Mrs Chadwick	Mrs Nile
Mr Coleman	Rev. Nile
Mrs Evans	Dr Pezzutti
Mrs Forsythe	Mr Pickering
Miss Gardiner	Mr Ryan
Mr Gay	Mr Samios
Dr Goldsmith	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	*Tellers*,
Mr Moppett	Mr Bull
Mr Mutch	Mrs Sham-Ho

Noes, 20

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

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

In Committee

Parts 1 and 2

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [5.33]: I move:

No. 1 Page 2, clause 3, lines 8-15. Omit all words on those lines, insert instead:

Objects and Application of Act

3. (1) The object of this Act is to protect the community by providing for the preventive detention (by order of the Supreme Court made on the application of the Attorney General) of Gregory Wayne Kable.

(2) In the construction of this Act, the need to protect the community is to be given paramount consideration.

(3) This Act authorises the making of a detention order against Gregory Wayne Kable and does not authorise the making of a detention order against any other person.

(4) For the purposes of this section, Gregory Wayne Kable is the person of that name who was convicted in New South Wales on 1 August 1990 of the manslaughter of his wife, Hilary Kable.

I indicated in my reply to the second reading debate that the Government has considered the position adopted by the Opposition and the crossbenchers. It was clear that they were not prepared to support a generic bill, but were supportive of a specific Kable bill. The same position was indicated to me as a result of discussions taken with Independent members in another place. Today I have introduced into the Parliament legislation to amend the Crimes Act to broaden the powers of the Government to deal with people who make threats of the nature involved in this case. Although I am concerned about the problems in the future of people like Kable, I intend that the amendment be passed. I hope we do not come across any further Kables and it will not be necessary to introduce more specific legislation.

The Hon. J. W. SHAW [5.34]: This Government amendment reflects the substance of an Opposition amendment I circulated, in that it restricted the scope and effect of the legislation. We do not oppose the amendment, but we do not resile in any way from our opposition to the bill. This was

indicated in our vote on the second reading. The Attorney General has indicated that he is strengthening the provisions of the Crimes Act. However, we should be concentrating on substantive provisions in criminal law and strengthening them where necessary to deal with people who infringe criminal law, rather than moving in radical tangents as with the bill before the Chamber. We will not oppose the amendment.

The Hon. ELISABETH KIRKBY [5.35]: The Australian Democrats also support this amendment. I have had discussions with the Attorney General about the concerns I had about the legislation as originally written. I support the remarks of the Hon. J. W. Shaw. Even with this amendment, some very serious matters must be taken into consideration about the legislation as a whole. We shall deal with those matters later. This amendment alleviates many of the fears that have been brought to my attention by every legal authority in this State.

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Reverend the Hon. F. J. NILE [5.40]: The Call to Australia group supports the amendment moved by the Government. This will only improve the bill and make it work more effectively. It will assist the defendant in providing all available material before a final decision is made. We support the amendment.

Amendment agreed to.

The CHAIRMAN: Does the Hon. J. W. Shaw still wish to pursue ALP amendment No. 1?

The Hon. J. W. SHAW [5.40]: I will not proceed with amendment No. 1. By leave, I move the following amendments in globo:

No. 2. Page 2, clause 4, lines 20 and 21. Omit all words on those lines.

No. 4. Page 4, clause 8, lines 29-31. Omit all words on those lines, insert instead:

Director of Public Prosecutions to make certain applications

8. Only the Director of Public Prosecutions may make an application referred to in section 5, 6 or 7.

No. 5. Page 5, clause 13, line 16. Omit "Attorney General", insert instead "Director of Public Prosecutions".

No. 7. Page 5, clause 15, line 33. Omit "Attorney General's", insert instead "Director of Public Prosecutions".

No. 10. Page 7, clause 21, line 28. Omit "Attorney General", insert instead "Director of Public Prosecutions".

No. 11. Page 7, clause 21, line 33. Omit "Attorney General", insert instead "Director of Public Prosecutions".

Essentially the Opposition seeks through the amendments to ensure that the Director of Public Prosecutions initiates the proceedings under this Act, as distinct from the Attorney General, and seeks to depoliticise the process. It has in mind that on any view this is controversial and novel legislation. The consequences of the proceedings are very much penal, very much the same as the consequences of a criminal proceeding. The Parliament decided some years ago that criminal prosecutions ought to be initiated not by the Attorney General, not by a member of the government of the day but by an independent statutory officer, the DPP. It would be an important and significant protection of the rights of

citizens under the Act if that power were reposed in the statutory officer, the DPP. It would sever the process from politics and ensure that an independent, non-political judgment is brought to bear on the matter. I am sure the Attorney General would not suggest that the DPP would do other than turn an objective and reasonable mind to the question of whether he or she should or should not initiate proceedings under the Act. This is a reasonable and sensible amendment. Obviously, if circumstances call for an application to the court, the DPP would make such an application, but if the application were devoid of substance or merit, the DPP would decline to initiate the process.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [5.44]: The Government does not accept the amendment. It has taken the view that the Attorney General should make the application because the Government does not see these proceedings as being in the form of criminal proceedings and that manifests the approach taken by the Opposition and the Government in relation to the proceedings. The Government takes the view that the proceedings to be pursued should be a burden of proof on the balance of probabilities, the civil standard of proof, whereas the Opposition and members on the crossbenches are taking the approach that the burden of proof should be beyond reasonable doubt.

If the burden of proof is one beyond reasonable doubt, no doubt that is support for the proceedings to be pursued by the Director of Public Prosecutions. However, if the matters are to be seen as a form of civil proceedings, the appropriate person to authorise the civil proceedings is the Attorney General. Also, the charter of the Director of Public Prosecutions is to deal directly with criminal matters. Therefore, to support the DPP in relation to all these matters is to give the imprimatur to these proceedings as criminal proceedings. In my contribution to the debate I saw in these matters three levels of proceedings.

If these were to be mental health proceedings, obviously three doctors would be certifying that a person should be detained. That person would be automatically detained and would have a right of review of his position by a tribunal. However, if criminal proceedings were successfully pursued, obviously the matters would be taken before the courts by the Director of Public Prosecutions and a jury or the judge would form a view beyond reasonable doubt that the offence had been committed and that the person should be incarcerated in prison.

These proceedings were pursued by me on a standard of civil proof because I took the view that we would be looking at a mechanism by which we could break the cycle of intimidation or threat. Whilst I indicated the legislation required a decision to be made by the Supreme Court about the incarceration of a person in prison, unfortunately as the Prisons Act stands at the present time a prison hospital is in fact a prison and the judge has a discretion to direct where the person shall be incarcerated. No doubt one would expect that would be in a prison hospital or some other appropriate centre as determined by the judge. Therefore, I maintain the view that it is desirable for the Attorney General to take the proceedings. However, as I clearly indicated, it is a matter of the philosophical direction to be taken on this matter and the philosophical differences between the Opposition and the Government on this particular issue are quite manifest.

The Hon. ELISABETH KIRKBY [5.47]: I find the argument of the Attorney General a little difficult to follow. Yesterday I did not mention anyone's name but the person to whom this piece of legislation is directed has been mentioned in this Parliament. I

have not seen the letters that have caused the Attorney so much concern and shown the necessity for him to introduce this legislation in the first place. However, I am given to understand that they are very frightening letters which threaten to carry out a criminal act. They are not letters that suggest anything else. If they were merely vague threats or intimidatory letters perhaps there would be some argument to support what the Attorney has said.

However, if those letters are as they have been described to me, there is almost certainly no doubt they are threats of a person who intends to carry out a criminal act. Therefore, I do not understand why

the Director of Public Prosecutions should not have jurisdiction in this matter. If the act described in the letters were carried out, almost certainly the person concerned would then be charged with criminal offences. Of course, the tragedy would not have been avoided but the person would be charged with criminal offences. The amendments moved by the Opposition are entirely reasonable. Also, I suggest to the Attorney General that if the Government's legislation is passed this individual will have to be detained in a maximum security gaol for the very reason that at the moment there is nowhere else to put that person.

New South Wales does not have an institution similar to Broadmoor in the United Kingdom. Broadmoor is the holding prison for forensic prisoners; those whose crimes are so horrific that they are not even put into the maximum security section of the main gaol. We do not have such a facility. There is a forensic unit at Long Bay gaol. It was built as a maximum security unit when it was found that the maximum security ward at Morisset Hospital was not sufficiently secure. From time to time inmates escape from the facility at Morisset, which causes alarm and concern to those in the surrounding community, to the police, to the government of the day and to the Department of Health. My understanding is that there are so few prisoners of this type that the majority of prisoners currently held in the unit at Long Bay are there for their own protection. The unit is not being used for the purpose for which it was built.

However, regardless of what happens to this legislation, the individual concerned will have to be kept in a maximum security prison. The Government has no other place in which to put him. If we are holding people in a maximum security prison it is assumed by all reasonable people that they are being kept there because of a criminal offence; it is not assumed that they are in protective custody. I do not agree with the Attorney General's argument that the Director of Public Prosecutions is not a suitable person to activate the legislation. For those reasons and the reasons that I gave last night during the second reading debate, I support the amendments moved by the Hon. J. W. Shaw on behalf of the Opposition.

The Hon. I. M. MACDONALD [5.52]: I support the amendments moved by the Hon. J. W. Shaw. One of the problems with the bill is that it endeavours to turn what are essentially criminal proceedings into civil proceedings. I believe that is a dishonest part of this bill. The Attorney General is asking us to accept that proceedings to ascertain whether a person may commit a violent act are civil proceedings, not criminal proceedings. The Attorney General is asking us to accept an extraordinary legal jump. The various acts to which this bill may apply when utilised against Mr Kable are not civil matters; they are guesswork by a legal process as to whether he will commit violent acts upon his release.

This bill is not about civil proceedings. The bill will gaol people for up to two years for threats or the potential for violence. That does not form the basis of civil proceedings; criminal proceedings are right at the heart of this bill. The Attorney General's concern about how civil proceedings are initiated by himself or others, and not by the Director of Public Prosecutions, is built on that false premise. The only premise upon which this bill can be based is as an adoption of a course to prevent people being violent to someone else. That is a criminal proceeding.

[*Interruption*]

The Hon. J. F. Ryan has said, "But think about the person out there". That is why we oppose the way in which the Government is addressing this bill. It is a question of natural justice and rights, not votes or images. If the Government is going to put people in gaol potentially for recurring two-year periods, in my humble view it has to approach this issue as a criminal matter. If the Government is going to approach this issue as a criminal matter, it has to approach it on the basis that -

[*Interruption*]

The CHAIRMAN: Order! The Hon. J. F. Ryan can make his contribution in the usual way if he

wishes. I ask the Hon. I. M. Macdonald to address the clause that the Committee is discussing.

The Hon. I. M. MACDONALD: I thought I was addressing the very heart of the matter; that is, that these are civil matters, which are not dealt with by the Director of Public Prosecutions. That is why the Attorney General wants to initiate the proceedings and not have the Director of Public Prosecutions do so. I was trying to show that if one takes out proceedings against an individual with respect to the potential to act violently against another person, and that involves a two-year gaol sentence - possibly recurring - that is a criminal proceeding, not a civil proceeding. If honourable members accept my view that it is a criminal proceeding, regardless of the dressing the Attorney General has put on it, it should be proceeded with according to criminal standards of proof and therefore initiated by the Director of Public Prosecutions.

It is also my view that to leave these types of matters to an attorney general, who is subject to every whim of the electoral wind, is an untenable position. This Attorney General has stressed the independent role of the judiciary in the processes that lead to the
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laying of charges, both criminal and civil. The Attorney General is being put back in the centre of the political arena in relation to whether proceedings are initiated. The Attorney General has a great deal to worry about in the political process. This is a retrograde step. It runs against the whole tenet of the efforts of this Attorney General and the endeavours of the previous Attorney General in this area. They endeavoured to depoliticise the role of the Attorney General as much as possible and to hand to the Director of Public Prosecutions as much of the role of initiating proceedings in the criminal area as possible. My argument is that these are criminal proceedings. There is no way known that one can escape it, even though there is no crime committed - it is all on supposition. The Attorney General, who is subject to political influence, should not be the person to initiate these proceedings; the Director of Public Prosecutions should do so.

Reverend the Hon. F. J. NILE [6.00]: Call to Australia supports the intent of the amendment, to take the whole question out of the political arena by transferring responsibility from the Attorney General to the Director of Public Prosecutions. Our concerns were touched on by the Attorney General in speaking in opposition to the amendment. We would appreciate the Attorney General answering these questions: are there any problems in the Director of Public Prosecutions making certain applications - in other words, in passing the matter to the Director of Public Prosecutions? How does the Director of Public Prosecutions learn that he has to act in a matter? Is it brought to his attention by the Attorney General? Is it brought to his attention by the prison authorities or by the persons who have received threats?

We also have a query related to amendment No. 8 in relation to the standard of proof being the criminal standard and not the civil standard, from the balance of probabilities to beyond reasonable doubt. By implication, this amendment would lead us to support amendment No. 8. This raises the question: if we have to have evidence to satisfy the standard of beyond reasonable doubt, would the Director of Public Prosecutions feel that there was sufficient evidence to warrant the proceedings? The reason for the Government proposing the original bill was concern that there was not sufficient evidence capable of satisfying that test.

The persons who make the threats may be very clever. Even though normal people could see the threat, it could be worded in such a way as to evade criminal penalties. The evidence could be verbal or not available. Documents or letters could have been destroyed and might not be available to the Supreme Court. If we accept this amendment and then accept the later amendment, No. 8, would we make it virtually impossible to detain Gregory Wayne Kable? In other words, would we create a loophole or a hole in the net through which he could slip, which would make the whole of this exercise futile? If the criminal standard of proof has to be satisfied, would there be sufficient evidence for it to be effective in the Kable case? I am not aware of that because I do not have the evidence before me.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the

Executive Council) [6.02]: It might be more appropriate if I deal with amendment No. 8 at the time it is before the Committee, otherwise it could cause confusion. The honourable member asked whether there are any problems in the Director of Public Prosecutions dealing with these proceedings. If the Parliament passes the amendment, it would not matter whether the proceedings involved a criminal standard of proof or a civil standard of proof. There is no reason why the DPP could not deal with the proceedings if the Parliament passed legislation requiring the DPP to take the proceedings.

There is no difficulty in the DPP taking the proceedings. That is irrelevant to what happens as to the standard of proof down the track. I think we should deal with the standard of proof down the track after we deal with this round of amendments. Another question was: how does the DPP learn of the problems in order to be able to act? He will be able to learn from any number of sources. This addresses the third question about whether matters are brought to the attention of the DPP by the Attorney General, prison authorities or the persons the subject of the threats. The DPP will be able to learn of these matters from any range of sources with a view to instituting proceedings - from the police, the Attorney General, prison authorities, persons the subject of the threats or the families of those people. They could even come from a court.

An example that would be familiar to all people is the Andrea Patrick matter. The deceased had approached the court seeking an apprehended violence order. She basically pleaded with the court to lock the person up because of her concern that she would be killed. The magistrate said, "I do not have the power to make such an order. The only power I have at this time is to make an apprehended violence order". If such a situation were to arise in the future, a court, if satisfied that the matter was so serious, could make an apprehended violence order but could also refer the matter to the DPP for proceedings. I do not say that the DPP does not have the power to deal with such matters. I took a philosophical view that it was more appropriate for the matter to be dealt with by the Attorney General.

The Hon. ELISABETH KIRKBY [6.05]: In view of what the Attorney General has just said, I refer him to the remarks I made last night on the preventive detention option that was adopted by the Victorian Government in 1993, under which courts have the power on their own initiative or on the application of the Director of Public Prosecutions to sentence a person. All the answers the Attorney General has just given to Reverend the Hon. F. J. Nile in response to his questions would equally apply if the Government agreed to the Opposition's amendment. The DPP could do all the things that the Attorney General suggested to Reverend the Hon. F. J. Nile. The matter need not be dealt with by the politically appointed Attorney General; all the things just mentioned could equally be done by the DPP.
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Why is the Attorney General so against the amendment? It would cover the situations explained to Reverend the Hon. F. J. Nile and it would meet the needs of the amendment before the Chair.

Amendments agreed to.

The Hon. J. W. SHAW [6.08]: I move:

No. 3 Page 3, clause 5, lines 18 and 19. Omit all words on those lines, insert instead:

(2) The maximum period to be specified in an order under this section is 6 months.

The argument for the amendment is simple. It depends upon whether one views this legislation as a radical departure from the normal criminal justice process or whether one regards it, as apparently the Government does, as just a normal part of the evolution of the law. If the Committee of the Whole accepts the Opposition's argument that this is quite a novel and, in some respects, dangerous piece of legislation, there ought to be very significant checks and balances. One of the safeguards that the Opposition suggests is that there be a maximum period of detention of six months. If the court thinks a lesser period than six months is appropriate, the court ought to have the discretion to incarcerate a person for that lesser period.

There are two aspects of the amendment: first, it places a ceiling on the period of detention of six months compared with two years in the Government bill; second, it gives the courts the discretion to say, "In this case we think a period of detention of one month or two months is appropriate", whereas the original wording would create a mandatory minimum period of six months. So the amendment has the virtue of flexibility and it also has the virtue of moderation. It limits the effect of what is a drastic measure. The Opposition believes it is appropriate to restrict the period of detention to six months. During the six-month period the Director of Public Prosecutions may take the view that a subsequent additional application ought to be made and may then return to the court to seek another period of preventive detention. The six-month period will not be followed by a vacuum. The opportunity will be available to apply to the court to deal with the matter within the six-month period or at its expiration. The Opposition believes this moderate and sensible amendment properly qualifies the provisions of the bill.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [6.10]: I welcome the latter comments of the Hon. J. W. Shaw in which he indicated that it would be open to the Director of Public Prosecutions to make another application. I make specific reference to that because that obviously means that amendment No. 14 foreshadowed by the Opposition will not be pursued. If amendment No. 14 were carried, the Act would expire after a period of nine months. I am happy to accept that the court should make an order for detention for a maximum of six months and require the Director of Public Prosecutions to continue to seek to renew the order. However, I give a clear indication to the House that I cannot accept amendment No. 14 because it means that the maximum period Mr Kable could be kept in prison would be nine months.

As I have indicated, the object of the legislation is to break the cycle of intimidation. I would be more delighted than anyone if an application were made by the Director of Public Prosecutions to allow Mr Kable to attempt to convince the court that the cycle of intimidation had been broken and that he would not pursue the threats that all the currently available information suggests he has made. All honourable members would be pleased if the cycle of intimidation in these cases could be broken, but we must make certain that the court has the power to be satisfied of that. Obviously, the bill provides that the respondent can return to the court at any time to seek to have an order reviewed. If the court is satisfied that the cycle is broken, everyone will be happy. To limit the total life of the legislation, as amendment No. 14 seeks to do, will not achieve the objective of the bill. However, I accept amendment No. 3.

Amendment agreed to.

The Hon. J. W. SHAW [6.13]: By leave, I move the following amendments in globo:

No. 6 Page 5, clause 14, lines 27-30. Omit all words on those lines, insert instead:

> 14. Proceedings under this Act are, to the extent to which this Act does not provide for their conduct, to be conducted in accordance with the law (including the rules of evidence) relating to criminal proceedings.

No. 8 Page 5, clause 15, lines 33 and 34. Omit "on the balance of probabilities", insert instead "beyond reasonable doubt".

The effect of the amendments will be to render the proceedings criminal in nature and to impose the criminal onus of proof - that is to say, the Director of Public Prosecutions will have to prove the case beyond reasonable doubt. In its current form the bill requires only the civil onus of proof, that is, proof on the balance of probabilities, to be applied in the proceedings in the Supreme Court. The argument in favour of the amendments falls back on the Opposition's fundamental view that these proceedings are designed to lead to incarceration and, in effect, punishment. It may be regarded as preventive punishment, but much of the punishment in the criminal justice system stems, in a sense, from a desire to

protect the community rather than from ideas of retribution.

The argument is that the prosecution ought to be able to prove on the criminal onus of proof the likelihood that serious acts of violence will be committed. That is not impossible; what is likely to occur in the future can be proved beyond reasonable doubt. The criminal onus of proof does not mean that the court has to be persuaded under this legislative scheme that something will undoubtedly occur in the future. The bill sets up a test of likelihood, and it is open and possible for the Director of Public Prosecutions to prove beyond reasonable doubt that

something is likely to happen. The Opposition believes that this is another reasonable safeguard, given the inherently punitive nature of the bill, and that the Committee ought to insert the provisions in the bill.

The Hon. ELISABETH KIRKBY [6.15]: The Australian Democrats support the amendments moved by the Opposition. It should be remembered - and again I refer to what I said in my contribution to the second reading debate - that the person whom the Attorney General has framed this legislation around could be charged under section 31 or section 33B of the Crimes Act with threatening to kill or injure. Under the Crimes Act these offences carry penalties of 10 years and 12 years respectively. They are far heavier sentences than the sentence originally imposed on Mr Kable for killing his wife, for which he received a sentence of only four years. That is in the past and cannot be changed now. If these threats continue, it is possible that he could be charged under the Crimes Act with simply making threats. If the threats constitute criminal offences and charges are laid under the Crimes Act, I do not understand why the criminal onus of proof should not apply. Under our law the threats are criminal acts. Therefore, I believe that the amendments moved by the Hon. J. W. Shaw are worthy of the support of all honourable members.

Reverend the Hon. F. J. NILE [6.16]: As I said earlier, Call to Australia is concerned that despite the good intentions of the Hon. J. W. Shaw, the amendments may lead to people such as Kable - and this legislation is directed at him - slipping through the net. The amendments will widen that net. The onus of proof provided for in the bill - proof on the balance of probabilities - may be necessary to enable the Supreme Court, on the basis of what it has been able to ascertain, to issue an order. Honourable members are aware that sometimes it is difficult to reach the next level of proof: proof beyond reasonable doubt. The Supreme Court may not believe in all honesty that it has reached the level of proof beyond reasonable doubt. It would be a tragedy if all this work has been done and Kable was set free by the Supreme Court.

If the situation is as black and white as the Hon. Elisabeth Kirkby has claimed, Kable would have been charged under the Crimes Act. Obviously it is not so simple or that would have already happened. I have asked the Attorney General that question, and for some reason it is not possible to charge Kable under the Crimes Act. People like Kable may have an innate cunning, in that they may make threats that could not withstand the test of proof beyond reasonable doubt in the Supreme Court. However, everyone who is on the receiving end of the threats knows exactly what is being said, although there may not be sufficient clear-cut evidence to prove an offence beyond reasonable doubt. If the approach contemplated by the amendments were extended to other people in the future, those people may develop ways of making threats not in writing or by telephone, but still communicate the threat in some way or other. That is the concern of the Call to Australia group. At this stage we cannot support the amendments.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [6.19]: Reverend the Hon. F. J. Nile has hit the point. Earlier he asked me whether the Director of Public Prosecutions has an opinion as to whether these proceedings could be maintained if these amendments were carried. I have not consulted with the Director of Public Prosecutions in relation to this matter, for the reason I indicated earlier. I did not think that it was appropriate for the Director of Public Prosecutions to be involved. However, people in the Attorney General's Department - the Crown Advocate, the Director of the Criminal Law Review Division, as well as other appropriate

officers - have been working on this matter with a view to bringing an application before the court at the earliest possible time after the legislation is passed. As honourable members would be aware, time is at a premium in this regard. The clear advice given to me is that, if the proposed amendment were passed, I would not be able to make an application that could succeed. That is the evidence available to me.

The Hon. I. M. Macdonald: The evidence is pretty weak.

The Hon. J. P. HANNAFORD: No, it does not mean that at all. It means that the Opposition should apply a little logic to the amendment. The Opposition requires proof beyond reasonable doubt that a person is likely to commit one of these offences. It is first of all asking the court to make a forward projection whether, on the evidence available, that person is more likely than not to kill or seriously injure. That requires a speculative assessment on the best evidence that is available. To require a speculative assessment beyond reasonable doubt is logically inconsistent.

Reverend the Hon. F. J. Nile: It is impossible.

The Hon. J. P. HANNAFORD: It is impossible and, therefore, I must urge the Committee not to adopt this amendment. In my second reading speech I indicated the view, on the basis of the amendments, that the Labor Party wanted to paint the picture that it supported community protection legislation but had then proposed amendments that would effectively mean that no successful application could be made. The carriage of this amendment would guarantee that no successful application would be made.

The Hon. ELISABETH KIRKBY [6.21]: The Attorney General has underlined and enhanced in his reply the concerns the Australian Democrats have about this legislation. The Attorney General has now admitted what I suggested in my contribution to the second reading debate yesterday: that it is not possible to predict another person's behaviour. Before we decide whether this matter should be dealt with under the Crimes Act as it now stands, the documents should at least be sent to the Director of Public Prosecutions for an opinion, but the Attorney General has admitted that that has not been done.

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The Attorney General wants this legislation drawn so wide that a decision will be made on the balance of probabilities, yet it deals with a serious criminal act. I should like to turn the Attorney General's argument back on him, because I believe he is making the provision too wide. I do not think that is proper, and I do not think it will help. Obviously, this legislation will become a precedent. Though the Committee has now confined it to Kable, there is no doubt that if there is a similar case in the future - and I hope there is not - this legislation will be the precedent. The next piece of legislation will be based on this bill. That is why I believe honourable members should be careful about how they amend the legislation and what they retain. I maintain my support for the Opposition's amendments.

Question - That the amendments be agreed to - put.

The Committee divided.

Ayes, 20

Mrs Arena	Mr Macdonald
Dr Burgmann	Mr Manson
Mr Dyer	Mr Obeid
Mr Egan	Mr O'Grady
Mr Enderbury	Mr Shaw
Mrs Isaksen	Mr Vaughan
Mr Johnson	Mrs Walker

Mr Jones	
Mr Kaldis	*Tellers*,
Miss Kirkby	Ms Burnswoods
Mrs Kite	Mrs Symonds

Noes, 20

Mr Bull	Dr Pezzutti
Mrs Chadwick	Mr Ryan
Mr Coleman	Mr Samios
Mrs Evans	Mrs Sham-Ho
Miss Gardiner	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	Mr Willis
Mr Moppett	
Mr Mutch	*Tellers*,
Mrs Nile	Mrs Forsythe
Rev. Nile	Dr Goldsmith

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

Amendments negatived.

The Hon. J. W. SHAW [6.31]: I move:

No. 9. Page 5, clause 15. After line 34, insert:

(2) The Court must not make a preventive detention order against a person unless it is satisfied that it is more appropriate for such an order to be made than for action to be taken under the Mental Health Act 1990 for the involuntary detention of the person.

This is a moderate amendment which does not in any way affect the essential philosophy of the bill. The Director of Public Prosecutions would appreciate that if he were to go to the Supreme Court and seek an order under this proposed Act, a judge would be very likely to ask, "Looking at the psychiatric evidence, why has action not been taken under the Mental Health Act because of mental illness or mental disorder?". It is something a judge would want explained. This amendment codifies the obvious need to proffer an explanation to the court; it makes it clear. In any appropriate case the Director of Public Prosecutions could readily discharge that obligation. The DPP could say why the Mental Health Act was inappropriate or ineffective in any case.

The Hon. ELISABETH KIRKBY [6.33]: As I said yesterday, I believe that if the Government has been looking at the option of having Mr Kable detained under the Mental Health Act - and the department believes that it was not possible - surely it would have been better to have one of two options: whether to obtain further psychiatric advice for Mr Kable other than the psychiatric advice he has already been given; or it would be possible to amend the Mental Health Act. Possibly there are far more people in the community who may be a danger to others and may make threats against others who are suffering from a mental disorder but who are not "suffering from a mental illness".

This is one of the problems that psychiatrists face. Indeed, it was one of the problems we all faced in this Chamber when we debated the amendments to the Mental Health Act as to the definition of a mental illness and a mental disorder. It would be much simpler for the Attorney to provide amendments to the Mental Health Act after due consideration and consultation, as I said yesterday, with the Royal Australasian College of Psychiatrists and other medical authorities than taking it on the word of a

bureaucrat in the Department of Health. However skilful he may be at administration, he does not have a detailed knowledge of mental disorder or mental illness. Perhaps this is a valuable amendment and would assist the Attorney in further drafting of amendments to the Mental Health Act that would cover cases, if they arose in the future, similar to that of Mr Kable.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [6.34]: The Government opposes this amendment. The wording of the amendment makes it obvious as to why it should. The amendment says that the court must not make one of these orders unless the court is satisfied that it is more appropriate for such an order to be made than for action to be taken under the Mental Health Act. Effectively it directs the Court of Appeal to satisfy itself that it is more appropriate for the Mental Health Act to be applied. That is not a satisfaction that needs to be at any particular level; it is basically giving the court a discretion to decide on the available evidence available whether it is satisfied that it is more appropriate for the matter to be dealt with under the Mental Health Act.

In reality cases will go backwards and forwards. The court will say: no, we think it is appropriate that it should be under the Mental Health Act. One would have to find three doctors who would make the certification that the person is, in terms of the Mental Health Act, delusional or whatever the other tests are in that case. If three doctors cannot be found to make the certification, then one has to go back to the court and try again. In the meantime everybody is at risk. I looked at an amendment not dissimilar to this. When I thought through the implications of it I realised that this is exactly what would happen in difficult cases. It will be shunted off from one court to the mental health authorities and a resolution will not be achieved on difficult matters As I said in relation to the last round of amendments, the Opposition wants to give the appearance of supporting this legislation but is pursuing amendments which would so fetter the court that an order will not be made. The Government opposes the amendment.

The Hon. I. M. MACDONALD [6.37]: The Attorney General has entirely destroyed his own argument. He has already told both this Chamber and the public that he feels that proceedings cannot be initiated under the Mental Health Act. He is obviously privy to some of the material. If he is privy to some of the material and is making those sorts of statements, I wonder what his case against Mr Kable is.

The Hon. Dr B. P. V. Pezzutti: Are you defending Kable?

The Hon. I. M. MACDONALD: I am not defending anyone in particular. This legislation is about one individual; it is not about the general situation that the Attorney General is alluding to in his contribution. It is about one person only. Allegedly the Attorney General has seen all the information. If he has seen all the information and believes that he has exhausted the Mental Health Act as it applies to Kable, he should have no fears. In effect the Supreme Court would then surely - if he is acting with a degree of honesty - come to the same conclusion: that that avenue has been exhausted. His argument is absolutely destroyed by his own statement. This amendment will ensure that the court is satisfied that it is more appropriate to have such an order made under the Mental Health Act. If the Attorney General has that evidence, it should be put before the court so that it can make a decision rapidly.

The Hon. J. F. Ryan: You are saying that the court must do that?

The Hon. I. M. MACDONALD: The court must make a decision on that under this amendment.

The Hon. J. F. Ryan: Not the Director of Public Prosecutions; the court will have to conduct a hearing on that issue?

The Hon. I. M. MACDONALD: Absolutely. The Attorney General says that he has checked that out: his great department may have had a Crown Solicitor and the Department of Health advising whether

the matter can be pursued under the Mental Health Act. Let us put the matter before the court to determine how appropriately this can be handled. In that way the decision will not be made by the Attorney General allegedly following advice from the Attorney General's Department.

The Hon. ELISABETH KIRKBY [6.43]: I cannot accept the Attorney General's argument that if the amendments were passed, the individual would pass between the Mental Health Review Tribunal and the court. He claimed that it would be difficult for three psychiatrists to agree on a matter, but other cases have indicated that it is easy to have psychiatrists agree. This occurred when certain people were called before a select committee of this Parliament, and determinations were made on whether they were too ill to give evidence. It did not take long for that process to take place. This involved a far less serious case than the one involving the legislation. If the letters are as serious and dangerous as the Attorney General has explained - he has convinced his party - psychiatrists will take the same view. We are dealing with a seriously psychotic individual from whom the community must be protected by keeping him in custody. It is not that difficult to obtain psychiatric opinion.

Reverend the Hon. F. J. NILE [6.45]: The Opposition seems to be arguing in circles. The Director of Public Prosecutions would make a decision; it would not be necessary for the court to make a decision on whether the matter should be diverted to another body. All other avenues will be exhausted before it reaches the high level of the Supreme Court; that is the purpose of the legislation. Therefore, we see no reason for the amendments.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [6.46]: Reverend the Hon. F. J. Nile's previous comments were absolutely spot-on. Nevertheless, I welcome the Hon. I. M. Macdonald's comments, which serve to make the point to which I had alluded. One could easily infer that the Labor Party is happy to support the bill, but it is pursuing certain amendments to neuter the legislation.

Amendment negatived.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [6.46], by leave: I move the following amendments in globo:

No. 2 Page 6, clause 17, lines 12-14. Omit all words on those lines, insert instead:

(b) May order the production of documents of the following kind in relation to the defendant:

(i) medical records and reports;

(ii) records and reports of any psychiatric in-patient service or prison;

(iii) reports made to, or by, the Offenders Review Board;

(iv) reports, records or other documents prepared or kept by any police officer;

(v) the transcript of any proceedings before, and any evidence tendered to, the Mental Health Review Tribunal; and

No. 3 Page 6, clause 17. After line 33, insert:

(3) Despite any Act or law to the contrary, the Court must receive in evidence any document or report of a kind referred to in subsection (1), or any copy of any such document or report, that is tendered to it in proceedings under this Act.

Since drafting this bill the Government received advice from the Acting Solicitor General and senior counsel in Victoria and was briefed on the prosecution of the Gary David matter. That advice has highlighted the necessity for an evidentiary provision in the bill which allows the introduction of documents into evidence, despite any Act or law to the contrary. Given the nature of the proceedings under the proposed legislation, many instances may arise of hearsay statements in reports which would not otherwise be admissible. The provision also obviates the need to call every person who has at any stage contributed to the making of a report before the report may be received into evidence. Obviously, the court may attribute less weight to a report which infringes the rule against hearsay than it would attribute to a report which was strictly provided. Nonetheless, the Government regards it as desirable to have available such a mechanism so that all relevant information is before the court.

The Hon. J. W. SHAW [6.47]: The Opposition will not oppose the amendments.

Amendments agreed to.

The Hon. J. W. SHAW [6.48]: I move:

No. 12 Page 9, clause 24. Omit all words on lines 20-22, insert instead:

Proceedings assigned to Court of Appeal

24. Proceedings in the Court under this Act are assigned to the Court of Appeal.

I foreshadow that we would consequentially vote against clause 25 if this amendment were to be carried by the Committee. This is an unusual piece of legislation. It would be an additional and appropriate safeguard if the matter were heard by not a single judge, but a Court of Appeal of three judges. We all have respect for members of the court, and we are not critical of them. However, they can make mistakes. Although there is provision for an appeal against a decision of a single judge, there is no stay of the detention period while the appeal is occurring. The minds of three judges would be more appropriately turned to applications under this bill, as distinct from a proceeding before a single judge.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [6.49]: The effect of the amendment, and the proposed deletion of clause 25, will take these matters directly into the Court of Appeal. Once that decision is made, no further right of appeal will be available.

The Hon. Elisabeth Kirkby: Except to the High Court.

The Hon. J. P. HANNAFORD: That circumstance would have to be by leave of the High Court. The court makes it very clear that it is not prepared to entertain appeals based on issues of merit. The vast majority of the decisions relating to this legislation when before a Court of Appeal would be on merit. The High Court would be prepared to look at matters only if they were unique, novel or fundamental issues of law. This amendment would deplete, not enhance, Mr Kable's rights. The Act now requires the Director of Public Prosecutions to prove his case to a single judge, and all the evidence is presented to the single judge. Under the Government's proposal, if an order is eventually made, at least the Court of Appeal has an opportunity to review the matter. One might well expect that such an appeal might be forthcoming, because in the legislation I have provided an automatic right to legal aid.

I have made it clear that a single judge will hear all of the evidence and make a determination. It may be in favour of Mr Kable - it may not. However, at least the Court of Appeal continues to exercise its usual role, namely, to review decisions. The Hon. J. W. Shaw is asking the Court of Appeal, through this amendment, to act in a novel way. It is one thing to call this piece of legislation novel - I accept that - but it is most novel to make the Court of Appeal exercise primary jurisdiction.

As the Opposition is well aware, extensive submissions have been made on this issue. Honourable members would be aware that I am considering the issue of taking away from the Court of Appeal the jurisdiction to deal with contemporary matters because the Court of Appeal has indicated that it does not believe it is appropriate for it to be exercising that jurisdiction. This amendment imposes on the Court of Appeal precisely what the Court of Appeal does not want, that is, depleting the rights of Mr Kable in this matter. If the Committee takes the view that the Court of Appeal should exercise that discretion, the Court of Appeal obviously will exercise it. I ask the Opposition to consider that it is one thing to have a single judge of the court listening to the evidence in what could be a prolonged case, and then making a decision, and for the Court of Appeal with three judges to review the evidence as to the merits and the law. It could take a considerable time if three Court of Appeal judges are required to hear such cases. That is not the most appropriate use of the court's resources.

As the Opposition views these as criminal proceedings, I urge the Opposition to treat it as a traditional criminal proceeding, that is, to have one judge deal with the matter and leave section 25 for the Court of Appeal to review. Confusion exists within the minds of Opposition members on this matter. They are advocating that the matter should be dealt with as a criminal matter but that the Court of Appeal, not the Court of Criminal Appeal, should hear the appeal. That only serves to emphasise the fuzziness of the Opposition's thinking in relation to this matter because the Court of Appeal deals with civil matters while the Court of Criminal Appeal deals with criminal matters. I urge the Australian Democrats and the Call to Australia group to support the Government in opposing this amendment.

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The Hon. ELISABETH KIRKBY [6.52]: The Attorney General has just given a pedantic excuse because he is well aware that it would only require minor further amendment to insert the words "Court of Criminal Appeal" instead of "Court of Appeal". That is not a complicated process. I take the Attorney's point that the only avenue of appeal left to Mr Kable would be to the High Court. I have no doubt that because of the draconian nature of this legislation and because, as I pointed out yesterday, it is against the covenant of civil and political rights and the first option protocol, the High Court would be delighted to take an appeal on this matter because it has the jurisdiction to do that. Indeed, if the Federal Government enacts the international covenant of civil and political rights as municipal law, this bill will offend against the Federal statute. That would mean a section 109 constitutional conflict. The High Court would not be at all averse to this avenue, particularly under current circumstances.

Within the past 24 hours we have had a case where the Federal Minister for the Environment intervened in relation to a matter in Queensland by using his constitutional power to intervene in a State affair. I do not believe that in itself is any barrier. Also, because this bill canvasses such a totally new approach to the way people are going to be treated if in future they are in a similar position to that of Mr Kable, it would be proper for there to be three judges, not one, hearing the matter, because there could be a difference of opinion. If the matter was heard by the court and Mr Kable or any other person who might be detained under similar legislation had a right of appeal to the Court of Appeal - they are only permitted to find on facts of law - how could that work if the criminal onus of proof were abandoned in favour of proof on the balance of probabilities. What will then be the law on which the actions of the original court will be judged when the original determination was handed down?

I am not convinced by the Attorney's argument and I will support the amendment moved by the Opposition. The Australian Democrats are not attempting to neuter this bill. We are attempting to put on the public record the concerns of legal authorities in this State - except the Attorney General's Department - that are totally opposed to the legislation. The minor amendments made to the bill will not lessen that opposition because this legislation has aroused continuing concern. I have received representations by judges on this matter. If the matter is heard by a single judge, and it is one of those judges who has expressed concern about the bill, he or she may very well not issue the order that the Minister wants, that is, to detain Mr Kable further because of the statements and threats that Mr Kable

has made.

Reverend the Hon. F. J. NILE [6.56]: The Call to Australia group cannot support the amendment because of the arguments put forward by the Attorney General that there should be some basis for an appeal against the decision of a single Supreme Court judge. The appeal will be heard not in the Local Court, or the District Court, but in the highest court in the State. I do not believe there is justification for tying up three Court of Appeal judges on a matter such as this. It would be a wrongful use of the priorities of the Supreme Court and it would cause considerable anguish within the community if more serious matters, such as murder, were delayed because of a lengthy case involving three Court of Appeal judges. The Court of Appeal only has to review this evidence. However, in this instance the court becomes the primary court and all the evidence must be heard. That could entail an extended period and would be a wrongful use of the Court of Appeal.

Amendment negatived.

The Hon. J. W. SHAW [7.00]: I move:

No. 13 Page 10, clause 29, lines 18-20. Omit all words on those lines, insert instead:

Application of Bail Act 1978

29. The Bail Act 1978 applies to and in respect of a person who is a defendant in proceedings under this Act in the same way as it applies to a person against whom proceedings for an offence referred to in section 8A of that Act are being taken.

There is no good reason why a person should not have the right to apply for bail when that person is the subject of proceedings under this bill, when it becomes law. The Bail Act is carefully crafted to protect the community. A person who is a danger to the community will be denied bail, but at least a court will be able to hear and consider that matter. It is a draconian provision to deny a person the right to apply for bail.

It is one thing, for example, to reverse the presumption of bail, and it may be that in certain circumstances there ought to be a presumption against bail, for example, if a person is charged with threats of violence to members of the community, but it is another thing to deny absolutely and completely the right of a person to ask a court to grant him or her bail. Those rights ought to be preserved and honourable members ought to support this amendment to ameliorate the otherwise drastic effects of this law. Let the courts determine who should be granted bail. The Parliament should not exclude the Bail Act in its entirety from provisions of a penal nature under this legislation.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [7.01]: The Government does not believe that the Bail Act is appropriate. An arrest warrant can be issued under clause 6, but it can only be issued by a Supreme Court judge and it can only be issued if the judge is satisfied on the basis of the information given to the court in connection with the application that there are reasonable grounds on which a preventive detention order may be made. A case has to be made out before an arrest warrant will be granted.

After an arrest warrant is issued the person can be held only for a maximum of 72 hours, after which time one has to get an interim detention order or one

gets no order at all. The structure of the Act allows for the making of a bail application. No person can be detained unless there is an interim order of the court which, for the purposes of a Bail Act type application, is the bail arrangements. The insertion of this clause would confuse totally the role of the court in making either the arrest order or the interim detention order. It is not an appropriate provision to be added to the Act.

The Hon. J. W. SHAW [7.02]: The problem with what the Attorney General has said is that these various orders can be made by the court without hearing the defendant. The court may issue a warrant for the arrest of a person and initiate the proceedings under clause 6 of the bill without hearing from the defendant. It is clear that under subclause (5) of clause 7 an interim detention order may be made, and its period extended, in the absence of the defendant. What about natural justice? The Bail Act would inject an element of natural justice and would give the defendant the right to be heard as to whether he or she should be granted bail.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [7.03]: The interim detention order may be made, and the honourable member is correct in saying that its period may be extended, in the absence of the defendant. However, the interim detention order would only be made in the absence of a defendant if the defendant was not available, that is, if the defendant had absconded. The honourable member would acknowledge that the principles of natural justice apply to these matters. There is no doubt that where the person is in detention the court would not make such an order unless the person was brought before the court. The purpose of subclause (5) is to make it clear that an interim detention order can be continued if a person has absconded, so that that person can be brought back into detention.

The Hon. ELISABETH KIRKBY [7.04]: I would like some further clarification from the Attorney General. Nearly an hour ago we decided that this bill was to apply only to Mr Kable, who is currently in detention. How can we suggest, if this bill is passed, that he will be released when his release date comes up? Therefore, how is he going to abscond, unless he manages to break out of Parramatta Gaol? It is not going to apply to anybody else. I do not find the explanation of the Attorney General very convincing.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [7.05]: I think the honourable member has answered the question. The provision has been included to cover such a happening. We hope that it will not occur, but it has been included for greater precaution.

The Hon. I. M. MACDONALD [7.05]: The Attorney General continues to forget that there is no crime in this instance. The person to whom this bill applies is serving a sentence for events that occurred in 1989. People who are charged with murder have the right to seek bail. In most instances they are not granted bail. In this circumstance there is no crime, because the Attorney General thinks that the evidence is not sufficient to take action under other sections of the Crimes Act or the Mental Health Act. This person has not committed a crime, yet he will have fewer rights than if he had been charged with murder, a physical event. There is no example of an incident to which the Minister can logically refer. In our view Mr Kable has the right, under natural justice and civil rights, to apply for bail. It is in no way equivalent to or worse than a person who has committed a crime, because in this instance there is no crime.

Reverend the Hon. F. J. NILE [7.06]: This legislation has become very complicated, when one considers some of the amendments. It seems to be contradictory to have legislation to provide community protection by the detention of a person to prevent that person from carrying out threats against other people and then to be discussing giving that person the opportunity to obtain bail. The whole question is ridiculous and therefore Call to Australia cannot support it.

Question - That the amendment be agreed to - put.

The Committee divided.

Ayes, 19

Mrs Arena	Miss Kirkby
Dr Burgmann	Mrs Kite
Ms Burnswoods	Mr Macdonald
Mr Dyer	Mr Manson
Mr Egan	Mr Shaw
Mr Enderbury	Mrs Symonds
Mrs Isaksen	Mr Vaughan
Mr Johnson	*Tellers*,
Mr Jones	Mr Obeid
Mr Kaldis	Mr O'Grady

Noes, 19

Mr Bull	Rev. Nile
Mrs Chadwick	Dr Pezzutti
Mrs Evans	Mr Ryan
Mrs Forsythe	Mr Samios
Miss Gardiner	Mrs Sham-Ho
Dr Goldsmith	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	*Tellers*,
Mr Moppett	Mr Coleman
Mrs Nile	Mr Mutch

Pair

Mrs Walker	Mr Pickering

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

Amendment negatived.

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The Hon. J. W. SHAW [7.14]: I move:

No. 14 Page 10. After line 26, insert:

Expiry of Act

31. This Act expires on the date occurring 9 months after the date of assent.

I accept the Attorney General's point that, in effect, this would create a maximum period of detention for the individual affected by the legislation, unless or until the Parliament passed other legislation. The purpose of this sunset clause is to focus the attention of the Parliament next year on the need to consider this whole area in a sensible and quieter atmosphere and to indicate that it ought to come up with a more acceptable, bipartisan formulation on this issue. I think it would be appropriate to refer the matter to the Law Reform Commission. It should examine how other jurisdictions deal with such problems. It would truncate any period of detention the court might think appropriate for the particular individual. It would also impel us to consider this matter carefully and properly in 1995.

The Hon. ELISABETH KIRKBY [7.16]: Through you, Mr Chairman, I ask the Attorney General a number of questions. We have limited the detention of Mr Kable to six months. On what evidence or

material does the Government believe that at the end of that six months he will be less likely to make the types of threats he is making at the moment, which are putting the lives of his children in jeopardy? The only possible reason one could support legislation such as this would be to save the lives of those children. How do we know that he will not be as equally determined to carry out those threats at the end of six months? How are we going to prevent that happening? Will we then have to apply to the court for another order to extend that period? Could this procedure be continued on two, three or even 10 occasions? The bill as originally drafted permitted the incarceration of an individual - before it was tied down to Mr Kable - for life. It had that capability.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [7.17]: It is appropriate for the Hon. Elisabeth Kirkby to ask her questions. The Director of Public Prosecutions will have to make an application at the end of each six-month period if the view is that a detention is to be maintained. I draw the attention of honourable members to paragraph 11 of the bill, which states:

> On or as soon as practicable after making a preventive detention order, the Court must make a further order appointing one or more duly qualified medical practitioners, psychiatrists or psychologists as assessors to observe and report on the detainee during the period for which the order is in force.

Paragraph 12 is also relevant. It states:

> On making a detention order, or at any time while a detention order is in force, the Court may make a further order directing the Commissioner of Corrective Services to make specified medical, psychiatric or psychological treatment available to the detainee.

The bill ensures that the court requires oversight of this person on a continuing basis. An independent assessor will also maintain oversight. The detainee could be very intelligent. Obviously, in the case in question, up until now he has not been proved to be so intelligent because he has made the threats which could be added to all the psychological assessments available. One would assume that during the period of continuing incarceration the incidence of threatening letters could not be maintained. However, that may not be a fair assumption. I have recently seen what might be regarded as an intimidatory letter written only in the last couple of days by Mr Kable to a firm of solicitors.

On the renewed hearing in six months the court would have available not just the evidence that had gone before but also updated evidence from the psychiatrist. As I have indicated, it would be my desire to achieve a situation in which the cycle of intimidation is broken. It may be that the cycle of intimidation is broken with the person, having accepted the incidents that have occurred, submitting to support and counselling. The psychiatrist would report back to the court and either no further application would be made or the court would make a continuing order. At least a mechanism is put in place for the independent oversighting of the cycle of behaviour.

The Hon. ELISABETH KIRKBY [7.20]: I thank the Minister for his answer. Is it not possible that a person who is fully determined to carry out a criminal act could, during six months of detention, appear to be cooperating with therapists, the authorities and the psychiatrists in order to ensure that a further detention order was not taken out, and then on release do exactly what the Minister is hoping passage of the bill will prevent?

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [7.21]: That is an appropriate question. I cannot give a guarantee in that regard. It is quite possible that a person could put up such a front that everybody was convinced that there was no problem, the person would be released and would in fact commit the very offences about which I am concerned. I have met the family and the people who are the subject of the threats and have pointed out that the only way to achieve total elimination of any threat would be the incarceration of that person for the rest of his life, and I am not prepared to do that.

I have made it clear to those people that we want to break the cycle of behaviour - and they clearly accepted that as the most desirable end - and that the Government would seek to deal with the issue in the most appropriate way, which is what I am attempting to do under this bill. I cannot give any guarantee that the person will not walk out of gaol after six months of perfect performance and commit a murder or some other serious assault. I hope that will not occur. The only alternative would be to go back to the provision that I advocated, that of a period of a minimum of six months and a maximum of two years. As indicated, I am prepared to accept the six months renewal period to attempt to achieve the objectives.

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This matter serves only to emphasise the lack of desirability of a sunset clause as proposed. We just cannot provide such a sunset clause in relation to these matters. It must be possible for evidence to be brought before the court so that the court may deal with it most critically. It should be borne in mind that the gentleman concerned was first charged on murder and had that charge reduced to one of manslaughter because he was able to satisfy psychiatrists that he was not in complete control of himself. Highly intelligent people might well be able to delude the experts. One would hope that other behavioural pattern evidence would lead to a different conclusion.

Reverend the Hon. F. J. NILE [7.24]: Acceptance of amendment No. 14, which would provide for the Act to expire nine months after the date of assent, would virtually destroy the legislation. The amendment is inferior to any other sunset clause. It is almost a waste of Parliament's time to debate the amendment. Nine months is nothing in terms of law. Call to Australia could not support the expiration of the Act after nine months.

Amendment negatived.

Parts as amended agreed to.

Bill reported from Committee with amendments.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [7.25]: I move:

That the adoption of the report stand an Order of the Day for next sitting day.

As a consequence of tonight's deliberations there will be further amendments and it will be necessary to recommit the bill tomorrow to tidy up drafting matters.

Motion agreed to.

BILLS RETURNED

The following bills were returned from the Legislative Assembly without amendment:

Greek Orthodox Archdiocese of Australia Consolidated Trust Bill
Sports Legislation (Amendment) Bill

ADJOURNMENT

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the

Executive Council) [7.27]: I move:

That this House do now adjourn.

ELECTRICITY USE

The Hon. P. F. O'GRADY [7.27]: In a disturbing *Four Corners* program on 31 October the Minister for Energy reluctantly confessed that New South Wales was unlikely to meet its greenhouse gas reduction targets. Gavin Gilchrist, the Australian Broadcasting Corporation science reporter, suggested that the main culprit in that failure is electricity production. Half of Australia's major greenhouse gas, carbon dioxide, is produced by coal-fired power stations. Much of the electricity produced by those stations is then dissipated. Electricity is lost in kilometres of wire cable. It is lost by inefficient household products, for example, hot water systems with too little insulation and energy-eating refrigerators. It is lost through the poor use of power in industries.

The Government has exacerbated the problem. The original big spender, Neil Pickard, committed the Government to the far west electrification scheme. The *Sydney Morning Herald* described that scheme as costing $30 million to construct, $400,000 annually to maintain and $53,000 up-front and a $400 annual fee for its 400 customers and costing Australia a golden opportunity to demonstrate its world-renowned solar technology. Mr Pickard banned landowners from using the remote areas power assistance scheme, which provided a subsidy for the more efficient stand-alone power systems. The Government shows every sign of mismanaging the change to a national electricity grid.

The direction of reform is all towards increasing sales of electricity. All units within Pacific Power are engineer driven. The pressure is on to burn and sell rather than to encourage the responsible use of energy. The Federal environment Minister, Senator Faulkner, has warned that electricity pricing needs to be structured in a way that offers the opportunity to incorporate environmental externalities and redress the failure of markets to recognise environmental values. I have received from constituents some examples of how the New South Wales Government is failing to recognise environmental values. Suzanna Clarke and Stewart Fox of Mullumbimby received an electricity bill of $51 this February. Of that $51, $1.30 was for the five kilowatt hours of electricity used. The rest was made up of a special minimum on the tariff and a tariff charge adjustment.

Their next bill showed that they used even less electricity. They used three kilowatt hours of electricity at a cost of 78¢. Their bill, however, still came to $51, as did their next bill. All of their bills consist of a tiny charge for electricity and a whacking great special minimum charge. This charge comes on top of a connection fee and a deposit. What really annoys Suzanna and Stewart is that all of their bills come printed with the words "Use electricity wisely". They approached Northern Rivers Electricity and suggested that they did use electricity wisely but were being punished for that. They were told that the State Government sets the minimum charge. They were told to use more electricity so that it would work out cheaper per unit.

Can you believe that an electricity authority in 1994 is telling people to use more electricity so that it would work out cheaper per unit! This is just another example of the Government actively discouraging

conservation and efficiency, one more example of consumers being punished for being responsible users of resources. And to add insult to injury they are being forced to swallow a useless piece of Government public relations which totally contradicts reality. I wonder what the Government paid to an expensive consultant to come up with "Use Electricity Wisely" on a bill which encourages the exact opposite.

Consumers get to pay and pay under this Government. They pay under a pricing structure which encourages unnecessary use of electricity. They pay for wastage by inefficient electrical goods which the Government will not regulate. They pay for boneheaded programs to extend the grid where it would

be cheaper and cleaner to build stand-alone systems using renewable resources. Then they pay for the construction of new power stations to make up for the electricity which is wasted. The biggest bill is yet to come. Australia and the whole world will eventually have to pay the environmental costs of these short-sighted policies. And the special minimum tariff on the heating bill for global warming will be far worse than the one already being charged to Suzanna and Stewart.

HEPATITIS C

The Hon. ELAINE NILE [7.32]: I received a letter from a lady about a sex guide that *Cleo* magazine claims to be "the only safe sex guide you'll ever need". The letter stated:

> Last night on the news an announcement was made to put "Cleo" with its "Sex Guide" insert into every doctor's surgery in the country. This was to be in conjunction with the Department of Human Services and Health. "Included would be articles on sexually transmitted diseases including Hepatitis C".
>
> I bought the magazine as I am sufferer of hepatitis C and was appalled. Firstly, the information on hepatitis C was inaccurate, potentially causing sufferers such as myself discrimination and distress. The latest information shows that it is a blood borne virus that is very rarely sexually transmitted (only when the person is new infected & is a high viral load or from indulging in sexual practices involving blood). I have heard of many marriages breaking up because of this type of scaremongering & I am sure that you would be concerned about this.
>
> I then looked at the rest of the magazine & was disturbed that material such as this would be left openly in doctors' surgeries for children to pick up. I know that most mothers let their kids read Cleo thinking it to be fairly harmless. (nb There is no warning & the booklet was never sealed).
>
> I certainly hope that these issues can be raised, both in the press and the parliament.

The letter was signed but I shall just refer to the writer as CB. She included copies of pages in the insert and pointed out the fallacies. The booklet stated:

> If police put out an APB on hepatitis, it would read something along the lines of: "Wanted - run away virus, potentially more infectious than AIDS. Has at least five different faces. Can be dangerous. Found in blood, semen, water and food".

CB commented that the problem here for hepatitis C sufferers is that this could imply that hepatitis is caught from food, water and semen. She knows that the guide is referring to other forms of hepatitis but those less informed may not realise that. She personally knows of several long-term marriages that have been broken up by such fears. I ask honourable members to consider this matter. Over the years we have come to trust governments but in this area I do not. The so-called safe sex guide should be withdrawn because it contains inaccurate information implying that hepatitis C results from sexual promiscuity, intravenous drug usage and the sharing of needles, whereas the great majority of cases have resulted from blood from the Red Cross that has contained hepatitis C.

The material in the guide is very explicit; it deals with perversions and deviations that are abnormal, unnatural, unhealthy and immoral. Similar material in the publication by the Teachers Federation "Young, Gay and Proud" caused Labor Government Minister Ron Mulock to have it classified as R-rated to protect children from the contents. The *Cleo* guide is now available in newsagents and doctors' surgeries. Prime Minister Keating and former Premier Greiner asked that the sex diary prepared by the Family Planning Association be removed from schools. The article is sickening. Young people will look at the material and learn things they have never dreamed of or seen. I will not read it because it is sick. The Federal Government has put this article into *Cleo*; the taxpayers are paying for it. What it will do to

the minds of young people is unbelievable. I would ask all members of this Chamber to buy it. I bought a copy of *Cleo* last week, with the article in the back. It can be pulled out.

The Hon. Virginia Chadwick: I do not buy it.

The Hon. ELAINE NILE: I did, to have a look at this article. I would urge the Minister to buy it.

The Hon. Virginia Chadwick: No, I do not want it.

The Hon. ELAINE NILE: Young people will buy it. It is sick. I would like to show the Minister a copy of one page, so I hope she will remain for a moment.

SOUTH SHELLHARBOUR BEACH MARINA PROPOSAL

The Hon. R. S. L. JONES [7.37]: I support the demands of Shellharbour citizens that all financial transaction between Shellharbour Council and Walker Corporation be made public, including the full legal agreement signed on 24 December 1993. The Walker Corporation proposed to build a $28 million mud hole, a 350-berth boat harbour by destroying designated wetland 376 and south Shellharbour beach, digging up an old rubbish dump and destroying by pollution the offshore coral and sponge reefs. It will be financed by privatising 229 hectares of public land, including a 60-hectare golf course built on land

obtained free by council for an open space quarry buffer zone. With 3,200 tiny lots to be obtained from 215 hectares of land, the project is a planner's nightmare of narrow streets devoid of parks, open spaces and community facilities.

On 22 December 1992 council held a secret meeting to appoint the preferred developer from three applicants: Miltonbrook, MBA Limited and Lang Walker. Council officers recommended Miltonbrook followed by MBA, but at the last minute Mayor Glenholmes allowed Lang Walker to make a supplementary submission in which he promised to raise $2 million immediately to commence harbour construction and to bear the costs of all project approvals. Walker was duly appointed. Any explanation of the project finances must begin with an explanation from Mayor Glenholmes of his peculiar behaviour on 22 December 1992. Why did he tell Walker what the other two developers proposed and allow him to make a supplementary submission?

On 19 April 1993 the council's manager, Brian Weir, told the council that whilst the project would raise about $20 million, it could develop 600 lots without touching the wetland, the beach or the golf course. In November 1993 councillors were given a feasibility study prepared by Walker Corporation, accompanied by a laudatory lying report from a company called Marina Consulting Group, appointed by the council with the concurrence of Walker Corporation. They were kept secret until after a secret meeting of the council endorsed them on 29 November 1993.

The only public documents now available, apart from the feasibility study and the MCG report, are public relations propaganda. A statement that the council will receive benefits of $91 million, including $31 million from half the profits, is typical. How is the other $60 million calculated? If it includes the $28 million white elephant boat harbour and a replacement inferior golf course costing $10 million, it still does not explain how the remaining $22 million is calculated. Prior to December 1993 Mayor Glenholmes was on record as saying, on several occasions, "No Marina, no deal. Back to the melting pot". A press statement issued by council and Walker Corporation on 30 November 1993 stated:

> Work will start with stage one of eight stages in the residential subdivision program. At the same time work will start on the breakwaters and the outer Shell Cove boat harbour.

Without explanation Mayor Glenholmes changed his mind when Lang Walker reneged on his promise

of 22 December 1992 to bear the cost of all development approvals. Instead of standing up to Lang Walker the mayor and the pro-developer council majority inserted a clause in the agreement allowing Walker Corporation to develop 312 lots on council-owned land ahead of the approval for the boat harbour, with Walker Corporation getting half the profits - somewhere between $6 million and $10 million. In June 1994 Lang Walker, on the basis of a fraudulent valuation of $359 million for the Walker Group assets, sold off 55 per cent of the company at $1.55 a share for $200 million, and pocketed $138 million for himself. The prospectus for the share float made the totally false statement regarding the Shell Cove development: "Nearly all approvals obtained".

Walker also stated that he would invest only $10 million in the project, to be repaid in four years and that profits totalling $300 million would be shared equally between the council and his organisation - another obvious lie. At 92¢ each these shares are now worth $119 million. They were as low as 83¢ yesterday and have been as low as 81¢. At a share price of 92¢ the investors have lost some $81 million. The present investors now know that the shares are not backed by enough assets or earnings to justify a share price of $1.55. A development application has now been lodged by Walkers for the 312 lots. The council's general manager was recently asked by Councillor John Cowan why the council could not finance this development. Forgetting what he had said in April 1993, Brian Weir admitted that if the council undertook the development the profits could be doubled, but he said:

> All the advice I have been getting is that this is not possible. The Minister for Local Government would not allow it.

Mr Weir's answer is a demonstration that the management of Shellharbour Council is either corrupt or incompetent. Why is it planned to give Walker Corporation between $6 million and $10 million for nothing? It is all part of a wider issue that cries out for public revelation of all the financial facts that the council has kept secret in this most suspicious of real estate developments.

Motion agreed to.

House adjourned at 7.42 p.m.