

LEGISLATIVE COUNCIL

Friday, 18 November 1994

The Chairman of Committees (The Hon. Duncan John Gay) took the chair as Deputy-President at 10.30 a.m.

The Deputy-President offered the Prayers.

PETITION

Marijuana Prohibition

Petition 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**.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 1994-95

Debate resumed from 16 November.

The Hon. J. H. JOBLING [10.34]: It gives me great pleasure to be able to contribute to the budget take-note debate, and in particular to congratulate the Treasurer on his delivery to the people of New South Wales of a budget based on common sense, responsibility and management principles. The continued reduction in debt, which will benefit this State for years to come, stands in extreme contrast to the financial plight of the former Labor States of Western Australia, Victoria and South Australia. They will be in penury for years to come as a result of Labor's profligate spending and expenditure, and lack of care and consideration for the people of those States. There is no doubt that this coalition Government has made the right decisions during the past six years and is now able to be more flexible and to extend its priorities and funding support for community services for the people of this State.

New South Wales, under the competent direction of the Fahey Government, is within sight of a sustainable balanced budget for the first time in this State's history. This year's budget will not only strengthen the State's financial position, but will direct funds to quality services and further reduce the burden of taxation on the citizens of New South Wales, which I am sure will please everyone. Without doubt, the Government's record, which has seen increases in current expenditure, can be contrasted quite clearly to the last years of the State Labor Government and its mismanagement in 1987 and 1988. One has only to look at this Government's increases of 12 per cent in expenditure on health, 13 per cent on education, 23 per cent on law, order and public safety and almost 63 per cent on social and community services.

I am sure most honourable members are aware that my home town of Muswellbrook lies in the Hunter Valley and they will understand my delight at the Government's continued support for the Hunter region, with an unprecedented injection of funds into all portfolio areas. For transport facilities, the

budget will deliver \$9.35 million to the electorates of Cessnock, Port Stephens and Newcastle. The total capital investment in State Rail under this Government has been more than \$3.5 billion over the last six years. This year more than \$480 million will be spent to continue the upgrading of CityRail facilities and infrastructure to world-class standards, whilst almost \$30 million will be injected into the vital CountryLink facilities and \$144 million into Freight Rail. It should be pointed out that Freight Rail is a big provider of services in the Hunter, especially to the coal industry and - if ever the drought breaks - to the grain industry.

In the Hunter, \$850,000 will be invested in platform raising and reconstruction at Hamilton railway station and \$40,000 to commence easy-access work at Broadmeadow station. This work will alleviate long-term difficulties for those with disabilities. It is the object of the Government, wherever possible and when new stations are built, to ensure that disability access is one of the first priorities in the design of a railway station. The Government has committed funds to build the railway station at Warrabrook to serve the University of Newcastle. It is a facility that will greatly benefit the students at that university, who come from as far afield as the Hunter in the north, Gosford in the south and even from the northern parts of Sydney and the Hornsby area. As a member of the university council I am delighted that the Minister for Transport, and Minister for Roads has acceded to representations made to him, and that new safety features will be installed in Warrabrook station. It is anticipated that the station will be operational for the beginning of the first university term in 1995.

State Transit will invest \$700,000 in 1994-95 as part of the \$1.7 million upgrading of the Hamilton bus depot in Newcastle. The depot has been redeveloped and upgraded to improve working conditions for staff, to modernise maintenance facilities and to improve the appearance of the site generally. It certainly will make it a much more efficient operation. Passengers will be able to enjoy a more reliable service in the future. A total of \$1.9 billion has been provided in the budget for the State's roads program in the 1994-95 financial year. That means that, by next June, more than \$11 billion would have been allocated to the roads program since this Government came to office in 1988. An amount of \$63.8 million has been provided for the maintenance of and major improvements to the road network in the electorates of Cessnock, Port Stephens and Newcastle. The Raymond Terrace bypass, which was talked about for a long time by the former Labor Government, will be constructed at a cost of \$12 million. Nelson Bay Road will be restored from Fern Bay to Shoal Bay at a cost of \$1.4 million. The access roads to

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Williamstown airport - a major airport in the Newcastle area - will be upgraded and the deviation of Nelson Bay Road completed at a cost of \$200,000. These are but a few examples from the budget's capital works program.

Additional passing lanes will be built at various locations on the Pacific Highway around Port Stephens at a cost of \$1.8 million. An examination of the former Labor Government's roadworks performance in this area shows that, in its last three years in office, only \$147.6 million in 1994-95 dollar terms was expended on the Pacific Highway north of Hexham. That demonstrates Labor's total disregard for people in the north coast area and people in the northern parts of New South Wales. The comparison is staggering! In the three years to June 1995 this coalition Government will have expended \$385 million on the Pacific Highway north of Hexham. In percentage terms, that is a 160 per cent increase. It is to the eternal shame of the Labor Party that it chose to ignore the people in this area. In the current financial year this Government will be investing another \$125 million to maintain and upgrade the Pacific Highway. The Roads and Traffic Authority is aiming to introduce an overtaking lane every five kilometres on the highway.

Those honourable members who have travelled on this highway over the last six years would have noted the continuing and steady upgrading. One can now travel north with ease and with a great degree of safety. In 1993 the road toll was 581. Though that was 581 deaths too many, it was the lowest fatality rate since 1949. Sadly, the figures this year are not looking as good as we would have hoped, but they are still the second lowest since the late 1940s. Road Safety 2000, a 10-year community-wide

strategy, has been introduced to improve road safety in New South Wales. That strategy will save an estimated 1,900 lives and result in 12,000 fewer hospital admissions. The potential savings are enormous when we take into account the cost of hospitalisation to families and communities. This Government is dedicated to providing safer, more comfortable and quicker travelling times for everyone using the State's road network. I would like briefly to focus attention on the Honeysuckle Development Corporation, which is situated on the foreshores of Newcastle harbour.

The Hon. R. S. L. Jones: You are wasting money.

The Hon. J. H. JOBLING: Recently I had the pleasure of visiting the Honeysuckle site, which is more than the Hon. R. S. L. Jones, who is interjecting inanely, has done. The briefing that I received concerning the progress in this area was outstanding. Quite clearly, the Hon. R. S. L. Jones is not interested in any developments outside Possum Creek. He has his own peculiar, restricted and blinkered interests. The honourable member, who is anti-development, is ignored by most people with any common sense. Honourable members will recall that the Government established the Honeysuckle Development Corporation to redevelop 45 hectares of State government land adjacent to the Newcastle central business district - land that was run down, neglected and unusable. That prized area, which will be beautified by this redevelopment, will be able to be used for residential, commercial and other purposes. The revitalisation of the City of Newcastle, which will be of great benefit not only to Newcastle and the Hunter but to the whole of New South Wales, will result in inestimable benefits through tourism.

The Hon. R. S. L. Jones: It is a white elephant.

The Hon. J. H. JOBLING: The question of white elephants could be dealt with by Opposition members moving to the Western Plains Zoo or joining the dinosaur who sits on the bench behind me. Having raised the Hon. R. S. L. Jones to the status of a dinosaur, I have probably elevated him far beyond his worth. The Government has not just maintained its commitment to the Honeysuckle Development Corporation but has increased its funding in this year's budget. At line item 49.2.2 in Budget Paper No. 3, Volume 2, the capital grant for Honeysuckle Development Corporation is \$26 million - an increase from the previous year's allocation of \$20.2 million.

The Hon. R. S. L. Jones: Where has it all gone?

The Hon. J. H. JOBLING: I said to the Hon. R. S. L. Jones earlier that, if he had visited that area and seen the restoration, he would know.

[Interruption]

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! The Hon. R. S. L. Jones has already participated in the budget debate.

The Hon. J. H. JOBLING: Would the Hon. R. S. L. Jones do away with the cleaning up of Throsby Creek, the restoration of the waterways, the revitalisation of creeks and environmental improvements in the area? That is an interesting possibility. From September 1992 to 30 June 1994 the equivalent of 300 direct full-time jobs and 600 indirect full-time jobs were generated from works on the Honeysuckle site and adjoining areas. The site contains five heritage listed buildings which were constructed between 1874 and 1885. These buildings, which had been owned and used by the State Rail Authority as workshops for the maintenance of locomotives, are now being restored, the area is being landscaped and the buildings are to be adapted for markets, specialty retailing, entertainment - an opening for the Hon. R. S. L. Jones - restaurants, tourism and community and cultural uses.

The Lee Wharf buildings, previously owned by the Maritime Services Board for storing and handling port cargo, are also being restored. Reconstruction of the seawall is being undertaken. It is acknowledged that these buildings are in a bad condition, but suggestions for their future reuse include:

restaurants, a wharf theatre, a maritime museum and a function centre. Honeysuckle Development Corporation has also undertaken extensive work at the Wickham public
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school which was opened in 1906. Honourable members will recall that this building was severely damaged by the 1989 earthquake and subsequently damaged by weather and, unfortunately, was further damaged by vandalism. The building has now been made structurally safe with external strengthening, and brick repairs are complete.

An internal fit out is currently under way, converting the building to 22 residential, one-bedroom and bed-sitter units which will include the landscaped areas. This exciting historical project should be completed by February next year. The residual land behind the school can accommodate 60 medium-density dwellings. The Honeysuckle Development Corporation will commence the construction of 18 of these dwellings before the end of 1994. The remainder will be completed and restored by the end of 1995. The so-called marina precinct, which I am sure the Hon. R. S. L. Jones has not seen or does not understand, has undergone considerable redevelopment. The marina seawall strengthening works were completed in May this year. I recommend that all honourable members visit the area and see what has been achieved.

The major works for the future of this site include: a marina for up to 150 berths, services and commercial facilities, landscaped parkland, recreational areas, cycleways and pedestrian links, all for the use of the residents and for visitors to enjoy this fine area. The Honeysuckle Development Corporation has clearly undertaken a project of world-class quality that will act as a catalyst for the revitalisation of the City of Newcastle and deliver optimal social, economic and environmental benefits for the community. I commend the Minister and the Government for continuing to support this vital project. I congratulate the Honeysuckle Development Corporation on the success it has achieved so far. I look forward to revisiting this site in February and observing the continuing progress that is occurring. I have much pleasure in contributing to the budget take-note debate.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! I remind honourable members that the following speech to be delivered by the Hon. Beryl Evans is a very special speech. I expect due respect to be shown.

The Hon. BERYL EVANS [10.52]: As the Premier's spokesman on the aged and adviser to the Premier on ageing I address the House on the matter of the Government's continuing commitment to the ageing population of New South Wales. The Government has allocated a record \$1.63 billion in the 1994-95 State Budget for services specifically related to improving the quality of life for older people. I commend the Government for its strength and commitment to this important and growing segment of the population. The population of this country is ageing, there is no doubt about that! The number of those aged 60 and over is greater than ever, and that figure will grow enormously. In Australia, by the year 2000 - in just over five years' time - about one in five of the population will be aged 60 and over. The most rapidly expanding age group will be people over 75 years.

Currently those aged 65 and over make up 11.6 per cent of the Australian population. The proportion of the population aged 65 and over is projected to increase to 20.1 per cent by the year 2030. That will be 5.2 million people. In New South Wales the figures are even higher, with 16.32 per cent of the population currently over 60 years of age. The most interesting thing about this growing group of the population is that they have an increasing interest in their wellbeing, politics and policy issues. This is reflected in the way that groups are forming all over the State. The Older Women's Network, Grey Power, and many nationwide branches of the Association of Independent Retirees, to name a few, are active groups full of participants who have lots of time, energy, interest and dedication.

The Government is endeavouring to recognise the importance of the older population of this State in all areas and to create a better, less discriminatory environment for the elderly. Recently Betty Freidan, who is a famous author and activist spokesperson for the elderly - many honourable members will

remember her visit - came from America and spoke to groups in New South Wales. She was very impressed with what is being done in this State and told us that we are on the cutting edge, miles ahead of what they are doing in America. The Minister for the Ageing, the Hon. Jim Longley, announced that spending for older people had increased by 11.6 per cent, or \$170 million, this financial year. In the 1994-95 budget a record \$1.63 billion has been allocated for services, specifically for the older people of this State.

On 1 October 1993 the Premier made his important positive ageing statement which outlined the Government's policies on ageing and set parameters for the future. Many of the policies he announced reflected the advice of the Consultative Committee on Ageing. This committee was established in 1988 to provide advice on the needs and interests of older people and to encourage a two-way flow of information between the senior community and policy makers. This year \$109,000 has been allocated for the work of the New South Wales Consultative Committee on Ageing. On 15 June the committee published its position paper entitled "Public Policy and Older People". Already this paper has been widely distributed. The consultative committee has been busy in 1994-95 and its continuing agenda includes the following projects: supporting employment initiatives for mature workers, pressing for better public transport and housing choices, promoting access to learning opportunities, contributing to public awareness of the Anti-Discrimination Act, and working with the seniors media network to improve media portrayals. The consultative committee is responsible for advising the Premier, through the Minister for the Ageing, on improving the environment for the elderly in New South Wales. In his positive ageing statement the Premier said:

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It is important to my Government that older people are able to contribute to every aspect of community life, to live with independence, dignity and choice, and be free from fear and discrimination.

The Premier's second statement on positive ageing should be released during Seniors Week, which will take place in March 1995, a week before the election. A sum of \$659,000 has been allocated to implement Premier Fahey's second statement. Once again, consultation is an important ingredient in preparing this document. Recently seniors from all walks of life had input to the Premier's forum on ageing. On 30 September, 800 people attended a forum with the theme "Towards 2000: Our Say". A key part of the consultation took place during the day when everyone broke into groups to discuss issues and contribute their views. There were 12 groups discussing everything from health and wellbeing to transport issues, community care and Aboriginal elders. After intense meetings and discussions the 12 group leaders presented their findings and views to the entire forum.

The Office of Ageing will compile all the information that will be used as the basis for creating new government policy. The \$64,575 which was set aside in the budget for this year's Premier's forum on ageing was well spent, I assure honourable members. The day was a great success. I believe such examples illustrate that the Government is listening to the people and adapting policies to meet their needs. Many of the themes that emerged during the Premier's forum on ageing will be seen in the Premier's second statement on positive ageing. Through the Seniors Week grants program \$986,240 has been allocated to organise and host Seniors Week in 1995. Once again, that money will be well spent. The upcoming theme is "It Gets Better" and I am certainly looking forward to the week's activities.

The very popular Seniors Week is held annually. We host seminars, festivals, debates, discussions, expositions and, of course, the very popular Premier's gala concerts. There will be a gala day hosted at Darling Harbour. Programs will take place well outside Sydney as well, with events being scheduled for Wollongong, Newcastle and five regional centres. Seniors Week is important for promoting positive attitudes on ageing to the community and for providing older people around the State with access to useful information. Seniors Week focuses on the active contribution older people make to our community and provides opportunities for new participation and understanding between generations.

The New South Wales Government made the landmark decision to amend the Anti-Discrimination Act to include age discrimination. These provisions came into operation on 1 July 1994. It is now illegal for a person to be discriminated against because of age. There is no mandatory retirement age; the citizens of this State are free to work as long as they are fit and able to make positive contributions. If there is a violation of this Act one may apply to the Anti-Discrimination Board. This applies to every man and woman in this State - except a politician, of course. This Liberal Government will see that the anti-discrimination laws are pushed forward on other levels as well. It will continue to make representations to Canberra about having national policies which follow the lead taken by New South Wales. It will continue to assist mature age workers through a mature workers program. It will work closely with employers and unions to develop strategies to reduce age discrimination in the workplace.

One of the key elements in combating discrimination is to start at the root of the problem. What is the public image of the elderly in our society? When was the last time an article about an elderly person was published in one of the newsstand magazines? Is there any coverage of the elderly, or does everything in the media revolve around the young bronzed Aussie, whom people in this country seem to worship? Betty Freidan said that before she left America she looked at every glossy magazine published in America to see if any articles portrayed older women. She said there were none. The only things she could find were skinny bimbos wearing clothes that would fit nobody else. It seems to be the same the world over.

When I travel overseas to Commonwealth Parliamentary Association conferences I do not feel old at all; I am in the middle age bracket. Many statesmen and leaders of industry and commerce in foreign countries are elderly. Perhaps Australians could learn from those nations who respect and revere the opinions and contributions of the elderly. Sections of the media portray the elderly as sick, frail and wasting away in nursing homes. If they are not seen as sick they are seen as baby-sitters for the grandchildren. How wrong this perception is. I speak to groups of elderly people every week. Those people are active in the community, forming groups to pursue sporting interests and hobbies. Honourable members would be surprised at the number of elderly people who do university degrees at the graduate and post-graduate level.

The competent Office on Ageing has developed community awareness campaigns under the banner "Age Adds Value". These campaigns promote a positive image of ageing at community levels. They illustrate that there are all kinds of elderly people in the community. For the first time I came in contact with my bikie peers who roar around on Harley Davidsons. Some honourable members may remember the launching of the campaigns, Living Treasure and Age Adds Value. The Minister and I rode along George Street to Sydney Town Hall on the back of Harley Davidsons, with "Living Treasure" on the front of our jumpers and "Age Adds Value" on the back. It was a new and exciting experience to ride up George Street with a group of bikies.

The Seniors Media Network has been formed; the group is chaired by Ita Buttrose and includes other important members of the media and industry. The Seniors Media Network is working very hard to project, through the media, a correct and positive portrayal of older people. The media group took part

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in a global radio link-up in celebration of the United Nations International Day for the Elderly on 30 September. The Minister, Jim Longley, and Ita Buttrose, joined the global radio broadcast, which is estimated to have been heard in more than 130 countries via United Nations radio and Australia's Australian Broadcasting Corporation link to the Pacific rim.

At the Premier's forum on ageing the Seniors Media Network Council produced a booklet entitled *Language and Older People: A Guide to Ageism in Language, Good and Bad Usage, Outmoded Stereotypes and Representing Reality*. The booklet was produced as a guide to assist people working in the media. It is useful to both the media industry and the community. Older people are an important segment of the audience for all forms of media and it is important that they be accurately and positively portrayed. During that week the world was looking at what we were doing. I received a call from the

British Broadcasting Corporation in London and took part in a direct broadcast on the BBC news about what was happening in Australia. Representatives of the BBC said they had been keeping in touch with comments that had been made.

The council's strategy also includes researching the purchasing power and use of goods and services by older people; improving the links between older people and the media industry; empowering older people with media skills - successful courses are run for seniors - and increasing their media profile. Perhaps when we all realise that to grow old does not mean to grow useless we will understand that seniors in this country offer a wealth of information, expertise, and solid experience. Unfortunately, it is a tragedy that thousands of older people are out of work and are being discriminated against. When I say "older" I do not mean people 65 years and over, I mean 40 and over. A consultation took place in 1993 for unemployed people aged 40 years and over. Of those people 77 per cent said their age was a barrier to gaining employment. These problems must be looked at in a new light.

In the late 1980s the Government recognised that the structures, legislation, policies and practices relating to life cycles were outdated. As Australia's population has aged, the whole economy - particularly the labour market - has changed. Loss of employment for these people means a loss of status, both financially and socially, and there are long-term economic consequences. People are living longer, so a person who is made redundant at 50 years of age could face 30 or more years of dependence on income support from government agencies. It is difficult for people who are out of work at that stage of their lives to return to the work force. The advent of new technology has resulted in large-scale job shedding over the past few years. Often technology has left them behind and they are not seen as attractive candidates for job openings. Older people are overrepresented in the ranks of the long-term and very long-term unemployed. For example, in May 1994 the average length of unemployment for people aged 45 to 64 years was 104 weeks, compared with 45 weeks for workers aged between 20 and 24 years.

The Mature Workers Advisory Committee was established in March 1994, and its members come from both Government and the private sector. The positive assistance provided by this committee will be backed up by the Government's announcement of a \$2.25 million package of initiatives to be developed over three years to improve job prospects for old people. The committee was set up to oversee the implementation of these new initiatives, which include a public awareness campaign that stresses that age adds value; the establishment of a best practice award for employers who show leadership in recruitment, training and management of older workers; development of joint ventures with business to assist workers and employers develop innovative, productive workplaces where the abilities and experience of mature age workers are acknowledged and utilised; the collection of data relevant to the issues affecting mature workers; and the expansion of the mature workers program.

In the budget it was announced that money will be spent on the important mature worker initiatives like research projects, the public awareness campaign, the best practice award, the expansion of the mature workers program and the operational costs of the Mature Workers Advisory Committee. In 1995-96 money will continue to be spent on similar projects to continue to help the growing sector of the unemployed population. The Government is committed to seeing that the issue of mature workers remains a priority. I am proud that the Government is helping those unfortunate people who are out of work and having difficulty re-entering the ever-changing and competitive work force.

The mature workers program is the first of its kind in Australia. It was established in February 1990 to assist people over 40 years of age who are out of work. It is an important program run by the Department of Industrial Relations, Employment, Training and Further Education and the Office on Ageing. The program will assist participants re-enter the work force and will equip them with skills to enhance their prospects of permanent employment. The mature workers program works directly with the community, employers and private and public sector training providers. It aims to encourage employers to create workplace opportunities for mature age participants in the labour market. It is important that a support group is available to help the long-term unemployed re-enter the work force.

Since this program was established in February 52 programs have been funded throughout the State. The program has assisted 6,500 people, with 4,793 in employment and 1,794 in training. In 1994-95 the program aims to help 3,500 mature age participants in jobs or training. Those are numbers that this Government is not ignoring. Over the 1994-95 program a record \$3.49 million will be spent by the Government to ensure that the mature workers program continues with the very valuable and important task of helping people retrain. There are seniors who choose to retire; they dream of a secure, safe, healthy time to enjoy the best stage of life. For

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these retirees this stage of life is often not easy because of financial difficulties. I have come in contact with thousands of self-funded retirees by visiting many of the New South Wales branches of the Association of Independent Retirees.

As of June 1993 554,000 Australians of pensionable age received no pension at all and were fully self-funded. An additional 496,000 Australians are partially self-funded, supplementing their income by means of a part pension. It is also interesting to note that some 555,000 have retired, or have been forced to retire, before reaching the pension age. Figures show that the number of fully independent retirees rose from 8 per cent of the retired population in 1982 to 16 per cent in 1990. This has happened because the Federal Government has tightened eligibility for the age pension and has introduced the assets test. For these self-funded retirees counting pennies and budgeting has become a way of life. We should commend these self-funded retirees, but instead they feel they are victims of discrimination, mostly from the Federal Government. Inflation, unfair tax policies, poor social security regulations and loss of benefits are among the issues which disadvantage self-funded retirees.

These retirees need to be knowledgeable in managing finances. Some older people are competent financial planners while others find the deregulated economy and fluctuating interest rates a frightening maze. The Minister on Ageing recently launched *Investing in Retirement*, a helpful booklet that explains in clear and simple terms the full range of financial products available, as well as offering advice on finding and using financial advisers. This Government will continue to do all it can to help these retirees. My constant visits to various branches of the Association of Independent Retirees have resulted in many interesting suggestions and comments. The Office on Ageing and I will carefully listen to those suggestions.

One of the initiatives that this Government has taken that helps seniors from all walks of life is the New South Wales Seniors Card. The Seniors Card was first launched on 1 July 1992 as a New South Wales Government scheme. This Government continues to remain committed to the scheme and has allocated \$938,700 in the State budget for this vital service to seniors. The Seniors Card is a shopping discount card, not a concession card, and it provides seniors with discounts on an unbelievable range of products and services at many establishments around the State. Discounts are available for things like transport, chemists, department store and photo shop purchases, security, travel within New South Wales, and household services. The list goes on and on. I have even heard examples of seniors when abroad - I thought this quite fantastic - using their cards for discounts at Disneyland and the Tower of London. Not only are older people able to get valuable discounts, they are using their buying power in the marketplace.

The way this scheme is growing businesses are going to take notice of the numbers that are out there. It is another sign that seniors are mobilising, working as a group and using their power. There are more than 2,600 businesses in the scheme, with over 9,000 outlets throughout the State. The Office on Ageing is continuing to seek major corporate sponsorship for the Seniors Card. Here in New South Wales we are proud to have the largest scheme in Australia. We know the Seniors Card is a success and has been well received by members of the seniors community and by business. There are now 680,000 card holders in New South Wales and the applications are coming in at the rate of approximately 10,000 per month. We expect to have 785,000 card holders by June 1995. In percentages that means that 66 per cent of eligible people have joined up and, based on current growth rates, 80 per cent of

eligible people will have the Seniors Card in the next 12 months.

One of the reasons this scheme has been so popular is that it is easy to use and is readily available. All permanent residents of New South Wales aged 60 years and over who are not working more than 20 hours a week are eligible to apply. The applications are free and available from post offices and branches of the Australia and New Zealand Banking Group Limited. The Office on Ageing has produced clear, simple brochures explaining how to apply for a card and how to use it. These brochures will be available in eight different languages. Along with the card, the Office on Ageing has produced the Seniors Card State Directory, which can be picked up from offices of State members of Parliament and from most council offices. Every year the Office on Ageing mails out a State directory to every household where a Seniors Card holder resides. Just recently 500,000 State directories were mailed out. The directory is updated every year and alphabetically lists all the businesses, their addresses and telephone numbers, and the amounts and type of discount offered to seniors.

Directories are also available regionally. It is interesting to note that local seniors organisations are getting involved with this and demonstrating their initiative. In the Penrith and Lower Blue Mountains area there were only about four or five businesses which accepted the Seniors Card. The local branch of the Association of Independent Retirees decided to do something about that. Armed with kits provided by the Office on Ageing, members of the association went out and canvassed local businesses. They simply presented the figures - approximately 8,000 seniors in the area - and said, "Give us the Seniors Card discount and we will become valuable customers". Now 299 businesses in the Penrith-Lower Blue Mountains area offer discounts to Seniors Card holders. I think this is a wonderful example which illustrates the power of seniors as customers and their active involvement in issues that affect them. This is an involved, active group of people who can make things happen. We will not forget them, and should not forget them, at the next election.

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Contrary to popular belief, most older people live independently in their own homes. As a matter of fact, more than 90 per cent aged 60 years and over live in houses and flats, and 83 per cent of those aged 65 and over are home owners. Only 6 per cent of people over 65 years of age live in a nursing home or hostel. It is important for older people to live in a home or flat when possible; it gives them a sense of security and independence and they are kept busy with house maintenance and interaction with a familiar neighbourhood. However, in many cases community support is vital to the success of an older person living alone. Thirty per cent of older women and 14 per cent of older men live completely alone and more than half of those who live alone live in single dwelling houses. So many of these people are happy and want to stay at home. It is important that we provide assistance to enable them to live independently and to avoid premature or inappropriate entry into residential facilities. This Government is committed to helping these people live independently with a number of programs.

The home and community care program provides community support services to the frail elderly and younger people with disabilities. Services provided by the program include personal care, home help, community nursing, food services such as Meals on Wheels, respite care, home maintenance, paramedical and community transport, and other associated services. In the area of community transport older people who have difficulty using mainstream public transport comprise 78 per cent of the participants. With this budget the Government announced a 9.7 per cent increase in this year's HACC budget and an additional \$8.5 million for new and expanded services. A record \$231 million will be provided for the home and community care program in 1994-95. In New South Wales the program is coordinated by the Department of Community Services and the Commonwealth Government. The New South Wales Home Care Service, the Department of Health, the Department of Transport and the Department of Housing also administer various aspects of the program. One of the programs that receives funding under the home and community care program is the Home Care Service. This service provides practical in-home support services like housekeeping assistance, personal care, handy person services and food services. The Home Care Service was well utilised in 1993-94, with approximately

30,400 older people making use of services which enable them to live independently in their own homes instead of prematurely going to residential care facilities.

This Government remains committed to this service, and an estimated \$77.8 million will be spent on older people in 1994-95. The Government is also committed to ensuring that these community-based programs, so essential to older people living at home, are spread throughout the State. The area assistance scheme seeks to develop improved infrastructure, services and facilities in disadvantaged regions. Funding programs operate in the central coast, Hunter, Illawarra, Macarthur, western Sydney and north coast regions. In the 1994-95 budget \$7.1 million has been allocated to this important scheme, proving the Government's commitment to those regions. There are six priority service categories: recreational facilities, community development, community health projects, cultural facilities, children, and youth services. In each category there are 14 target groups, of which older people are one. To give an example, in 1993-94 eight projects valued at \$86,925 were funded which specifically targeted older people. An additional 11 projects were funded to the tune of \$102,638, which identified older people as the second target group.

The Government is committed to seniors who are independent and fit, but who need some help in maintaining their homes and interacting with the community. It is important that funding for these programs around the State continues so that older people can continue to live independently with dignity. This Government has proved its commitment to seniors in this State. With the most recent budget announcements, that commitment is continuing to grow stronger. Older people, at present representing 16.32 per cent of the New South Wales population, are active, intelligent members of this important group within society, and we cannot forget them! They need representation, recognition and, if recent trends continue, they will make sure that they get just that. And as elected politicians we must listen. These people have the time and energy to turn ideas and demands into political realities, and they will not allow any government to forget them.

The Government has taken the initiative to abolish the compulsory retirement age, something that the Commonwealth Government has not yet done. In addition to abolishing the retirement age, the New South Wales Government has included age in the Anti-Discrimination Act to further protect seniors. Realising that legislation will not change perceptions and ignorance, the Government works constantly with the Office on Ageing to change the image of the elderly in the media. The Senior Media Network Council has been instrumental in confronting current media trends and endeavouring to change them. Mature workers and their difficulties have been a real focus for the Government; the Government is aiming to place approximately 3,500 participants into training programs and jobs in the next year. For those elderly people who dream of enjoying retirement but are troubled by financial restraints, the Government has provided concessions, especially through use of the Seniors Card. Seniors from around the State are enjoying discounts on an incredible and increasing array of products and services.

The aged belong to a diverse group comprising more than 16 per cent of the State's population; they come from all walks of life and are involved with communities in more ways than we realise. Now having outlined the Government's good works for the elderly, I do not believe that Federal or State governments have accepted or realised the depth of this issue. We are only putting into place tokenism, not really understanding the actual issue. Let us

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never forget the young - they are our future generation. But in the game of politics numbers count and the elderly are demanding to be counted. Interestingly enough this relates to another field: that vexing subject of women. We live longer, and become widows for many reasons: war, men's rashness, illness and stress, just to state a few.

In New South Wales the number of citizens over the age of 60 numbers nearly one million. This must surely be thought provoking and lead to a recognition of the problems ahead. If the advisers and political pundits can add figures and discern totals, it must be obvious that many things will need to change for them to become a winning team. Another major area of interest to me - and much of my

effort has gone into this - is the issue of women's cancer. I believe programs of awareness have been successful in reaching thousands of women, but my efforts to establish centres of excellence are proving more difficult. I want centres where women can have a one-stop shop, where diagnosis, treatment and results are all undertaken at one place. This will prevent the devastating delays that create unnecessary trauma. I know that the establishment of some centres is under way, but I want those centres now! We are only just realising that men's cancer is becoming equally as devastating as breast cancer.

The answer to all of this is research, which costs money and, strangely, funding always seems to be available for other things. But I cannot forget, nor will I forgive, the fact that 2,000 women and 1,900 men die each year from breast cancer and prostate cancer respectively. Each year money for entertainment and pleasure may be vote catching, but people to me are important and should come first. I know there is some speculation as to what I do from here. That I have not decided; but be very sure, I have not finished yet. I do not like things left undone. Age adds value, and I am far from finished!

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [11.26]: What a pleasure it was to listen to the compassionate remarks of the Hon. Beryl Evans. I do not want to flirt with the lady in this Chamber, but I was thinking a moment ago that probably no more gracious, elegant or compassionate person has ever sat in this Chamber. I compliment her and value very much having known her. I propose to conclude this debate for the alternative government. Without a soupçon of provocation I predict that this without doubt will be the last budget of this very dull and extremely doomed Liberal-National Party coalition - after well nigh seven years of neglect and mismanagement, seven years of reluctance to make the hard decisions, seven years or reneging on promises on matters ranging from wilderness to health care.

The Hon. R. S. L. Jones: Seven years of the loss of old growth forests.

The Hon. B. H. VAUGHAN: Seven years of the loss of old growth forests, and, of course, no government in living memory has lost so many members during the past seven years. However, I am pleased that one of the Ministers was recycled, because he is a real good bloke and we in Labor believe in recycling. The recently announced two-stage increase in the payroll tax threshold is inadequate. I know that the National Party agrees with me on this, but I do not expect any member of the National Party to provide any proof or demonstration of that agreement. The much vaunted threshold increase was merely an adjustment for the effect of inflation on the last few years of business activity. It remains the fact that New South Wales still has the highest percentage rate of payroll tax in the Commonwealth of Australia. Indeed, it is a full 2 per cent higher than in Queensland. Yet this Government wonders why New South Wales has been lagging behind the other States in capital investment and employment recovery. I quote from a letter dated 7 September that I received from Stan Bryant, President of the Country Manufacturers Association of New South Wales. Tonight he will stand down from that position for a Mr Jakoby of Jakab Industries in Tamworth. Mr Bryant is from Taree. He wrote:

The recent announcement by the Premier of the raising of the payroll tax threshold is regarded by most country business as an insult and reflects on his lack of understanding of the issues that need to be addressed for balanced State development. The release of the policy on regional development by Minister Chappell has been assessed as in like view.

That view is plainly shared by the Hon. R. B. Rowland Smith. I congratulate him on the courage he displayed the other evening when he criticised his Treasurer, Mr Collins, over the inadequacies of the payroll tax concessions in the Budget Speech. I shall inform honourable members of an example of the sorts of difficulties small business operators have when trying to deal with governments, particularly the bureaucracy. I refer to the kangaroo meat processing works at Balranald. A fortnight ago I was faxed a letter from Jim Graham of "Carinya", near Ivanhoe, who is well known to members of the National Party through his involvement with the National Farmers Federation. He wrote to me about this industry, which generates almost \$1 million in wages and sales each year in Balranald.

The National Parks and Wildlife Service has effectively halved the kangaroo quota in the Balranald area for 1994 because it believes that kangaroo numbers are dwindling in the area - a claim widely disputed by land-holders in the area. This decision has directly resulted in a decline in the number of licensed shooters in that area from 46 to six; and it threatens the 14 permanent employees at the processing works at Balranald. The National Parks and Wildlife Service has said that there will be no extension of the reduced quota until the next calendar year. However, it is still issuing shoot-and-let-lie licences to certain property owners. What will that do? As anyone who knows anything about sheep would know, it will improve the proclivity of a blowfly or two to regenerate. Many farmers in the area are not prepared to use the shoot-and-let-lie provisions because of the unacceptable build-up in blowfly numbers. They also see it as a genuine and dreadful waste of a renewable resource.

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The number of kangaroos is at an unprecedented level. One afternoon in September of this year I saw more kangaroos in a paddock next to the Macquarie Marshes than I saw cumulatively in the 18 years I held Yarronvale Station in the south-west of Queensland. It is abhorrent. Kangaroos are breeding at unprecedented levels. They are placing unacceptable demands on rapidly dwindling supplies of feed and water, yet they cannot be harvested to keep a viable business in the very charming town of Balranald alive. These are the sorts of problems small business faces in country areas of New South Wales. Honourable members should not forget that for every few graziers who go broke a small businessman goes broke too.

The Government made much of its September release of its regional development policy of one-off \$100,000 grants for relocation. The Government is so convinced that virtually no-one will take up this offer that it did not make an allocation for it in the budget. Instead, the \$100,000 grants - should they be applied for - are to be funded from the department's general allocation of funds. That is just another example of the Government's inability to coordinate anything in relation to regional development. I congratulate the Government on the establishment of the country embassy in the State Office Block building. It was promised in August; according to the budget it would open in September; and it finally opened on 16 October on the twenty-fourth floor of the State Office Block. However, the tenants of that building are soon to vacate it. A Carr Labor government will ensure that the country embassy is a viable, accessible and operating showcase for country industries.

I have a great deal of interest in tourism, and I have a major concern at present about the proposed sale of the last three remaining New South Wales Travel Centres, situated in Sydney, Brisbane and Melbourne. This proposed sale is a fiasco. In fact, it is an appropriate metaphor for the inability of the entire Government to stick to its commitments, to stand by small business people in this State, and to have some regard for the people such businesses employ and the citizens they serve. Instead, this very tired and boring seven-year-old Government disregards people's lives while it blindly runs around trying to sell off every last piece of silver. For the benefit of honourable members, I will recount the sad story so far with respect to the travel centres. On 11 October, 53 staff in New South Wales Travel Centres in Sydney, Brisbane and Melbourne were informed that on the following day, 12 October, an advertisement for tender for the three travel centres would be placed in the *Sydney Morning Herald*. In a three-page letter on Tourism New South Wales letterhead, the staff were informed:

Staff who are transferred to the franchisee will receive standard redundancy packages . . .
Ann-Marie Gordon of the human resources section will provide every assistance possible.

Ms Gordon is an employee of Tourism New South Wales. By way of background, in late 1993 the Adelaide travel centre was franchised to the previous employees of the centre. They took their redundancy packages and bought the franchise. Not surprisingly, the staff of the travel centres in the cities soon to be franchised expected a similar guarantee from senior management. Staff representatives in Melbourne, Sydney and Brisbane telephoned Tourism New South Wales to obtain details of the redundancy packages. They had every reason to make that request as the Adelaide staff

had received redundancy packages. I quote from a letter signed by 17 staff members of the Brisbane and Melbourne travel centres:

Despite our surprise at the haste of the process, the staff were assured -
in writing and verbally -

by Keith Cook [Director of Corporate Services] that they would be entitled to redundancy packages whether they were employed by the new franchisee or not.

The human resources unit at Tourism NSW advised the staff of their forthcoming redundancy packages. Seven days after the meeting with [Mr Cook], we were very distressed to be advised that we were no longer entitled to these packages.

The staff went on, quite appropriately, to ask the Minister:

Firstly, how can a person in the position of Director of Corporate Services not be fully cognisant with current government policy relating to human resource management? We would like to know how the above guarantee -

that is the guarantee of redundancy packages -

changed within seven days? Does this mean he will pay out the staff for their redundancy packages as he originally advised?

How can Tourism NSW justify the precedent set in late 1993 in paying redundancy packages to the staff at the . . . Adelaide travel centre [and not to us]?

They further note that the staff at the Adelaide centre were able to pool their redundancy payouts and successfully tender for the franchise in Adelaide. They bought it! However, the staff at Brisbane, Melbourne and Sydney have not been afforded the same opportunity to tender for any of the travel centres. They write, "This is very unjust". The entire handling of this exercise has been sloppy and callous and shows absolutely no regard for the future or the interests of loyal employees. The staff concluded in their letter to the Minister:

At this stage, the options made available to the staff of Melbourne and Brisbane travel centres are totally unsatisfactory in that if we do not accept a position with the unknown franchisee, or within the public service, we then must resign with no redundancy packages.

As I have mentioned, these members of staff are highly qualified and have been devoted to providing exemplary travel and tourism services to the public and industry for many years. Some staff have given 29 years loyal service and their re-employment options are now limited. Many staff view their positions not as mere jobs but as careers and they have progressed within Tourism New South Wales in this and the other three States. The letter continued:

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For an organisation that appears to pride itself on success in tourism, as well as communication and team development, the proposed franchise of the New South Wales travel centres and disgraceful treatment of the staff, are an appalling contradiction to its desired public image.

We look forward to your response and input into what has become an obviously distressing and unfortunate situation for us all.

Before I conclude that story I should like to quote briefly from the letters of three of the many small business people in this State who have contacted my office. These people have relied on the Tourism New South Wales travel centres to keep their own businesses viable. The first letter, a copy of the letter from the General Manager of the Sydney Travellers Rest Hotel at Darling Harbour to the General Manager of Tourism New South Wales, states:

I am extremely concerned that the decision by Tourism NSW to privatise the [very successful] travel centres will have a devastating effect on small business.

As a small operator of an Australian owned business, I am concerned that, once again, a decision has been made that is in favour of the big, often overseas owned, hotel chains.

I am concerned that privatisation of the centres will mean that business will be directed to who pays the most and the important part of free information to the travelling public will disappear.

I urge you to reconsider the decision to privatise and re-evaluate the impact this decision will have on small business and on the consumers visiting the State.

The second letter, which is from Riverwood Downs Mountain Valley Lodge to the director of sales, Tourism New South Wales, states:

The information service and mail out system provided by the travel centre is crucial and central to the results derived from the product [tourism]. With privatisation of the travel centres this whole service is lost and so will the performance of the [tourism product].

There is enough commercial experience in the leadership of NSW Tourism to know that any party taking on the travel centres as a commercial franchise will not and cannot provide the sort of marketing support for the small operator and information service to the public that is presented by NSW Tourism through its travel centres. As a small operator I am extremely dismayed and distressed that the most effective marketing activity for small operators in this State is being placed in total jeopardy by the very government department we trust and rely on to assist with our development and long-term survival.

The third letter, which is from Belinda Nixon, President of the NSW Farm and Country Holidays Association, states:

It is with great concern that we hear of the imminent plans to privatise the NSW travel centres, especially as we understand that this will include the production and distribution of the product brochures.

Apart from the large international hotel chains and a couple of motel chains, most of the accommodation providers in the travel and tourism industry are small business operators and because of this, very largely dependent on the co-operative marketing opportunities offered by Tourism NSW.

It just seems a pity that after all the years that our council members have spent . . . bringing farm and country holidays out of the wilderness of a cottage industry, that this development could be jeopardised just at the time when we are finally getting recognition as an integral and viable tourist product.

I ask the Government to reverse its decision about the closure of those travel centres. The exercise has been poorly handled, was ill conceived from the start and has callously disregarded the livelihoods of at least 53 staff. The Minister has plainly used the State Bank fiasco as the excuse and one reason that the travel centres ought to be closed. The claim by the Minister that she is just seeking expressions of interest is so patently false as to be offensive. The tender document contained no reference to expression of interest. Indeed, far from testing the waters on this issue, the original staff memorandum

explains that some market testing to outsource travel centres has already taken place. We suspect that for months this process has been stitched up with one or two government friends. That is why the original advertisement allowed only 19 days for applications for tender to be made. That is why New South Wales Tourism did not want long-term, dedicated, experienced staff messing with its cosy little arrangements and also why the advertisement stated:

It is anticipated that the successful tenderer(s) would take over operating control of the centre(s) at dates to be agreed, but prior to the 1994 Christmas/New Year trading period.

The Minister does not seek expressions of interest, and her statements to that effect reflect on her rather poorly. This is a badly organised Dutch auction with probably one buyer already organised in the same fashion as the Colonial Mutual Life Assurance Company has been organised to buy the State Bank. The sale of these centres will have a major impact on the ability of the Government to coordinate the planning necessary for the 2000 Olympics and will impact severely on the numerous hotel operators in this city who depend on the travel centres for their financial viability. I have a great interest in retail tenancies. The Parliament enacted appropriate legislation on 13 May this year and I congratulate Minister Chappell on the release of a retail leases handbook this week. I warn him, however, that one large operator has been issuing leases that do not comply with the law of this State as at 1 August 1994; but I intend to speak privately to him about that matter and to show him one of the leases that have been sent to me.

After questioning Minister Chappell in the estimates committee I am satisfied that the machinery for dealing with disputes under the legislation is in train and will shortly be concluded, that is, by the appointment of assessors and registrars. As I said, I will be showing him an example of a flagrant disregard of certain sections of the legislation by some major lessors, one in particular. I shall quote from the disclosure statement issued by Westfield shopping centre, Hurstville, to a tenant, dated 7 September - a full five weeks after the legislation was proclaimed. Under the section titled "Lease Period" are the words "three years commencing on 8 November 1994". This is a strident breach of section 16 of the Retail Leases Act. It is my earnest hope that this is simply an oversight and is not indicative of a lack of acceptance of the legislation by a major lessor.

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I share the concern expressed by the Hon. Helen Sham-Ho, some of her colleagues, and members on this side of the House about the appalling effect of the drought on rural communities. I said something about that a little earlier. But I do not share her unreserved enthusiasm for the \$20 million of State Government assistance that was bruited some time ago, when the Treasurer has admitted to a \$200 million hollow log he has in case of a rainy day - if I may mix metaphors in that rather awkward way. I suggest to members opposite that we should use whatever is in the hollow logs right now to assist those suffering from the unforgettable drought that is now upon New South Wales.

I noted that the Hon. Helen Sham-Ho said that the Fahey Government has done more for women in the past couple of years than Labor managed to do in a decade in office. When I heard that while listening to the monitor in my office I thought it was time to check such things as the membership list of the Sydney Organising Committee for the Olympic Games. The House would be very well aware that there is only one woman on that body. I wondered whether a decision by the Liberal Party or the National Party guaranteeing more than a third of their seats to female members by the turn of the century was imminent. I wondered whether they are going to do what Labor has done. The Attorney General shakes his head. He is to be congratulated on the wisdom he has shown in abandoning his internment legislation. I was hoping he would do that, although he told me last week that he certainly would not.

If the Government is so pro women, will the Premier refuse to rule out the exclusion of the Commonwealth's new home care child allowance from the income test on public housing tenants? That allowance has replaced the dependant spouse rebate and gives a parent who elects to stay at home with her children a maximum weekly payment of \$30; but in the housing estimates committee a couple of

weeks ago the department refused to say that it would exclude this allowance from the assessment of a family's yearly income, and would charge a portion of it as additional rent - hardly the action of a government with the priority of women in mind.

While still on the theme of the comments of the Hon. Helen Sham-Ho I suggest that the Fahey Government has effectively made the senior executive service a "men only" club. A recent report prepared by the Office of the Status of Women indicates that the Fahey Government has completely failed to promote women to senior management within the public sector. Only 14 per cent, or 183 out of the 1,463 SES positions, are filled by women. And the situation gets progressively worse the higher one goes in the SES. Only five women are chief executive officers, compared with 43 men in the same position. Of all the women in SES positions, 40 per cent are clustered into three agencies - the Department of School Education, the Department of Health and the TAFE Commission - and 45 of the 88 State agencies have no women at all in SES positions. The Government does not have currently, and has never had, a real commitment to women. On the subject of housing, the Hon. Patricia Forsythe has said:

The Minister for Housing deserves the commendation of all, not only for the way in which he has prioritised the dollars allocated to the housing portfolio but for his concern for the quality of housing and for policy shifts towards better integrated housing.

I could not have heard that correctly, however, because this is the same Government that in this year's budget allocated \$3.8 million to build just six housing units in Sydney and Wollongong, including one unit at Millers Point for \$1.12 million, two in my suburb of Potts Point at a cost of \$654,000 each, and another at Burwood at a cost of \$748,000 - all this at a time when some people are waiting up to nine years for a housing allocation. And the capital works program indicates that accommodation units can be built for \$60,000 each in Doonside and Ashfield. I have not even mentioned the HomeFund debacle. This almost seven-year-old Government has a smell of decay about it. In an unimaginative and boring fashion it has run the gamut from New South Wales incorporated to New South Wales in chaos.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [11.59], in reply: I thank honourable members for their contribution to this year's budget debate. The budget has been welcomed by the community. It has set out a precise program for the Government leading into the next millennium. It has also given a clear direction in reducing the Government deficit and ensuring that there will be balanced budgets from 1997. The Government's program in this regard has been well received as responsible - in marked comparison with the record of the Opposition. The Government has focused attention on small business, and that also has been welcomed by the community at large.

[Interruption]

The Leader of the Opposition suggests that I am rattling. The only thing that is rattling is the Opposition. It is rattled because it has been greatly upset by the failure of the community to be critical of this Government and its budget. I am pleased that the House has been so supportive of the budget. I commend the motion to the House.

Motion agreed to.

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

QUESTIONS WITHOUT NOTICE

MINISTRY

The Hon. J. P. HANNAFORD: The Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier will not be present during question time. Any questions relating to her portfolio responsibilities should be directed to me.

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FAMILY WEEK

The Hon. M. R. EGAN: My question is directed to the Leader of the Government, representing, today, the Minister for Education, Training and Youth Affairs. How much public money was spent on the November issue of the publication "Celebrate Family Week '94"? Does it contain photographs of the Premier and his family, the Minister for Education, Training and Youth Affairs and her family, and the Minister for Community Services and his family? Why has the Government politicised Family Week by turning this magazine into a blatant propaganda publication?

The Hon. J. P. HANNAFORD: If that is the killer question for the day from the Leader of the Opposition it only reflects the comments that I made earlier about the Opposition, that is, that the community sees the Opposition as a joke. At least he is reading the documents put out by the Government, and I am pleased that he is doing so. It is to be hoped that he will learn something from them. At least he is able to identify the people who are shown in the document. Yes, it does contain photographs of the Premier and his family and the Minister for Education, Training and Youth Affairs and her family. However, the publication is inaccurate in one regard. In relation to the photograph of the Minister for Community Services it omits one recent addition to the family. I congratulate the Minister and his wife on the recent addition to their family of a daughter, Claire. I regret that she is not also shown in the publication. As the publication relates to programs embarked upon by the Government, the cost would be minimal, but would provide optimal information to the community. It can only be hoped that members of the Opposition will join with members of the Government on Sunday, at Penrith, to launch Family Week, so that the Opposition can show its commitment to family values.

SYDNEY OLYMPIC BID

The Hon. J. H. JOBLING: My question without notice is directed to the Attorney General. In view of the question of the Leader of the Opposition, can the Minister tell the House whether he has seen the Audit Office review of the Sydney Olympic bid estimates. Given the stance of the Opposition on private sector investment in the Sydney 2000 Olympic Games, can the Minister inform the House whether the Opposition has been vindicated in its condemnation of the Government's financial plan.

The Hon. J. P. HANNAFORD: The honourable member has shown a considerable interest in the funding of the Sydney Olympic program, as has the Leader of the Opposition, Bob Carr, and his adviser on economics, the Leader of the Opposition in this place. It is true that the Audit Office review of the Sydney Olympic bid estimates was tabled today. I have had the opportunity to look at some of its more salient points, and it seems that Opposition members will be badly embarrassed, particularly the Leader of the Opposition and the doyen of planning and all things negative about the Olympic Games, the honourable member for Campbelltown, Michael Knight. He will have to start eating his words about the program.

The Auditor-General has been, as most Auditor-Generals are expected to be, critical of the Government from time to time, so that the report presented this morning can only be regarded as a totally independent assessment. It is not only a complete vindication of everything that the Government has said

about the planning and about private sector investment in the Sydney 2000 plans, but it is much more. The Leader of the Opposition in this place, as well as his boss, Bob Carr, have had a lot to say about financial mismanagement of the Olympic bid and how the Government's projections were way off beam and could not possibly be fulfilled. They ought to have a close look at the report. Again, it is a case of egg on the face of the Leader of the Opposition in this House.

The Audit Office of New South Wales has described the process of estimating the cost of staging the Sydney Olympic Games as rigorous and appropriate. It also predicts, on page 94, that the coalition Government will attract the required level of private sector funding for the Olympic Games. The estimates for such a large project were unprecedented. The Audit Office referred to the 1994 reports by the international credit rating agencies, Standard and Poor's, and Moody's, which indicated that the staging of the Olympics will have a negligible impact on the State's budget and no effect on the State's AAA credit rating. I am sure that that makes the Leader of the Opposition feel more comfortable, in view of his criticisms in that regard. The report also mentioned that KPMG Peat Marwick predicts that the Olympic Games will boost the economy of New South Wales by a likely \$7.3 billion, which makes the predictions of the Opposition look a little off beam. Let us look at the statements made by the Opposition Olympics detractor, Michael Knight, as late as yesterday.

The PRESIDENT: Order! I have to hear the Minister's answer, but I cannot hear it when members interject too loudly.

The Hon. J. P. HANNAFORD: Michael Knight commented on all four television channels last night that the Government's hidden agenda for reviewing indoor venue spaces was that, as the Opposition had warned, the Government had found it was not getting private sector investment for the venues or for the proposed colosseum for Homebush. That is wrong. Do honourable members know why it was wrong? It was wrong because the call for expressions of interest in respect of the colosseum had not been made. It was wrong because six consortia had expressed an interest in the call for expressions of interest relating to the stadium. It was wrong because of the comments made on page 94 of the Audit Office report, which stated:

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The Audit Office believes that the Government will attract the level of private sector funding required. Private advice from industry to the Audit Office has also backed that.

But is that all that the Opposition looks foolish on today? It is not. In the *Sydney Morning Herald* on 24 October, the man who replaced Peter Anderson in the shadow cabinet claimed that the Government had lost \$7 million on the purchase of land on the Penrith Lakes international rowing course and had missed out on \$76 million in sand and gravel royalties. I know that honourable members opposite who know what day it is and who know what is going on are starting to cringe - they are already starting to cringe on the other side of the Chamber. They well know that the decision to build the Penrith rowing course in time for the 1998 Commonwealth Games was taken by the Labor Government in October 1987. The then sports Minister, Michael Cleary - my colleague made some comments on this during the week - sought \$15.54 million for earthworks, land purchase and construction for facilities, yet the honourable member for Campbelltown claims that the Labor Government's agreement would have the course built at no cost to taxpayers. Again, that was a blatant lie.

It was the first of a number of lies peddled by the Opposition, by the Labor Party. But have become accustomed to Labor lies on a number of issues in the past 12 months. The second lie from the Labor Party was the claim that land purchased by the Department of Planning in 1989 for \$10.3 million was sold to Penrith Lakes Development Corporation for \$3.3 million in royalties. That was also wrong. As my colleague the Minister for Planning, who is in the Chamber, would be able to advise, the land has never been sold and is still owned by the Department of Planning. That is not the first time that the honourable member for Campbelltown has made a fool of himself on the Olympics issue. He does not check his

facts before he opens his mouth. His actions confirm him as one who misleads the community. That is the reason Bob Carr appointed the honourable member for Campbelltown to the shadow ministry. Bob Carr wanted someone who would be the best liar in the Labor Party.

The appointment of the honourable member for Campbelltown confirms the community's views about Labor Party lies. I understand why the Leader of the Opposition is red-faced and smirking here in the Chamber. He has finally found someone who will take over from him. I encourage the Leader of the Opposition to get a copy of the report and take it to his leader, take it to Michael Knight, so that the honourable member for Campbelltown can understand that he has made a fool of himself. All that he has achieved is wrongful damage to Sydney's reputation and standing in the international arena. Perhaps one of the more responsible Opposition members, and a couple of them are in the Chamber -

The Hon. R. J. Webster: Name them.

The Hon. J. P. HANNAFORD: I do not want to boost their egos. It is time that someone spoke to the honourable member for Campbelltown - better still, someone might speak to the Leader of the Opposition in this place before both he and the honourable member for Campbelltown make bigger asses of themselves.

TEACHERS FEDERATION CLERICAL STAFF STRIKE

The Hon. ELAINE NILE: I direct my question without notice to the Attorney General, representing the Minister for Education, Training and Youth Affairs, representing the Minister for Industrial Relations and Employment. Is it a fact that 60 clerical staff employed by the New South Wales Teachers Federation have gone on strike because their demand for a 15 per cent pay increase has been rejected - the claim constituting the current 10 per cent federation demand and the 5 per cent already paid to teachers? What action will the Government take to ensure wage justice for these struggling employees of the heartless New South Wales Teachers Federation?

The Hon. J. P. HANNAFORD: I noted the interesting comments made in the papers, as did Opposition members, no doubt, that 60 union clerical staff walked out yesterday, demanding a 15 per cent pay increase - a figure calculated, the papers said, to mirror the 10 per cent pay demand the federation has served on the State Government plus a 5 per cent increase that had already been paid to the teachers. They were not able to negotiate an agreement with their own employers, who have been threatening and now propose to go out on strike for a similar pay deal. All I can say about that - and I have little doubt that the Minister for Education will soon have more to say - is that it illustrates the hypocrisy not only of those opposite but also of those who control those opposite.

Recently the Labor Party attacked the State Government about its industrial relations reforms. Within days of attacking the Government over those reforms, the Labor Council completed its own enterprise agreement under the New South Wales legislation. So much for the industrial legislation being outrageous! The legislation is being embraced by the union movement. It is about time the Labor Party sat down and talked to its master, the labour movement. If the Labor Party wants any credibility in New South Wales it should examine what is to be the relationship between it and its master, the union movement, and exactly what sort of message its master is sending to the community generally. At the moment it is sending a rabid message.

At least the Prime Minister shows some responsibility in this regard. I cannot make that statement very often, but the Prime Minister showed responsibility in calling upon the labour movement to not proceed with the outrageous claims being made by some sections of the industrial movement at a time when we are starting to move into an improved economy. I welcome the report in today's *Daily Telegraph Mirror* and other papers that our economy seems to be moving out of the boom-bust cycle. That has been achieved through responsible industrial leadership by the New South Wales Government

and

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a responsible approach, up until this stage, to wage negotiations by some sections of the union movement. It is clear that the union movement is prepared to go back to its rabid nature of the 1970s and it is clear that the Opposition is prepared to embrace that direction. I find that outrageous.

PERIODIC DETENTION PROGRAMS

The Hon. FRANCA ARENA: My question without notice is directed to the Attorney General, and Minister for Justice. Is it true that a program using periodic detention inmates to clean up rubbish from the sides of freeways and tollways is to be expanded? Is it true that periodic detention inmates have no choice as to the tasks undertaken as part of their periodic detention and that the only choice persons eligible for periodic detention have is the full-time sentencing option? Why has the cleaning up of rubbish from the sides of freeways and tollways been chosen, rather than vocational training programs which would empower people who often have no skills to learn some employment skills?

The Hon. J. P. HANNAFORD: I am afraid that this question reflects the honourable member's ignorance about periodic detention. The periodic detention program is one under which prisoners admit themselves at a periodic detention centre between 4 p.m. and 6 p.m. on a Friday afternoon. They are housed in that centre until around 4 p.m. to 6 p.m. on a Sunday evening. A suggestion by the Hon. Franca Arena that in a period of about 18 hours of daylight prisoners might be able to embark upon meaningful education or training programs would show some kind of illusion on her part. I welcome the fact that the Department of Corrective Services is requiring periodic detention prisoners to clean up rubbish on the sides of roads. Recently, after a drive down to the Goulburn area, I spoke to the commissioner. I do not know whether many honourable members have driven on the freeway to Goulburn recently, but anyone who had would have noticed that the state of the highway south of the Campbelltown turn-off was putrid. One would have sworn that there was a garbage tip -

The Hon. Dr Meredith Burgmann: You should try road 256. It is still terrible. Our government is going to seal it.

The Hon. J. P. HANNAFORD: The Hon. Dr Meredith Burgmann knows that the Government is well aware of that road. The previous Labor Government made the promise she is making, too, but the work was not done. When the Labor Party was in office before the Askin Government the local member came to my home town and made the same promises. It was when the Liberal Party was in government in the Askin days that the road from Goulburn to Taralga was upgraded. The Hon. Dr Meredith Burgmann will never be in government to carry out her promises. I wish to return to the issue of periodic detention centres. I told the commissioner that the freeway to Goulburn was putrid and I wanted it cleaned up. I do not know whether that has happened yet - I shall be driving down that way fairly soon so I shall find out.

At least those under periodic detention are now cleaning up the freeway between Concord and Penrith and cleaning up Homebush Drive. I have to admit that from time to time the road has not been as clean as it should be, and remarks have been made about that. The other day when I was driving down the highway I noticed people in green tracksuits out at work, and as green tracksuits are known to be the garb of the prisons I assumed that those people were members of our fine prison establishment who were out there doing something of worth for the community. In the past few days it was announced that the Gore Hill freeway would be cleaned up. Prisoners are also engaged in cleaning up some of the parkland. It might be rather a mistake, which I may have to address, but I understand that some of the pathways in the area of the Leader of the Opposition in the other House are being cleaned up.

That indicates that the Government is prepared to be non-discriminatory by making certain that it looks after the welfare of all people in the community. As the honourable member would know, people

with community service obligations are cleaning up the rubbish in the national parks. I assure the honourable member that I will do everything I possibly can to ensure that those who are locked up because they have offended against the community return something to the community, and if cleaning up rubbish from the roads and cleaning up the parks is a start then it is a darned good start.

COURT REFORMS

The Hon. ELISABETH KIRKBY: My question is directed to the Attorney General, Minister for Justice, and Vice President of the Executive Council. Will he confirm that he is determined to reduce court delays and costs and streamline proceedings in the courts? If so, has he considered introducing the American system of judicial instruction to juries in the form of a written, brief, standard direction on the law which is sent into the jury room with the jury to assist their deliberations? Is it a fact that this system was suggested by Mr Justice Michael Kirby, President of the New South Wales Court of Appeal in his judgments in *R v Glen Watson* and *R v Gregory David Stubbs* in June 1992?

The Hon. J. P. HANNAFORD: I am not directly familiar with the judgments referred to by the honourable member and I apologise for that. However, one of the things that I have in place is an instruction to my departments that if reforms are advocated by judges and the judges draw those to the attention of my departments, they are encouraged to implement those reforms. As the honourable member indicated that the judgments to which she referred were 1992 judgments, I will find out what has happened in respect of those proposals. I am committed to reducing court costs and court delays and I have embarked on significant reforms to reduce the backlog of cases and also the costs to the community of using the courts. I assure the honourable member that I have not ceased my efforts

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in that regard. There are many more reforms under way and discussion papers will be released shortly in respect of a number of additional programs, which will serve to emphasise the point that during the period of the administration of this Government more has been done to reduce costs and delays and to improve the efficiency of the courts than has ever been done by any other administration.

LABOR PARTY ELECTION PROMISES

The Hon. J. F. RYAN: My question is directed to the Minister for Planning, and Minister for Housing. What promises has the Australian Labor Party made in relation to the Minister's portfolio, and what impact would that have on the people of New South Wales?

The Hon. R. J. WEBSTER: I am grateful to the honourable member for his question, because it will enable me and other members of the Government during the next few hours, days and weeks - in fact, 130 days -

The Hon. J. R. Johnson: 128 days

The Hon. R. J. WEBSTER: - 128 days, in fact - to tell the people of New South Wales in unequivocal terms why they could never elect the rabble opposite as the government of this State. Certainly, the Leader of the Opposition, the Hon. M. R. Egan, could never be finance Minister because he gives new meaning to the old Rod Cavalier saying of voodoo economics. He is the high priest of voodoo, and he has plenty of mates. The cost to the taxpayer of the Australian Labor Party's promises in respect of my portfolio area is \$41,000 million. That is almost the same amount as two State budgets.

I know that the Labor Party has three and a half shadow ministers shadowing me. I suppose that is reasonable enough; I know I cast a reasonable shadow, but three and a half shadow ministers! I will not say who the half is; I will leave it up to honourable members to work that out. I know those in the gallery are waiting for the detail of this, so I will not delay any further, except to say that it is amazing stuff. I

know that the Hon. Franca Arena is listening intently, now that I have set the scene. Let us examine those promises more closely. The Leader of the Opposition has a reputation around town for saying a lot about nothing, and for saying very little at all about what he would do if he ever became Premier, but he has said a few things and the Government has taken a note of them.

The Leader of the Opposition said that a Labor Government would set targets for the elimination of disposal of heavy metals, chemicals and pesticides into waterways. That is a laudable, but in the Government's view seriously misguided, aim. The financial costs of achieving such an objective are astronomical, and the environmental costs are also high. Disposal of the vastly increased levels of chemical sludge and contaminated liquid that would be generated would be very difficult. Water Board consumption of electricity would increase by 20 megawatts, but, more importantly, the CO₂ gas emission would be quite staggering. For the privilege of this environmental degradation, the Leader of the Opposition would ask Water Board customers to pay between \$700 and \$900 per year per property. The estimated cost to the board of achieving this announced policy would be between \$10 billion and \$13 billion.

In contrast, the aim of the board's strategic planning is to look at alternatives to achieve a non-detrimental impact on the environment at a minimal cost to the board's consumers. Not only are the options that the Government has publicised in its "Choices for Clean Waterways" document much more effective environmentally, but of course also much more cost-effective. Let me refer to some of the other promises made by the Leader of the Opposition - this is just blithely off-the-cuff stuff - such as \$30 million to safeguard areas that are already protected under SEPP 14 wetland legislation. He said he will sell the State Office Block for residential development. That would immediately engender a cost of almost \$12 million. Honourable members all know of the Labor Party's very fine record in respect of residential development. This matter has been reported in the *Sydney Morning Herald* of recent days, including an article this morning about a consortium led by that gigantic intellect, Bob Stephens, who was thrashed three times by the National Party in the electorates of Goulburn and Gilmore. He was, in fact, the leader of the pack that was going to put this very exciting and successful residential development together for Sussex Street.

Well, Bob Stephens has failed a fourth time. His consortium has failed to stitch together that deal, and if one can believe what Paola Totaro wrote in the *Sydney Morning Herald* this morning - and I have no reason not to believe it - they are down the tube by millions of dollars. It is no wonder that the Labor Party's Federal colleagues have not proceeded with the privatisation of the Commonwealth Bank. I guarantee that the day the Commonwealth Bank is completely privatised will be the day the Labor Party is made to repay its loans. While the Commonwealth Bank is under Federal Government control, it will get its starting orders straight from Sussex Street.

Let me return to the promises made by the Leader of the Opposition and his shadow minister. The Leader of the Opposition promised to move the casino from Pyrmont around to the other side of Darling Harbour. The net cost of moving the site alone will be \$50 million, and that is without factoring in the loss in revenue to taxpayers for every day the casino project, which has the imprimatur of this Parliament, is delayed by the Leader of the Opposition. The Leader of the Opposition has also announced that every residential flat and unit in the Sydney Water Board area, including those built all those years ago, will have an individual water meter. The cost of that promise will be \$300 million. Not only is that unnecessary, but it will be paid for by the consumers of New South Wales. And those are just the promises of Bob Carr! The shadow environment

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spokesperson, Pam Allan, has her hand held every step of the way by her shadow, Craig Knowles. I will not tell anyone who the half shadow minister is.

[Interruption]

No, I would not say that Craig was the half, even though he holds Pam's hand. But he was not holding her hand the day she promised that, by the year 2004, all the ocean outfalls up and down the New South Wales coast will be removed. That promise has been costed by the Public Works Department and the Water Board, and it would take more than one State budget to fulfil that promise. These promises are being made by a man who has said that he will balance the State budget next year, he will not impose any new taxes and he will cut costs. He will need Eganomics personified. The old high priest, who has retreated to the President's gallery, will need every bit of skill and every lie that he can muster to fulfil this remarkable promise.

When Pam Allan visited Ryde council she was told about stormwater damage problems. What did Pam Allan do? She said that a future Labor government would fix the stormwater drains - \$300 million, just like that! She said, "We will give \$30 million to the Hawkesbury-Nepean river authority" - just add another \$30 million - "and \$51 million to western Sydney to improve the drainage out there". During another visit to the area she promised another \$10 million for the Hawkesbury-Nepean. Of course, she has not acknowledged any of the achievements of this Government concerning the Hawkesbury-Nepean river system, which have been widely acknowledged in reports in recent weeks. When the previous Labor Government was in office ammonia, nitrogen and phosphorous in that river were at record levels in that system. Pam Allan does not acknowledge that this Government has reduced ammonia levels by 50 per cent and nitrogen and phosphorous levels by 30 per cent.

She said that to curb Sydney's urban sprawl, the ALP's policy will be to halt development in the west. She has not told George Paciullo, Mark Latham or most of her non-factional colleagues in the west of that amazing plan. How will she manage that? Perhaps she will redevelop the sewage treatment plants that provide the effluent for the outfalls she is going to close. As I have said, it will require an amazing amount of money - \$30 billion - to remove those outfalls by the year 2004. Most of those outfalls were built by Labor governments, but she appears not to have acknowledged that.

[Interruption]

I am glad to hear the Hon. Franca Arena speaking in favour of outfalls. A few people on the Opposition benches agree with her, of course. That would mean the disposal on land of literally millions and millions - in fact billions - of tonnes of sewage. Where will it go? How will Pam Allan do it? What is more, who will pay? The answer, of course, is that if ever that becomes a reality the poor, unfortunate people of New South Wales will pay. According to Pam Allan, rubbish will not be a problem either under an ALP government. It will not only close all existing incinerators and ban the establishment of new incinerators; it will also place a moratorium on the creation of rubbish tips.

If the incinerators are closed, rubbish tips are banned and outfalls are closed, where the hell will it all go? Pam Allan is the shadow spokesperson on the environment, yet my friends in the *Sydney Morning Herald* gave her four out of four for policy. This is looney tunes stuff! It has been suggested that Pam Allan might use magic to dispose of all this rubbish. Let me turn now to the housing portfolio and to my colleague the Hon. Deirdre Grusovin. She becomes part of that trio and a half of shadow ministers. I will not talk about Michael Knight today because I talked about him the other day and my colleague the Hon. J. P. Hannaford has already spoken about him. He and the shadow finance spokesman in this Chamber are part of the voodoo club. Deirdre's HomeFund mortgage relief bill -

The Hon. Franca Arena: You are boring us out of our minds!

The Hon. R. J. WEBSTER: I am trying. Deirdre's latest proposal will cost \$600 million, and that has to be added to Pam's \$30 billion. It is great stuff! And this is only in my portfolio! There are three and a half shadow ministers for my portfolio, but what about the other sixteen and a half? What the hell have they promised? The Opposition has already used two State budgets - \$41 billion - and that is without health and transport. I am told that Bob Carr has promised 26 new hospitals around country New South Wales. Who will pay for those? And Bob Carr will balance the budget! However, having

changed his mind three times, he is now going to oppose the balanced budgets legislation - and no wonder! I can tell everybody in this Chamber, including those in the gallery, that they will be bored stiff with us before the election. I challenge everybody who reports on State politics to place under scrutiny the promises and proposed financial management structure of the ALP, in exactly the same way as they put under scrutiny John Hewson and John Howard when they were called to account before previous Federal elections. Let us see whether or not the ALP is put under the same scrutiny. If it is, the people of New South Wales will never elect a Labor government.

EMPLOYMENT OF MINORS

The Hon. P. F. O'GRADY: Will the Attorney General, representing the Minister for Community Services, confirm that the Government is proposing to deregulate the employment conditions of babies and child actors? What investigations has the Government undertaken into possible child exploitation? How will the Minister ensure that New South Wales does not place Australia in breach of International Labour Organisation conventions on child labour?

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The Hon. J. P. HANNAFORD: I also noticed the story in today's newspaper. I am sure the Hon. P. F. O'Grady will remember legislation introduced by me that strengthened controls in this area. I have no knowledge of any proposals along the lines outlined in the newspaper today. However, I will draw the honourable member's question to the attention of the responsible Minister and obtain a further response, if necessary.

HERITAGE COUNCIL ABORIGINAL REPRESENTATION

The Hon. R. S. L. JONES: My question without notice is directed to the Minister for Planning, and Minister for Housing. Why is there no Aboriginal representative on the Heritage Council of New South Wales? Is this why the Heritage Council has shown no interest in placing an interim conservation order over the area known as North Ocean Shores to prevent the continued desecration of highly important and unique Aboriginal heritage sites?

The Hon. R. J. WEBSTER: The Hon. R. S. L. Jones may or may not know that the Heritage Act of New South Wales, a fine piece of legislation, was introduced by the late Paul Landa when he was Minister for Planning and Environment. The Act prescribes various positions on the Heritage Council for which nominees are sought. The nominees may include people from various organisations, from government and so on. Although I do not have a copy of the Act in front of me, I understand it contains no specific provision for an Aboriginal person to be nominated to the prescribed positions on the Heritage Council.

The Hon. R. S. L. Jones: Then it is time to change the Act, is it not?

The Hon. R. J. WEBSTER: It may well be. The honourable member has made a valid point that I would be happy to consider in any amendments to the Heritage Act. The honourable member may well be right. I will look at the prescribed positions in the Heritage Act, and I suggest the Hon. R. S. L. Jones does the same. Certainly, there is no position prescribed for an Aboriginal person on the Heritage Council. It may be a worthwhile amendment to the Act. In the second part of his question the honourable member asked about North Ocean Shores. That area of coastal land is north of Ocean Shores in the Byron shire and extends into the Tweed local government area. It has been the subject of numerous development proposals in recent years. The current owners of the portion of the land in the Byron local government area have proposed a sanctuary and ancillary development over land which is mostly zoned for environmental protection or affected by SEPP 14.

Some of the land zoned rural in the same ownership is less sensitive. As I understand it, zoned boundaries are not clear-cut and some areas are subject to early, more basic planning controls. I understand that local conservation groups have challenged certain of the owners' activities. The Heritage Council has considered the matter and recommended that no action be taken at present. A number of requests have been made for acquisition of the land. I am still considering that matter. The honourable member would appreciate that I have used the Coastal Lands Protection Fund to acquire some environmentally sensitive land in various other areas of the north coast, including the land at Bonville in which the Hon. R. S. L. Jones has taken a keen interest in recent times.

My colleague, that fine environmentalist, the honourable member for Coffs Harbour, Andrew Fraser, also made representations to me and I was able to find the funds to acquire that land for the people of the Coffs Harbour electorate. The local member, Don Page, is also a keen environmentalist and is keen to ensure that the conservation values of that land are preserved, irrespective of its future use. I know the Hon. R. S. L. Jones would like to lock it all up, but life is not that simple. The National Parks and Wildlife Service has taken a keen interest in the same land. I would not rule out something being done about North Ocean Shores, but I am not able at present to use the resources of the Coastal Lands Protection Fund to purchase the land.

The Hon. R. S. L. Jones: What about the Markwell money?

The Hon. R. J. WEBSTER: I have used the Markwell money, as I have told the honourable member. The beauty of being a Minister is the ability to change one's mind at times and make better decisions. That is the story about North Ocean Shores. The Government has the sensitive area of land at North Ocean Shores under consideration but at the present time no action will be taken by me in relation to it.

HOME INVASIONS

Reverend the Hon. F. J. NILE: I ask the Attorney General, representing the Minister for Police, and Minister for Emergency Services, a question without notice. Is it a fact that Judge Moore has been critical of the successful campaign by the New South Wales Police Service against home robberies by the use of decoy pawn shops? Will the Government continue to give support to the New South Wales Police Service in its campaign against home robberies and home invasions?

The Hon. J. P. HANNAFORD: I noticed the report in today's newspaper of Judge Moore's comments in relation to this matter. Some of his remarks concerned me, and I will be seeking a full copy of the judgment. No doubt the Minister for Police will also examine the judgment. All honourable members realise that the police need to use a number of different measures to reduce criminal activity in the community. We should be prepared to support the use by the police of whatever lawful means are available to them if the result is a reduction in criminal activity. I noted the criticism that was

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made. It struck me as a little illogical to suggest that the opening by police of a pawn shop, thereby providing an opportunity for the sale of stolen goods, encourages people to steal. It may be that the comment reported in the newspaper was taken out of context. There may be a good explanation for the comment, and I will know if that is so after I have read the judgment.

NATIONAL ELECTRICITY GRID

The Hon. PATRICIA FORSYTHE: My question without notice is directed to the Minister for Energy, and Minister for Local Government and Co-operatives. This morning, a man by the name of Terry Larsen from the Totally Opposed to Eastlink group - TOTE - was reported as saying that the Minister had

revealed that a proposed electricity link between New South Wales and Queensland was necessary as part of privatisation plans for the power grid. Will the Minister advise the House on the Government's position in this matter?

The Hon. E. P. PICKERING: I thank the honourable member for the opportunity to clarify this matter. Moments before I attended question time today my department provided me with a fax which revealed that at 7.30 a.m. today on radio station 2TM Tamworth the following exchange occurred. The newsreader said:

The meeting between local government and Energy Minister Ted Pickering and the group opposing the Eastlink power line project on the Northern Tablelands, has ended in disagreement. The Totally Opposed to Eastlink Group spokesman Terry Larsen says Mr Pickering revealed -

and this is important -

the power line is necessary as part of privatisation plans for a power grid which will eventually link into a national electricity system. Mr Larsen said Mr Pickering's office isn't interested in open debate on the issue. However, he's been told by the non aligned independents and the Labor Party they'll force through an inquiry using their numbers.

Terry Larsen is reported to have said:

We hope that next week there may be as a result of a debate on a motion before the House, there may actually be a vote for an inquiry, but it's certainly indicated that that's what they would like to see, more open government, more accountability and certainly that's what we're after.

Last night, in company with my ministerial colleague, Mr Chappell, I met three people from a group known as TOTE in Mr Chappell's office. I spent 1½ hours in detailed, open and frank discussions with those people. On a number of occasions those people, or at least one of them, suggested that there was a plan by Mr Keating and the Federal Government to privatise the national grid in this country and that the proposed development of an Eastlink line was part of that national privatisation agenda. On every occasion I made it abundantly clear to those people that I was confident that Mr Keating did not have a privatisation plan in mind and they could be absolutely certain that this Government would not privatise the national grid, which is a natural monopoly. There is no way in the world that the Government will privatise the national grid. It is true that the Government has agreed with the Federal Government as to the desirability of the establishment of a national corporate grid, and at present the plan calls for the abutment of various State grids.

Last night this Parliament passed legislation to allow the Government to create a statutory authority to manage the New South Wales grid, which will be part of that national system. It is neither the intention of this Government nor, I am confident, the Federal Government to move towards the privatisation of that grid. When my staff officer read the fax this morning, having attended the 1½-hour meeting last night, he told me that he was flabbergasted that Mr Larsen had made these statements this morning. At the end of the meeting a specific request was made of Mr Larsen, if he intended to make any public comment as a result of discussions that occurred last night, to clear with my office that whatever he intended to say was factual and in line with what was said. An assurance was given that this would occur.

However, at 7.30 this morning Mr Larsen was reported as telling what can only be described as a straight-out lie. I use that the word advisedly. This matter was not canvassed once or twice; it was canvassed umpteen times during the meeting. It was as clear as a bell that the TOTE group is opposed to Eastlink because it believes that Mr Keating has a secret privatisation plan. The Government has assured the group on umpteen occasions that this is not so, and I assure the people of New South Wales that it is not so.

Now that the debate has been opened up, it is appropriate that I put the facts about Eastlink on the table. The New South Wales Government, the Federal Government and the Queensland Government have agreed in principle to consider the feasibility of establishing a link between Queensland and New South Wales to provide a more extended national grid. The concept is that more open competition between customers and generators will result in the likelihood of internal forces within the State keeping the price of electricity as low as possible. The concept seems to be fundamentally sound.

However, the fact is that no line will be built to Queensland unless the Queensland Government decides it wants the line to be built. New South Wales has a surplus of power generation capacity and Queensland faces a shortage. The only reason to build a line, at least in the short term, is to provide additional power to Queensland. The process of considering where the line will be built is in place, and that process has certainly upset many people. Pacific Power has acted in accordance with the recommendations of Sir Harry Gibbs and has talked to the entire community about possible routes, and so on. While that preliminary work is being done, it is up to the Queensland Government to tell me, in a relatively short time, whether it wants to build the line.

If the Queensland Government wants to cooperate with the Federal and State governments to build the line, I suspect the line will be built. If it

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does not want to cooperate, I assure honourable members Eastlink will not be built. A decision will be made in the near future. Within the last few days Pacific Power has released to the community a map that reveals seven possible routes for the line. This document also seeks comment from the community. By early February the technical engineering answers will be provided as to the preferred route.

The Hon. R. S. L. Jones: Who will pay for it? Will Queensland pay for it?

The Hon. E. P. PICKERING: It is academic who pays for it because eventually it will all be paid for by people who consume electricity. It is a simple fact that consumers of electricity pay for the capital infrastructure. It should be spelled out clearly that those who oppose the concept of Eastlink suggest that the proposal has no economic basis. I am advised by Pacific Power - and I have had these matters checked carefully by Treasury - that the capital cost of a proposed Eastlink line, depending on the route that is eventually chosen, will be between \$350 million and \$500 million at the most.

The Hon. R. S. L. Jones: Plus compensation.

The Hon. E. P. PICKERING: No. That includes all costs. Obviously the figure cannot be precise until it is decided where the line will go. As I have said, that process is now in place. The electricity authorities have pointed out that when two basic electricity systems are joined, capital installation of a significant amount of reserve generating capacity can be permanently deferred. The cost of that reserve generating capacity is about \$100 million more than the capital cost of building the line.

The Hon. R. S. L. Jones: Not if proper compensation is paid.

The Hon. E. P. PICKERING: That is not true. Those are the basic figures. The obvious economics of amortising the capital cost as a function of the flow of electricity can be disregarded. Usually when the capital cost of building a power line is justified, it is justified on the sale of electricity along the line. Clearly those benefits can be disregarded. However, I do not need to explain the benefits to the House, because in pure capital terms the difference between two capital developments can be examined, and one is more expensive than the other. There is a simple approach to the economics of the proposal. This proposal has the support of the Federal Labor Government, the Queensland Labor Government and the New South Wales Government.

The Hon. R. S. L. Jones: Not the coalition in Queensland.

The Hon. E. P. PICKERING: I have spoken to the leader of the coalition in Queensland and I did not hear any objections from him. Under those circumstances this is clearly a bipartisan move that is designed to improve the economy of this country for the benefit of the people of Australia. One only has to travel offshore to observe the rate of development in our region. The can-do economies of Japan, Korea, China and Singapore are zooming ahead of Australia's economy, which is bogged down. One of the reasons our economy is bogged down is because most of Australia's parliaments cannot get on with their work because crossbenchers slow everything down. Honourable members must understand that if the economy of this country does not get up and run and if Australia does not develop, it will be the poor neighbour on the Asia-Pacific rim. I do not want that for my grandchildren and I am sure Government members do not want it.

POLITICAL ADVERTISING

The Hon. A. B. MANSON: I direct my question to the Minister for Planning, and Minister for Housing, representing the Deputy Premier, Minister for Public Works, and Minister for Ports. Why was the spring edition of *Work Link*, the taxpayer-funded magazine of the Public Works Department, allowed to carry an article singing the praises of the Mayor of Great Lakes Council, Sandra Machin? How can this use of the public works budget be justified when the article makes only a vague reference to sewerage work and was clearly a politically biased, personal promotion?

The Hon. R. J. WEBSTER: I am sure *Work Link* is a fine publication, and I am sure my colleague in the other place will respond to the honourable member's question in due course.

The Hon. J. P. HANNAFORD: If honourable members have further interesting questions, perhaps they could be placed on notice.

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

CRIMES (PROHIBITED MATERIAL) AMENDMENT BILL

Second Reading

Debate resumed from 27 October.

The Hon. J. W. SHAW [2.30]: The Opposition does not oppose the bill, which, in particular, establishes the offence of possession of certain material that includes child pornography but is not confined to material of that category. In essence, the offence is possessing material that has either been refused classification under the Film and Computer Game Classification Act 1984 or has been classified as a prohibited publication under the Indecent Articles and Classified Publications Act 1975. The new or proposed offence would be sufficient to enable prosecution of persons who were storing large quantities of child pornography and other offensive material, and that seems to the Opposition to be a reasonable prescription to include within the criminal law. In addition, the bill makes a number of amendments to the Film and Computer Game Classification Act 1984.

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One might have cause for concern about some of these amendments, were it not for the particularly objectionable target of the amendments, child pornography. In other contexts, perhaps, legitimate objections could be raised to the extension of various definitions and the like. But given that we are dealing with child pornography and obviously abhorrent activity that would be condemned by almost all

members of the community, the Opposition supports these various changes. The definition of "child" in the Film and Computer Game Classification Act is to be made dependent upon the opinion of the censor rather than upon the objective fact of age. That is understandable given the difficulty of proving the age of a child or a person in a pornographic film. It is a difficult task for the prosecution to ascertain the identity and age of such a person.

The bill will increase from 16 to 18 years the relevant age of a person defined as a child. This increase in age has nothing to do with the age of consent for sexual activity or with the offence of carnal knowledge. The bill increases the rigour of the law against child pornographers in amending and expanding the provisions of section 35 of the Film and Video Tape Classification Act. Section 35 provides that a person shall not invite or procure or attempt to procure a child to be in any way concerned in the making of a child abuse film. The effect of the Crimes (Prohibited Material) Amendment Bill will be to vary the definition of "child" contained in the Film and Video Tape Classification Act and, therefore, broaden the offence against child pornographers. I do not have any difficulty about a toughening of the law in this area. The Opposition supports the bill.

The Hon. Dr MARLENE GOLDSMITH [2.35]: I commend the Attorney General for bringing before the House the Crimes (Prohibited Material) Amendment Bill. There is a fundamental reason why the bill is important - the protection of our children. In child pornography there is always a victim - the child who has been used and abused to produce the pornography. The Australian Law Reform Commission recognised this fact in its report No. 55 on censorship procedure:

The production of child pornography is likely to involve child sex abuse and is often associated with child sex abuse offences. The prime concern must be the welfare of children. Australia's obligations in this respect have been emphasised by its ratification of the United Nations Convention on the Rights of the Child. Under article 34 signatory States undertake to protect children from all forms of sexual exploitation and sexual abuse. Particular mention is made of measures to prevent the inducement or coercion of a child to engage in unlawful sexual activity and the exploitative use of children in pornographic performances and materials. The Commission suggested in the Discussion Paper that the best way to safeguard the welfare of children is to eliminate the production of and market for child pornography.

This bill acknowledges that it is not just the production of child pornography that is a crime, possession of such material is also a crime, because without a market there would be no stimulus to produce such material. The Attorney General is to be particularly commended for his trailblazing initiative in raising from 16 years to 18 years the age of a person defined as a child to be used in pornography, although that provision will not be implemented until there is national agreement on the issue. At the moment *Australian Playboy* and *Australian Penthouse* legally use 16-year-old girls as centrefolds. *People* magazine actually had a cover story bragging about nude photos of a 15 year old. If anyone published such photographs in America, they would be put in gaol. In the United States the legal age to appear in pornographic publications is 18, and there are moves to raise that age to 21.

A major concern for the community is the growth of pseudo-child images, of dressing young women who appear juvenile in children's clothes, such as school uniforms, or shaving their pubic area and presenting them as erotic images. Such images legitimise the concept of children as sex objects. Does such material legitimise attacks on children? Human rights commissioner Brian Burdekin found a 500 to 600 per cent increase in sexual abuse of young girls in families where the adult male is not the natural father. We are increasingly aware of the horrific escalation of reported child sexual abuse in our society. How much of that escalation is an actual increase and how much of it is an increase in reporting remains debatable.

I refer honourable members to the research of Tim Tate, especially his article "The Child Pornography Industry: International Trade in Child Sexual Abuse", in *Pornography: Women, Violence and Civil Liberties*, edited by Catherine Itzin and published by Oxford University Press. Tate outlines the

fundamental connections between child pornography and paedophilia. Another researcher, Ray Wyre, has established that child pornography functions to legitimise paedophile abuse of children. Child pornography normalises abuse by suggesting that it is children who want it - and, of course, child abuse has already taken place in the production of the pornography. By reversing the onus of proof so that the chief censor must be satisfied that the person being used in the pornography is over the age of 16, rather than, as before, having to be sure that the person was under 16, the legislation will do a far better job protecting our children than was possible in the past. If national agreements become possible, such protection will be extended to children under 18 years of age. We do not consider 17-year-olds mature enough to exercise political judgment by voting. It would only be consistent to apply the same rules to the judgment of 17-year-olds to appear in pornography - an action which may harm their future in both a personal and career sense.

I express personal disappointment that, because of the Opposition's consistent pre-emption of general business in this House, my private member's Protection of Children from Indecent Images Bill is unlikely to pass through the Parliament by the end of this session, despite its being introduced many months ago. However, my disappointment regarding that bill is somewhat assuaged by the measure that is before the House at the moment. This bill is about the

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protection of our children, both directly from being exploited and used in child pornography, and indirectly from becoming victims of sexual abuse as a result of the legitimisation of children as sex objects - a legitimisation created by child pornography. Our children deserve a childhood. It is long past time that our society confronted this issue. I commend the Attorney General for his courage in confronting the powerful pornography industry for the sake of the children of New South Wales.

The Hon. Dr MEREDITH BURGMANN [2.43]: I wish to place on record my concerns about certain aspects of this bill. As honourable members are aware, the Opposition is supporting the bill, but I have certain reservations about the reason for its introduction at this time. The bill is an illogical absurdity. It seeks to raise the age at which an individual can be involved in pornographic film or video from 16 to 18 years and to amend the definition of "child" for the purposes of classifying a film, computer game or publication so that it covers a person who is a child or who "in the opinion of the censor looks like a child". I understand why the words "in the opinion of the censor" are used; often it is difficult to determine the age of a child.

I am sure all honourable members share my abhorrence of child pornography, and I am totally opposed to people who produce pornography. However, it is an illogical inconsistency to have a law which on the one hand allows young people aged 16 years to have sexual relations and even to get married - but on the other hand does not allow people of the same age to have those relations depicted on video or film. As someone said to me regarding this legislation, "You can do it, but you can't watch it"! If we believe that young people 16 years of age are mature enough to decide to get married, surely they can decide what forms of employment they undertake.

The Hon. Dr Marlene Goldsmith: The Labor Party has expressed concern about the hours worked by children in the film industry. And that involves children under the age of 18 years.

The Hon. Dr MEREDITH BURGMANN: I am glad the Hon. Dr Marlene Goldsmith supports the Government's proposal to change the industrial relations aspect of child employment in the theatrical industry. My point is that if we believe that people are adults at 16 years of age - and the Parliament has already taken that view - and we allow them to get married, surely it is an absurdity that they cannot be permitted to have their sexual relations depicted on video or film.

Reverend the Hon. F. J. Nile: Child pornography!

The Hon. Dr MEREDITH BURGMANN: Reverend the Hon. F. J. Nile keeps saying that, but I am debating the appropriate definition of "child". If a person aged 16 years is a child, we should not allow

that person to get married. I do not believe in child marriages. If the honourable member believes that a person aged 16 years or 17 years and 11 months is a child -

Reverend the Hon. F. J. Nile: Taking obscene photographs of children five years of age is child pornography.

The Hon. Dr MEREDITH BURGMANN: I wish Reverend the Hon. F. J. Nile would be a little rational. I am not speaking in favour of child pornography. I have already said that it is abhorrent to me. I am debating the definition of "child". Why on earth do we have legislation that states that a person aged 16 years is not a child, when we allow people the same age, and younger, to marry and have sexual relationships? That is an illogical absurdity. If the Government were really concerned about child pornography and child abuse, why did it allow 80 specialist child abuse workers to be gutted from the Department of Community Services? Because those 80 child sexual assault workers no longer work for the department, notifications to the department of child abuse in New South Wales cannot be followed up. Why are places like Links House in Nowra not given proper resources? Links House is a sexual abuse -

The Hon. J. P. Hannaford: On a point of order: the bill has nothing to do with the matter now being referred to by the honourable member. The bill relates to child pornography, and I ask that the honourable member be brought back to the subject matter of the bill.

The Hon. Dr MEREDITH BURGMANN: On the point of order: surely, a worry about child pornography is a worry about the abuse of children? I am referring to other action that can be taken to address the problems associated with the abuse of children.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! No point of order is involved. However, members should confine their remarks to the bill and address their comments through the Chair rather than at one another.

The Hon. Dr MEREDITH BURGMANN: Links House, a sexual assault centre at Nowra, is so drastically underresourced that 42 people who have suffered from sexual assault, and are in desperate need of counselling, are on a waiting list to receive counselling. Seventeen of those 42 are children. If this Government really wanted to address the problems children face in a society that seeks to exploit and abuse them, rather than introduce this illogical bill it would properly resource the child specialist sexual assault services of the Department of Community Services and sexual assault centres such as Links House in Nowra. Finally, I address the issue whether such legislation can be properly policed.

The bill will make it an offence for a person to possess such pornographic material. Emphasis seems to be shifting from the production of such material to the possession of it. Of course, that is logical: if the production of material is to be an offence, obviously possession of it should be an offence also. However, today's technology makes it virtually impossible for such legislation to be policed. I understand that so much information is currently on the Internet

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computer system that anyone wanting to search all the information would die before completing the search. The Government does not intend to police this legislation. The Government has introduced this bill for one reason, and for one reason only: in these last few weeks of sitting before the next election it is desperate to show that it is putting forward worthwhile legislation. This bill is yet another example of illogical and inconsistent legislation. It will not be able to be policed.

The Hon. ANN SYMONDS [2.50]: This is another piece of pre-election posing legislation. This bill, which will create a new offence to prohibit the possession of certain films, computer games and publications containing child pornography and other indecent or prohibited material, will not be opposed by the Opposition. In fact, I do not think anyone would say that he supports child pornography and material which seeks to promote, incite or instruct in matters of crime or violence. Of course I abhor the exploitation of children; of course I reject violence in all its forms; of course I resent drug promotion

because of the damaging effects drugs have; of course I am opposed to the promotion of harmful drugs, including tobacco and alcohol. But a distinction should be made between drug abuse and drug use.

The Hon. Dr B. P. V. Pezzutti: You are flogging marijuana.

The Hon. ANN SYMONDS: I certainly am not. That comment indicates the extent to which the Hon. Dr B. P. V. Pezzutti has never understood anything I have said. He never listens. Medical availability, taking away criminal penalties and stopping people from going to gaol are quite different things from the promotion of drug use.

The Hon. Dr B. P. V. Pezzutti: It is the same.

The Hon. ANN SYMONDS: No, absolutely not. You poor creature, you do not understand what is at issue. This bill creates a new penalty and increases penalties for possession. In recent times debate on these issues has become blurred. Some of the issues - such as sexism and sexuality, and pornography and erotica - have become indistinct and are not being discussed in a dispassionate and rational way for the benefit of the community. I am distressed by the fact that those issues are becoming blurred. Constant exclamations and railings against pornography and violence are more appealing to certain people - it is so much more satisfying in these days of instant gratification to rail against the evils of certain aspects of society than to be involved in the hard slog of achieving real change in these areas.

There must be criminal penalties. The effects of pornography are extremely complex; they are inseparable from several hundred other factors influencing the conduct of people. We do not discuss the abuse within our community, especially the abuse of children, which arises from poverty. We do not discuss the abuse which arises from the misuse of drugs, particularly amphetamines, which are clearly identified with violent behaviour. Honourable members may be interested to know that 329 prescription drugs are suspected of having some association with violent behaviour. These matters need attention, and more attention than can be given by this simplistic piece of legislation.

The Hon. Dr B. P. V. Pezzutti: I thought we were talking about pornography. You are not talking about pornography.

The Hon. ANN SYMONDS: The honourable member does not understand this bill. He has not looked at it. It not only deals with child pornography; it deals also with material which is likely to incite violence, including drug taking, use and addiction, et cetera. Perhaps the honourable member, who is a poor overworked parliamentary secretary, does not have time to look at issues relating to law and order. Never mind, his colleagues are doing it for him. I reiterate what I have already said: it is very easy to grandstand on these issues. Who is going to say that they support child pornography? Who is going to say that they support the promotion of violence? Who is going to say that they support the promotion of drug abuse and addiction? Of course, none of us will.

What is the Government doing to change society and to guarantee protection for children? As my colleague the Hon. Dr Meredith Burgmann said, 80 child protection worker positions in the Department of Community Services have been completely eliminated and 70 offices of the department have been disbanded since the Government came to office. In all 2,000 staff have been taken from the Department of Community Services; police mistreatment units, which were set up to focus on taking evidence of child abuse, have been disbanded; 14 officers within the Department of School Education who assisted teachers to focus on suspected child abuse, and therefore take up their responsibility as mandatory notifiers of suspected abuse, have gone; and nearly all the Child Protection Council subcommittees have been disbanded - the council has been left with one executive officer and a part-time secretary-assistant.

The Government should be realistic about what it is trying to do to guarantee protection for children. I cannot help thinking that this bill is a hypocritical, pious, self-serving and useless piece of legislation. As the Hon. Dr Meredith Burgmann said, technology will defeat the process. We cannot simply establish

laws to change people's behaviour; we must involve ourselves in education, in persuasion, and in establishing a set of values which will truly guarantee protection for children. I long for the day when child abuse is completely eliminated from our society.

The Hon. ELISABETH KIRKBY [2.58]: At the risk of being labelled hypocritical by the Opposition, I support the Crimes (Prohibited Material) Amendment Bill. I do not understand the attitude of Opposition members in relation to this bill. The issue of child pornography is serious. The availability of such material is increasing. It is easily available in the home by way of computer games and videos in a way never seen in the past. They were not available to anyone in the community only five years ago. I

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support the bill. I propose a number of amendments which are aimed at reflecting the appropriate penalty for the possession of a large number of indecent and prohibited materials, including pornographic films, videos and computer games. Children in our society are being abused, both overtly and through abuse associated with perverse voyeurism. It has to stop.

I support any measure that will bring to justice adult perpetrators of such abuses. The decision of the Office of Film and Literature Classification will mean that the prosecution will not be bogged down in proving intent of possession. The offence will be proved by the courts with the production of the receipt from that office. The Attorney General and his counterparts in the other States are in the process of establishing uniform codification of censorship and crimes of pornography. When will this happen? How much longer do we have to wait? How many more Council of Australian Governments meetings will pass before the results are put into practice?

The laws of the Australian Capital Territory present problems for other States. Anyone can order by mail child pornographic material from the Australian Capital Territory. What pressure will the Attorney General place on his counterpart in the Australian Capital Territory to close this loophole? That loophole assists paedophiles and other individuals who apparently enjoy seeing children depicted in situations of abuse. I have had discussions with the Parliamentary Counsel and with officers of the Attorney General's Department. I am cognisant that local distribution and manufacture of child pornographic material are offences under the Indecent Articles and Classified Publications Act 1975 and the Film and Computer Game Classification Act 1984. My concern is about the penalty in this bill for the crime of possession of indecent prohibited material.

The penalties in the bill apply to individuals, because the clause relates to "a person", and are not aimed at corporations. If police find a large haul of indecent and prohibited material that appears to belong to an individual, that material will be evidence only to support the offence of possession. In this scenario the penalty should be more severe. After all, a garage full of child pornographic videos will have a high commercial value. I am informed that some paedophiles are willing to pay \$300 for such a video. Yet, if a large number of such videos were to be found by the police, when no other proof or indication of distribution can be found, the individual may be charged only with possession. For that reason I shall move an amendment to the bill to increase the penalty for trafficking, thus providing the courts with the discretion of sentencing an offender to a two-year gaol sentence or a fine of \$100,000 or both.

If this amendment is accepted, it will give the police discretion to elect to prosecute before a magistrate if a small amount of indecent and prohibited material is found, or before a Supreme Court judge exercising summary jurisdiction for a large amount of indecent and prohibited material. Large numbers of pornographic videos are easily copied in the backyard garage of any residential area. It does not require a large-scale criminal operation to produce copies: albeit they are technically inferior, but the market is extensive. Those catering to it do so at very little expense but make a great deal of money. A fine of \$100,000 is not too high.

Section 18B of the Indecent Articles and Classified Publications Act sets a penalty of \$4,000 for an individual possessing indecent material and \$15,000 for the same offence committed by a company.

However, the Act was passed in 1975, which means it is nearly 20 years old. I am sure those penalties accurately reflected the economic sanctions of that period. In response to any criticism for that argument, in 1975 the community had very little awareness of the extent of child abuse in child pornography rackets. Of course, in 1975 it was certainly not possible for any home to have pornographic videos or computer games that might include pornographic or violent material. Twenty years is a very long time and technology has changed; regrettably, child pornography has also increased. Many members of the public are outraged at the increase of child abuse and clamour for Parliament to pass effective legislation.

If Parliament does not give police and the courts the ability to adequately sentence those who continue to produce child pornographic material, obviously they will continue to make large sums of money by exploiting perverted behaviour. It has been pointed out to me that my amendment is not in parallel with penalties for similar offences in other States. So what? When has New South Wales had to follow the leader? Other States do not have truth in sentencing legislation or community protection bills. We are eager to introduce draconian legislation to keep people in gaol on the probability that they may commit an offence in the future, yet we are not prepared to have tough penalties for the distribution of child pornographic material, because New South Wales would be out of line with other States. I do not see any logic in that argument.

The milder penalties of other States may only reflect the reluctance to take a strong and committed stand against child abusers. It is not something with which we should be concerned and we certainly do not have to follow that example. The Attorney General is considering uniformity of law on these matters, which I welcome, but again I ask, when is this expected to happen? I should like to deal with remarks of the Hon. Dr Meredith Burgmann that caused interjections from the Government benches. The Hon. Dr Meredith Burgmann fails to understand that it is not the age with which we are concerned; we are concerned with pornographic material often of a violent nature, made by a 16-year-old model or actor who looks 10 or 12 years of age, and if she is exhibiting her true personal development, she is made up - as the Hon. Dr Marlene Goldsmith said, with pubic hair shaved - to pander to those who, regrettably, desire to have a sexual relationship with a non-pubescent woman.

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There is all the difference in the world between child pornography and the abuse of children - those who are children and who look like children - and erotic videos or erotic material. I have absolutely nothing against soft porn being available. There is a market for it and I do not think there is anything wrong with that. But it would be wrong to continue with the production and dissemination of pornography, violent pornography against children - who are younger than puberty or appear to be younger than puberty, whatever their chronological age - because it is only pandering to the perversion of the people who are watching it.

Reverend the Hon. F. J. Nile: To the paedophiles.

The Hon. ELISABETH KIRKBY: They are paedophiles. Reverend the Hon. F. J. Nile and the Hon. Elaine Nile probably regard me as a very broad-minded and possibly totally misguided civil libertarian. I certainly do not hold their views on many subjects but I am 100 per cent on their side when it comes to pornography using young children. I am even more on their side when it comes to pornography that shows violence and abuse, because that is a total distortion of what true eroticism really is. Regrettably, many video games and some videotapes do not only deal with sexual pornography; they are in fact incitements to violence. They are instruction manuals on how to manufacture weapons or bombs - things that should be absolutely prohibited in any reasonable modern society.

It is proper that there should be the strongest sanctions available against people who peddle such violent rubbish. If we are to have uniformity of laws, I ask the Attorney General when he expects that welcome development to happen. Does New South Wales want to set the standard of appropriate

penalties for what I believe are most abhorrent crimes, or are we to be pulled along by the ear by other States and not be a leader in this regard? We should be leading. That is why I shall move my amendments. Even if the Opposition will not support them - and I have been informed that it will not - I hope the Government will assist in having them included in the bill.

The Hon. ELAINE NILE [3.13]: Call to Australia, as I am sure the Government would know, supports the Crimes (Prohibited Material) Amendment Bill. The object of the bill is to amend the Crimes Act 1900 to prohibit the possession of certain films, computer games and publications containing child pornography and other indecent or prohibited material. The bill also will amend the Film and Computer Game Classification Act 1984 and the Indecent Articles and Classified Publications Act 1975 in related respects. The bill will prohibit the possession of refused classification material, that is, material of an extreme nature, including depictions of child sexual abuse or children engaged in sexual activity, bestiality and other material which incites or encourages crime, violence or drug abuse. We are particularly encouraged that the Government has taken action against possession of this material, closing a loophole which Call to Australia has campaigned against.

In one case a boot load of X-rated pornography, which is banned in New South Wales, was located but, because of a lack of prohibition against possession in the law the police were instructed to return the material to the porn peddler because they had not caught him in the act of selling or hiring it. This bill is very close to the heart of Call to Australia because children are close to the heart of God. The Lord Jesus Christ himself said, "If anyone offend a little child it would be better that a millstone were placed around his neck and he were drowned in the depths of the deepest sea rather than fall into the hands of the living God". Some people who quote scripture in this Chamber have not really read the scriptures. The *Bible* is very strongly against people who would harm children.

We know that the word "censorship" is anathema to ALP left-wing civil libertarians who object to laws dealing with possession of this sort of material. If the ALP were to gain government under the leadership of Mr Bob Carr will it repeal this bill? This is an important matter that we would like to know. I am sure the community would also like to know. The original law prohibiting child pornography was introduced in New South Wales and other States as a result of the Festival of Light campaign in the International Year of the Child. I really thank God that the Government has introduced the bill. The introduction of an offence for the possession of child pornography, as it is commonly termed, accords with the recommendations of the Australian Bureau of Criminal Intelligence in its 1993 report "Paedophiles and Child Sexual Abuse". In extending the offence to cover other refused classification material the Government aims to further limit the availability of material containing extremely violent or sexually coercive matter or material which instructs in criminal activity or drug abuse. The offence will involve a penalty of up to \$10,000, 12 months imprisonment or both.

I remember listening to the Australian Broadcasting Commission radio a number of years ago when a paedophile was being interviewed. The young man told how he was attracted to certain types of children. He gained the friendship and confidence of the mother and was more or less accepted as a family member. He went on to describe on air how he abused the child in the cot and so on. There is clear evidence that paedophiles get sexual stimulation from child pornography. The proposed legislation will complement existing provisions of the New South Wales Crimes Act which make it an offence to employ or procure a child to be employed for pornographic purposes. More importantly, the proposed legislation will assist police in taking action against paedophiles. Previously, police have relied largely upon powers in customs legislation to seize child pornography and other refused classification material when it could be proved that the material had been illegally imported into Australia. However, these powers are limited as it is not possible to prosecute for possession of copies of imported material. Repeat offenders have therefore not been deterred by existing laws.

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A number of years ago, when the Federal ALP Government was in office, my husband was called

down to customs. He came home looking grey. He had seen a lot of this pretty filthy, obscene material. He said, "I have never seen anything like this. It was really sickening". We have been concerned about this issue for many years. The bill provides that material suspected of falling within the refused classification category must be classified by the Office of Film and Literature Classification before police can bring a prosecution. That office currently classifies material in relation to the sale, advertising or publication of films, videos, publications and computer games and it is considered preferable that the office continue this role in relation to the proposed illegal possession of the material. This will mean that the courts will not be placed in the position of having to act as censor. The approach will also ensure a degree of consistency in determining whether material falls within the refused classification category.

The bill also will amend existing censorship legislation in New South Wales for the purpose of clarifying the censor's discretion in determining whether material constitutes child pornography. The present legislation refers to material that depicts a person who is or is apparently under the age of 16 years. Those words have been replaced with a reference to a child or a person who, in the opinion of the censor, looks like a child. The change is intended to clarify the censor's discretion in refusing material when it is difficult to determine the age of the person depicted. Call to Australia supports that move. The bill will provide for an increase in the age of a child, for the purpose of deciding what constitutes child pornography, from 16 to 18 years of age. Call to Australia agrees wholeheartedly with that change and does not agree with what members of the Opposition have said.

To maintain consistency in the national classification scheme it is intended that the provisions setting out this change will not commence until all States agree to adopt a similar approach. Call to Australia notes that the Attorney General would like uniform legislation and penalties for all States, but we are concerned that uniformity could lead to a delay in the implementation of the bill. Some States may take some time to consider this, and the Australian Capital Territory may not even agree to it for it allows the sale of X-rated videos. In view of the vehement opposition to this legislation by members of the Labor Party, despite their claims that they do not accept child pornography or the abuse of children, Call to Australia would be pleased to hear that the Opposition, if perchance it does take government after the next election, will not repeal the bill. Call to Australia supports the Government and congratulates it on taking this step forward in the protection of children.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.21], in reply: I thank honourable members for their contributions. I was disappointed by the suggestion of the Hon. Ann Symonds that the legislation was pre-election posing. That is an unfair comment. She should be aware that New South Wales is the only jurisdiction in Australia that does not have legislation that proscribes the possession of pornographic material, a fact that was drawn to my attention earlier this year at the police ministers conference. The honourable member should also be aware that several months ago, perhaps it was in answer to a question from the Hon. Elaine Nile, I informed the Parliament that I intended to proceed with this type of legislation.

As to the issue raised by the Hon. Elaine Nile concerning possible delay for this measure if national uniformity is first sought before its implementation, I inform her that the House of Representatives in Canberra has already passed the first stage of the uniform legislation. Once that passes through the Senate the other States will consider picking up the measure. The enforcement legislation, by and large, was agreed upon by all Attorneys-General a few weeks ago at a conference which dealt in part with censorship. The only thing missing was an agreement about penalties. Officers were directed to go away and reach an agreement about penalties. In that matter New South Wales will play a leading role. I presume that the States will then agree to the legislation at the meeting on 4 February.

Each State will be responsible for introducing legislation to enforce the censorship laws. I would expect that in the resumed sittings of the Parliament shortly after the new year, after agreement has been reached, such legislation will be introduced. We will then have a uniform regime. We are already aware of the loopholes that exist between legislation in New South Wales and the Australian Capital Territory. If we are to enforce the legislation, if we want to drive out this industry, we must ensure that the industry

cannot move to different parts of the country to seek to subvert our efforts. That is the reason I will be pushing for uniformity, particularly for penalties.

I will go into some detail in debate in the Committee stage about penalties, but I do not depart from comments made by the Hon. Elisabeth Kirkby regarding the need to drive out the trade in pornographic material. I agree with her that the penalties contained within our censorship legislation are not adequate. I can assure her that the points she made about the size of penalties will be taken into account as we move to establishing a regime of penalties in the new legislation next year. The penalties introduced in this legislation for possession, which will be an offence under the Crimes Act, not under the censorship laws, achieve consistency within the Crimes Act. They also reflect the direction in which we would want to go in censorship laws, so far as possession is concerned. The Hon. J. W. Shaw made similar comments in his contribution. I welcome that approach from the Opposition.

The Hon. Elisabeth Kirkby can be assured that we will toughen our stance on penalties for the production of pornographic material. We should be looking more astutely at those who profit from
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pornographic material. When I look at the next raft of amendments I will consider confiscation of profits of those who work in this area. In the same way that we seek to confiscate the profits of those who profit from the drug trade, those who want to profit from pornography should also have their profits put at risk.

I regret having heard the remarks made by both the Hon. Ann Symonds and the Hon. Dr Meredith Burgmann concerning the age limit. The Hon. Ann Symonds will regret her remark that this is a useless piece of legislation. The legislation is not intended to affect those who wish to embark upon private relationships; it is targeted at people who wish to exploit youth and who wish to make a profit out of such exploitation. This legislation is a major step for New South Wales. New South Wales has led the way in achieving reforms in censorship and pornography in the past 12 to 18 months. I commend the bill to the House and thank honourable members for their support.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

The Hon. ELISABETH KIRKBY [3.30], by leave: I move the following amendments in globo:

- No. 1 Page 3, Schedule 1, line 14. Omit "Magistrate", insert instead "court".
- No. 2 Page 3, Schedule 1, line 15. Omit "12 months, or to a fine of 100", insert instead "2 years, or to a fine of 1,000".
- No. 3 Page 3, Schedule 1, line 23. Omit "Magistrate", insert instead "court".
- No. 4 Page 3, Schedule 1, line 24. Omit "12 months, or to a fine of 100", insert instead "2 years, or to a fine of 1,000"
- No. 5 Page 5, Schedule 1. After line 11, insert:

(9) If proceedings for an offence under this section are brought in a Local Court constituted by a Magistrate sitting alone, the maximum penalty that the Local Court may impose for the offence is 100 penalty units or imprisonment for 12 months, or both.

During my contribution to the second reading debate I explained fully my reasons for moving the amendments. The substitution of the word "magistrate" by the word "court" would give the police the ability to prosecute either before a magistrate or before the Supreme Court. The omission of the words "12 months, or to a fine of 100" and the insertion of the words "2 years, or to a fine of 1,000" is designed to make the penalties tougher. Amendment No. 5 is also designed to strengthen the penalties and to give the police greater flexibility in prosecution. A person who was dealing would have to be deemed to have been dealing because of the number of pornographic videos or computer games in his or her possession in order for prosecution to proceed before the Supreme Court rather than simply in front of a magistrate, in which case a lighter penalty would apply.

The Attorney General has informed me that he cannot accept the amendments. He explained his reasons fully when speaking in reply to the second reading debate. I hope that the legislation he has discussed with me will come into effect as soon as possible, so that there really are stiff penalties for peddling in the kind of pornographic material at issue. I hope, too, that he will make it clear to all honourable members that that is his intention and that such legislation will not be unduly delayed.

The Hon. R. S. L. JONES [3.34]: I wholeheartedly support the amendments moved by my colleague. One must remember that the people who deal in this kind of filth do so largely for monetary reasons. The place to hit them is in the pocket. They are in the business for the money, so the imposition of heavy fines would be an effective penalty. It would be a good idea for the Government to reconsider its failure to support amendments moved by my colleague. It is my belief that adoption of the measures proposed in the amendments would be even more effective than the legislation in stopping such trade.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.35]: The amendments proposed by the Hon. Elisabeth Kirkby to the Crimes (Prohibited Material) Amendment Bill are primarily directed at increasing the level of penalties under the proposed legislation. In the bill's current form it provides for penalties of up to 12 months imprisonment or a \$10,000 fine. The proposed amendments would allow the penalty to be increased to up to two years imprisonment or a \$100,000 fine. Under the proposals made by the Hon. Elisabeth Kirkby there would be a discretion on the part of the Director of Public Prosecutions as to whether the matter should be pursued through a local court, in which case the maximum penalty would not increase. However, if the Director of Public Prosecutions pursued the matter through the District Court the higher level of penalties would apply.

A number of comments should be made regarding the proposals. I understand that the honourable member's motivation for putting forward the proposals is to ensure that quantities of child pornography and other material that would be refused classification were not copied and distributed or sold by unscrupulous individuals. Her concerns are directed at the activities of persons who may be obtaining commercial benefit from publishing that type of material. I advise the House that the Government is in complete sympathy with those views. It is necessary, however, to make a distinction between offences that are directed at the publication of obscene material and the provisions of the Crimes (Prohibited Material) Amendment Bill, which create an offence for the possession of such material.

Provisions in censorship legislation already create offences for the publication, sale, hire, exhibition and dissemination of indecent material. Provisions also exist that make it an offence to

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possess material for the purpose of publication. By contrast, the bill presently under consideration provides for an amendment to the Crimes Act to introduce an offence for the possession of indecent material. In other words, the proposed legislation is not aimed at the production, publication and sale of commercial quantities of indecent material. It is aimed at discouraging the possession of such material and, more particularly, at assisting police in taking action against persons such as paedophiles. As noted in my second reading speech, current laws, including provisions under the Customs Act, have proved to be inadequate in this regard. The introduction of an offence for the possession of refused

classification material will help overcome the difficulties.

In commenting more specifically on the amendments proposed by the Hon. Elisabeth Kirkby I note that the proposed omission of the word "Magistrate" and the substitution of the word "court" is unnecessary. There is currently no limitation that would prevent a magistrate from hearing a matter involving penalties of the level proposed by the honourable member. However, the proposed changes to the level of penalties are a matter of concern. The proposed maximum fine of \$100,000 for the mere possession of refused classification material is out of all proportion to comparable provisions in criminal statutes. Further, the proposed discretion to enable the Director of Public Prosecutions to bring a prosecution in different courts would not be possible without amending the Criminal Procedure (Indictable Offences) Bill, which was recently passed by the House. As I have said, the Government is sympathetic to the motivation underlying the proposals made by the Hon. Elisabeth Kirkby. However, the proposals are at odds with the intention of the Crimes (Prohibited Material) Amendment Bill.

By way of further information, I advise the House, as I indicated earlier today, that the Standing Committee of Attorneys-General is at present considering model enforcement provisions. The provisions are intended to give effect to the Commonwealth Classification (Publications, Films and Computer Games) Bill, which is currently before the Federal Parliament and has passed through the House of Representatives. That bill and the model enforcement provisions are aimed at rationalising the current censorship scheme. At the last meeting of the standing committee Ministers requested that officers aim to develop a level of consistency across jurisdictions with respect to offences. As I have already said, I expect the provisions to be finalised by 4 February and at the next sittings of the House the enforcement legislation will be introduced. In the case of offences for the publication of indecent material, honourable members may be assured that I will be seeking to increase the level of penalties and will encourage other responsible Ministers to do the same.

I assure the Hon. Elisabeth Kirkby and the House that comments made by honourable members today and the strong support given for the nature of penalties - and I do not think that the House necessarily disagrees with the level being adverted to by the honourable member - will be taken into account as a guide to the kind of approach that the House takes to such offences. I reiterate a comment I made earlier in this context. I advise the House that I shall also be examining the possibility of introducing provisions enabling the confiscation of profits associated with the publication and sale of indecent publications. I commend the bill as it currently stands to the Committee, and I therefore reject the amendments proposed.

The Hon. Dr MEREDITH BURGMANN [3.39]: The Opposition opposes the amendments.

Amendments negatived

Schedule agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

APPROPRIATION BILL

PARLIAMENTARY APPROPRIATION BILL

BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS) AMENDMENT BILL

MOTOR VEHICLES TAXATION (AMENDMENT) BILL

ROAD IMPROVEMENT (SPECIAL FUNDING) AMENDMENT BILL

Third Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.42]: I move:

That these bills be now read a third time.

Yesterday I undertook to provide information in relation to matters raised by honourable members. In the estimates committee the Minister for Industrial Relations and Employment, and Minister for the Status of Women was asked whether it is a fact that turnover in the ministry in 1993-94 was higher than 80 per cent, and what were the costs involved. The Minister has informed me that the answer is no, that on 1 July 1993, the ministry had an average staff number of 18.2. On 30 June 1994 the ministry had an average staff number of 47.3, an increase of more than 150 per cent. Of the staff employed by the ministry at 1 July 1993, that is 18.2 effective full-term staff, nine were still employed at the ministry on 30 June 1994, together with an additional 38 new staff.

The director advises that two-thirds of the staff who are no longer at the ministry were seconded to other agencies or promoted, or were staff whose temporary terms of appointment had expired. The cost of recruitment for positions falling vacant would be offset by the fact that no salary was paid during the period that the positions were vacant. The Hon. Jan Burnswoods asked about the amount expended by the Environment Protection Authority on certain unspecified advertisements which have recently

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appeared in the media. The Minister has replied that it is unclear from the honourable member's question precisely what advertisements she is referring to.

[Debate interrupted.]

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! It being 3.45 p.m., pursuant to sessional orders debate is interrupted to permit the Minister to move the adjournment of the House should he so desire.

The Hon. J. P. HANNAFORD: No.

[Debate resumed.]

The Hon. J. P. HANNAFORD: Several community education campaigns have been run in the period since August. The major ones were financed by the Publishers National Environment Bureau, as part of its commitment to kerbside recycling of paper. The other campaigns have been financed by the Waste Recycling and Processing Service as part of the campaign to divert 50 per cent of waste from landfill by the year 2000. The Minister is not aware of any waste campaign that has been financed directly by the Environment Protection Authority. In the Education, Youth Affairs and Tourism estimates committee the Hon. Franca Arena asked the Minister for Education, Training and Youth Affairs about the cost of the report entitled "Immigration, Education and Training in New South Wales".

I wish to clarify the response of my colleague the Minister for Education, Training and Youth Affairs in that regard. The Minister was advised at the time that the report was produced at no cost to the ministry and she so responded. However, the Minister has now been informed by her officers that that advice was based on the fact that the original tendered and contracted research studies cost of \$50,000 with the University of Wollongong Centre for Multicultural Study was borne by the Bureau of Immigration and Population Research. A subsequent review has revealed that further work on the draft report was required by members of the steering group at a cost of \$7,200, and this amount was borne by the ministry. The ministry did not regard this amount as part of the contracted tender. The Minister regrets that her original response may have been a misrepresentation of the position. I commend the bills to the House.

Motion agreed to.

Bills read a third time.

STATE REVENUE LEGISLATION (FURTHER AMENDMENT) BILL

Second Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.48]: I move:

That this bill be now read a second time.

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

Leave granted.

The bill now before the House implements the matters announced in the 1994-95 State Budget as well as a number of minor amendments relating to Stamp Duty, Financial Institutions Duty (FID), Debits Tax, Pay-roll Tax, Land Tax and some minor matters in the nature of Statute Law Amendments.

Stamp Duty

The bill introduces an exemption from stamp duty in respect of the transfer of family farms. This measure was announced in the 1994-95 State Budget and will take effect from 14 September 1994.

The exemption will allow the older generation of farmers to retire and provide the opportunity for the younger generation of farmers to bring new ideas, enthusiasm and greater production to the rural sector. This increased production will have a flow-on benefit to the State of New South Wales.

In order to encourage foreign investment into New South Wales the Bill provides for an exemption from Financial Institutions Duty, Debits Tax and Loan Security Duty in respect of Regional Headquarters that are set up in New South Wales as from 1 July 1995.

The bill also provides for an exemption from Hiring Arrangement Duty for persons approved to pay duty by return, in respect of the first \$6,000 of income per month in lieu of a threshold of \$6,000 under which no duty was payable.

Under the current provisions of the Stamp Duties Act, an exemption is provided for persons wishing to transfer their principal place of residence from a company to a natural person. The Bill provides for a proportionate exemption where the property is used partially for purposes other than a principal place of residence.

The Farm Household Support Scheme provides financial assistance for farmers. The Bill provides for an exemption from FID in respect of payments to farmers' bank accounts pursuant to this scheme.

The bill strengthens the definition of Bill Facility for the purposes of assessing loan security duty whilst maintaining government policy on this issue.

In order to simplify the current system of taxing broker transactions, extensive consultation has taken place with brokers and the Australian Stock Exchange. As a result, it has been agreed that a marketable securities duty of 0.0025% be placed on brokers' principal trading and market making

transactions instead of FID. The bill amends the Principal Act to reflect this change, as well as specifying which types of brokers' receipts are liable to FID in order to provide greater clarification of the legislation.

The bill amends the Principal Act to ensure that, where options are used to buy marketable securities, that duty is charged on the premium or the exercise price, whichever the greater. This ensures equity among taxpayers regardless of the type of option entered into.

The bill extends the current exemption from stamp duty for home loan refinancing until 31 December 1994.

The bill provides for concessions from stamp duty in respect of superannuation documents where superannuation funds are obliged to transfer assets as a result of the introduction of the Superannuation Industry (Supervision) Act.

Under the provisions of the bill, bank accounts of the Newcastle Chamber of Fruit and Vegetables Industry Co-operative Limited will be exempt from FID where such accounts receive money from the sale of produce at the markets and where those funds are passed on to the growers or sellers of the produce.

The bill also provides an exemption from stamp duty in respect of transactions in connection with the incorporation of organisations that are obligatory pursuant to the Industrial Relations Act 1991.

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Pay-roll Tax

The bill provides for a 2 stage increase in the threshold from \$500,000 to \$550,000 with effect from 1 January 1995, and to \$600,000 from 1 January 1996. This measure will completely exempt a further 1,000 New South Wales small businesses from pay-roll tax while at the same time lowering the level of pay-roll tax paid by all non-exempt employers.

Land Tax

The current land tax exemption for boarding houses providing low cost accommodation will be extended to all forms of low cost accommodation subject to approved guidelines being met.

The current guidelines relating to boarding houses will continue largely unchanged. New guidelines will be formulated relating to other forms of low cost accommodation, although similar tariff limits to those specified in the boarding house guidelines will apply. However, the concession will be limited to the inner city area, where there is currently a relative shortage of low-cost accommodation.

The bill also provides a concession for non-residential strata units, which are currently taxed unfavourably compared to residential strata units. The amendment will allow owners of non-residential strata units to claim the threshold in the same way as owners of residential strata units.

Mr President, the reforms contained in this bill will contribute to the Government's ongoing obligation to simplify the tax system and provide greater certainty for the taxpaying public of New South Wales.

I commend this bill to the House.

The Hon. K. J. ENDERBURY [3.49]: The Opposition supports the bill.

The Hon. R. S. L. JONES [3.50]: The Australian Democrats support the State Revenue Legislation

(Further Amendment) Bill. It is good that it will allow family farms to be transferred to the younger generation without a stamp duty impost. Its payroll tax relief will assist 1,000 businesses in New South Wales. I have said before in this House that this exemption should be extended to all country businesses. As country businesses are disadvantaged - by 36 per cent as a proportion of their profit compared with city-based industries - they should have a special concession for payroll tax, as they had in the past. It is Australian Democrat policy to remove payroll tax at some point and to replace it with other revenues.

The Hon. ELISABETH KIRKBY [3.51]: I support the comments of my colleague the Hon. R. S. L. Jones. I, too, am delighted that after many years of discussion stamp duty will no longer be payable upon the transfer of a family farm from one generation to the next. I just wish it had not taken so long. It will certainly be of great assistance to many country families who are suffering so severely at the moment because of the widespread drought. As my colleague has said, the abolition of payroll tax is part of our party's policy, having been widely promoted by our Federal leader, Senator Kernot, and we are pleased that by this legislation the Government has assisted businesses in country towns by alleviating the imposition of payroll tax.

The Hon. D. J. GAY [3.52]: I join other honourable members in supporting the State Revenue Legislation (Further Amendment) Bill, and I commend the Treasurer for its introduction. This bill, which is basically an omnibus bill, contains a number of important measures. Other honourable members have referred to the lifting of the payroll tax threshold from \$500,000 to \$550,000 from 1 January 1995, and to \$600,000 from 1 January 1996. This will mean that approximately 1,000 firms throughout this State will no longer pay payroll tax. It will particularly assist people in the country because of the greater number of country firms whose payrolls fall within the range covered by the amendment. This bill will provide for relief from stamp duty on intergenerational rural transfers. The other day the Minister for Planning, and Minister for Housing answered a question asked about that great legislator, the Hon. I. M. Macdonald, who had made fanciful claims in the *NSW Farmers News* that this legislation was a triumph for his efforts.

The Hon. J. R. Johnson: Fair go! It is nearly Christmas!

The Hon. D. J. GAY: The Hon. J. R. Johnson talks about Christmas, but he should remember Toby MacDiarmid and the bouncing cheque. The Hon. J. R. Johnson and his Opposition mates smeared that story all over the front pages of the papers. He should remember that when he thinks about the bouncing cheque of the Leader of the Opposition in this House and the fundraising letter of yesterday. Do not talk to me about Christmas, Scrooge. The Hon. I. M. Macdonald, this great legislator, in an article that some suspect he wrote, claimed to have been a great campaigner who had fought a tireless campaign for the abolition of stamp duty on intergenerational rural transfers. It will probably come as a great shock to honourable members that, despite my research, I have not been able to uncover one speech that he has made in this place on that matter, and neither the Minister for Agriculture nor the Treasurer has received one letter from him on this topic.

The Hon. Patricia Forsythe: What, no bulging file?

The Hon. D. J. GAY: No, they do not have a bulging file. I have not discovered one letter or one speech he has made on this matter.

The Hon. J. R. Johnson: How many did you make?

The Hon. D. J. GAY: I did not make any speeches, but I did not claim to be a great campaigner on it, did I? The Hon. I. M. Macdonald claimed that he was the great campaigner. I am not a hypocrite. I fought within the party room for this legislation. The Hon. I. M. Macdonald, who claims to be the public campaigner, will have to wear his public statement.

The Hon. J. R. Johnson: And I will not tell you about the Toby MacDiarmid affair; I will tell you in

private.

The Hon. D. J. GAY: I did not say it was the honourable member; I said it was his party. At the time the Premier said in the other Chamber that the cheque had bounced, which is what the fundraising Page 5392

cheque of the Leader of the Opposition in this House did - a matter about which the Attorney General, and Minister for Justice spoke yesterday.

The Hon. J. R. Johnson: You could probably hit the press with that.

The Hon. D. J. GAY: It did not involve the press. The Premier referred to it in another place during question time. This relief from stamp duty on intergenerational rural transfers has been long awaited and a lot of people want to know the details. Included in a briefing paper sent to me by the Minister for Land and Water Conservation, the Hon. George Souris, are some telephone numbers for primary producers reading *Hansard* who want further information. They are: 02 685 2122 for head office, 049 25 5333 for Newcastle, and 042 26 8111 for Wollongong. I fully support this important legislation, which will make a difference for a lot of people in rural New South Wales.

Reverend the Hon. F. J. NILE [3.57]: The Call to Australia group is pleased to support the State Revenue Legislation (Further Amendment) Bill, which will amend the Pay-roll Tax Act 1971 to increase the threshold below which businesses are exempt from payroll tax and make miscellaneous amendments to other Acts. I am pleased that this bill will enable the intergenerational rural transfer of family farms without the necessity of paying stamp duty, as would otherwise apply when a property is sold. This is an important measure, particularly when the farming community is suffering from the drought and the recession. The last thing farmers want to do is pay stamp duty when transferring their properties to their children.

I know that the Government, like Call to Australia, wants payroll tax to be abolished. That might eventually happen stage by stage, as is occurring in this case, with 1,000 firms no longer having to pay payroll tax after the implementation of this legislation. It is very unfortunate that we have a tax on employment. There should be a tax deduction for companies employing additional staff, not a penalty. We have been lobbied by religious organisations because people who want to donate properties to non-profit religious trusts have to pay stamp duty. I hope that this legislation will remove the necessity for the payment of stamp duty by people making such generous donations. It will be interesting to see whether this measure will meet the needs of those who have approached me in the past.

The other aspect of stamp duties is that some folk who were involved in the HomeFund debacle complained to me that they had lost not only their loan, because it was cancelled, but also their home. They had to pay stamp duty on a home that they never received and that was sold over their heads. I have lobbied the Government on behalf of some of those families in an attempt to have the stamp duty refunded to them. There was no eventual financial transaction; it was cancelled. The State should not be making a profit from a tragedy that occurred to a number of families. I hope that issue will be further investigated and assistance given to the people who experienced that loss. The Call to Australia group is pleased to support the bill.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.00], in reply: I thank honourable members for their support of this important piece of legislation. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

FINANCIAL AGREEMENT BILL

Second Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.01]: I move:

That this bill be now read a second time.

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

Leave granted.

The signing of the new Financial Agreement between the Commonwealth, States and Territories by the Prime Minister, the Premiers, and the Chief Ministers at the meeting of the Council of Australian Governments on 25 February 1994 was a significant step forward in the continuing evolution of the Commonwealth's financial relationship with the States and Territories.

The purpose of the Bill before the House is to obtain Parliament's approval of the new Financial Agreement. The document is aimed at formalising and streamlining the existing intergovernmental arrangements with respect to public sector borrowings and the role and operations of the Loan Council. It embodies a number of key elements as agreed by the Loan Council at the meeting in June 1992.

The new Agreement removes the Commonwealth's explicit power to borrow on behalf of the States as provided for in the previous Agreement. Since 1987-88, the Commonwealth has undertaken no new borrowings on behalf of the States. Over recent years, the States have themselves conducted their own borrowings through the respective central borrowing authorities. The relevant authority in this State is the NSW Treasury Corporation.

The Loan Council decided in 1990 that the States would progressively take over responsibility for the debt previously raised on their behalf by the Commonwealth. These arrangements place full responsibility on the States for financing and managing their own debt, thus subjecting their fiscal and debt management strategies to greater community and financial market scrutiny.

The new Agreement also abolishes the previous restriction on States borrowing by the issue of securities in their own names in domestic and overseas markets. This recognises the fact that these days the States' borrowings through their central borrowing authorities are regarded by the financial markets effectively as sovereign issues in any case and rated accordingly.

In addition, the new Agreement removes the requirement for future Commonwealth and State borrowings to be approved under the provisions of the Agreement. This reflects the reality that, for many years, only the Commonwealth's annual borrowing program has been formally approved within the ambit of the Agreement. This is because only the Commonwealth undertakes Budget Sector borrowings directly rather than through a central borrowing authority.

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From 1993-94, Commonwealth, State and Territory borrowings have been subject to Loan Council monitoring under the new deficit-based arrangements which include the reporting of so-called memorandum items such as infrastructure financing and major operating leases. The new arrangements were agreed by Loan Council at its meetings in December 1992 and July 1993.

The new Loan Council monitoring arrangements superseded the former Global Borrowing Approach. They reflect the common interest of the Commonwealth and States in ensuring that the

overall public sector borrowing in Australia is consistent with sound macroeconomic policy and the borrowings of each government are underpinned by a sustainable fiscal strategy.

The emphasis in the new arrangements is on credible budgetary processes whilst facilitating a high level of public understanding of government financing as well as increased financial market scrutiny.

The new Agreement provides for the continued existence of the Loan Council with broadly specified role and powers. The Council, in the future, will be a coordinating body with the responsibility of reviewing the financial strategies of the various jurisdictions and using persuasion to change those strategies, where necessary.

The Agreement also sets out certain obligations in respect of past Financial Agreement borrowings and provides for formal membership of Loan Council for the Australian Capital Territory and the Northern Territory.

A new fund, the Debt Retirement Reserve Trust Account, will be established to provide a more efficient debt redemption framework. In future, the redemption of Commonwealth securities previously issued on behalf of the States and the Northern Territory will be administered through the Trust Account.

The Debt Retirement Reserve Trust Account will replace the previous arrangements for debt repayments through the National Debt Sinking Fund for the States and through the Northern Territory Debt Sinking Fund for the Northern Territory.

The Financial Agreement Act 1944 of New South Wales had a standing appropriation provision which allowed the Consolidated Fund to be appropriated to the extent necessary for the purpose of carrying out the Financial Agreement. The appropriations were to cover the payment of interest and the repayment of borrowings. A similar provision has been included in this Bill.

The new Financial Agreement will not impose any costs on the Government which are more than what would otherwise be incurred under the existing arrangements with respect to public sector borrowings in New South Wales.

Under section 105A(4) of the Commonwealth Constitution, the parties to the Financial Agreement are empowered to vary or rescind it. The original Agreement signed in 1927 has been varied on seven occasions, most recently in 1976.

On this occasion, it has been decided by all Governments that the Agreement, as varied, be rescinded and be replaced by the new Agreement signed on 25 February 1994. To become effective, the Agreement requires the passage of complementary legislation in the Commonwealth and all State and Territory Parliaments.

So far, complementary legislation has been passed by five jurisdictions. The remaining jurisdictions are seeking to have the necessary legislation enacted before the end of the 1994 calendar year.

The new Agreement has already been agreed by Heads of Government. Of course, any amendments made to the Agreement by one or more of the Parliaments would also need to be incorporated in the complementary legislation before it could become effective.

I commend the bill to the House.

The Hon. K. J. ENDERBURY [4.02]: On 25 February the Commonwealth, States and Territories

made a new financial agreement with respect to public sector debts. The object of this bill is to obtain parliamentary approval of the financial agreement and to provide for the appropriation of money required for New South Wales to carry out the agreement. The new financial agreement will not impose any additional cost on the State Government. I understand that so far complementary legislation has been passed by five jurisdictions. The Opposition supports the bill.

The Hon. R. S. L. JONES [4.03]: The Australian Democrats support the Financial Agreement Bill which formalises the agreement between the States and the Commonwealth in relation to borrowings. Each State - New South Wales in particular - should be more careful in future about its level of borrowings and gradually work at reducing it. If people ran their own lives like this State has been run for the last several years, they would be bankrupt by now. We should be more careful in future about how much we borrow.

Reverend the Hon. F. J. NILE [4.04]: The Call to Australia group is pleased to support the Financial Agreement Bill. Like other pieces of legislation, this is an agreement with respect to public sector debts made between the Commonwealth, States and Territories. The object of this bill is to obtain parliamentary approval of the financial agreement between the Commonwealth, States and Territories and to provide for the appropriation of money required for New South Wales to carry out the agreement. We are pleased to see this cooperation: it is an example of federation at work.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.05], in reply: I thank honourable members for their support, and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SENTENCING LEGISLATION (AMENDMENT) BILL

Second Reading

Debate resumed from 17 November.

Reverend the Hon. F. J. NILE [4.06]: The Call to Australia group is pleased to support the Sentencing Legislation (Amendment) Bill. The object of this bill is to make a number of amendments to the Sentencing Act 1989, the Prisons Act 1952 and the Crimes Act 1900. The principal amendments are made for the purpose of revising the procedures relating to the consideration, grant, refusal and review of parole for prisoners who are serious offenders. The explanatory note states that the bill contains the following amendments:

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- (a) to require victim submissions and victim impact statements to be taken into account in certain circumstances concerning serious offenders; and
- (b) to require the Serious Offenders Review Council to consider the public interest when considering certain matters relating to serious offenders; and
- (c) to clarify the power to defer the consideration of parole for certain persons while they are at large; and
- (d) to change the name of the Offenders Review Board; and

- (e) by way of statute law revision, for savings and transitional purposes, and for consequential matters.

Many of the provisions of the bill deal with serious offenders. The expression "serious offender" is presently defined in section 59 of the Prisons Act and includes life prisoners, prisoners who are serving a minimum term of 12 years or more, prisoners convicted of murder, and certain prisoners who are managed as serious offenders. We think the serious offender definition is very important. There has been debate about the bill and how it fits into the current situation in New South Wales. This bill is further evidence of the shift in priorities, not only by the Government but also by the community, from what I regard as the civil libertarian emphasis on the welfare of the criminal. This emphasis focuses on the criminal, with issues related to lower sentences, softer prisons, and how serious offenders can avoid their responsibilities before the courts by claiming diminished responsibility through the influence of alcohol, marijuana, heroin, cocaine and other drugs.

We have seen a growth of that in the past which the community will not accept. The community supports the emphasis of this legislation moving away from the focus on the criminal to the focus on the victim. People have suffered. Obviously, if there is a murder the victim is no longer available to participate in this area of discussion but certainly the parents, brothers, sisters, grandparents and so on can participate. In the past the emphasis has been on what I regard as civil libertarian issues, particularly by the Council for Civil Liberties and the left wing of the Australian Labor Party and usually the Australian Democrats who focus on the rights of criminals. We also need to focus on the rights of the forgotten victims and the impact on the family of the victims - and the victims themselves, if they are still alive.

I believe there is now a very important change, or shift, in community attitudes away from the criminal to the victim and that is very important. As we move towards the next State election a number of issues are receiving coverage by the media and attention by the major political parties. The Hon. I. M. Macdonald was hypocritical in his criticism of the Government when he stated that the Government was using the issue of crime as an election issue. The person who has been using crime as an issue is the Leader of the Opposition in the other place, Mr Bob Carr. An article entitled "Inside the War Room" appeared in the *Daily Telegraph Mirror* on Tuesday, 15 November. That article stated:

The next three weeks of parliamentary sittings will be crucial to the strategy of both sides

The article contains a comparison between the two political leaders, Mr Bob Carr and the State Premier, the Hon. John Fahey. The article stated, in relation to the Premier:

Promises include:

- Improved healthcare
- More police
- More tollways

In summarising the Labor Party's policies as it prepares for the next election, the article stated:

Promises include:

- Tougher penalties for criminals
- Better public transport

There has not been a time when the ALP has claimed that its main reason for receiving an increased vote and being elected to government is because of a policy of tougher penalties for prisoners. However, that is the perception in the media, and I assume it is the hope of Mr Carr and the Labor Party that it will be the perception in the community. Members of the Opposition are using law and order as an election issue. The Government obviously has to introduce legislation dealing with the issue, but it is hypocritical to accuse the Government of using it as an election issue. The article emphasises how successful Mr Carr has been in projecting himself in this way. Having heard the Hon. Dr Meredith Burgmann, the Hon. Ann Symonds and other members of the Opposition, it is clear that Bob Carr will never be allowed to fulfil any promises he makes in this area. If he wins the next election he will never be allowed to fulfil those promises.

The Hon. R. D. Dyer: Do not believe that.

Reverend the Hon. F. J. NILE: I do; I earnestly believe it.

The Hon. R. D. Dyer: You are wrong.

Reverend the Hon. F. J. NILE: He will face tremendous opposition within the Labor Party. I have gathered, from conversations I have heard outside the Chamber, that a number of things he has stated publicly have not been passed by caucus; they have not been agreed to. I challenge members of the Opposition to correct me on that. There is nothing wrong with what he says. Many things he says are good and correct, but he is making promises that are in many ways beyond the philosophical position of the Opposition. I do not believe he will be allowed to fulfil those promises in the future. He is simply campaigning to win votes and be elected. Over a period of time there may be some window-dressing, but some of these promises will never be fulfilled.

Many jokes have been made by members of the Opposition, within my hearing in this Chamber, about Mr Carr talking about cracking down on youth gangs who wear their baseball caps back to front. That has become a joke amongst members of the Opposition. They have openly told me that it is ridiculous. I do not question the sincerity of Mr Carr, but he is on his

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own. He is out on a limb and other members of the party would saw the limb off. But they are happy for him to win the election and allow them to become Cabinet Ministers, then they will argue the matter. It is hypocritical to accuse the Government of using the legislation as a law and order area to win votes, when Mr Carr is out in front, as the articles indicate. Debate is taking place in society about crimes and victims, and about sentences for people convicted of serious offences. According to figures, the level of crime has not increased dramatically. But on Thursday, 17 November, the *Daily Telegraph Mirror* stated:

Sydney people are living every day with the expectation they will become victims of violent crime.

In the past year alone, their fears of being robbed, raped or murdered have doubled, a police survey has found.

Forty-eight per cent of people surveyed by the Police Service in the first half of this year believed either they or their family were at risk of murder.

This compared with 22 per cent for the same period last year.

The Hon. R. S. L. Jones: That is the media.

Reverend the Hon. F. J. NILE: There is an interjection that this is the media. The media certainly play a major part in it, but the Opposition knows it as well. In today's media Mr Carr stated that there are high levels of crime in the State. He has rejected the figures in the media today. He wants to run the issue because in the past coalition governments have run on a strong policy of law and order, as they did

in 1988. Was it justified; was it necessary? It certainly was, because for a number of years we had faced corruption. Ministers of the previous government had been imprisoned for their activities. Corrupt senior police officers, who had been promoted to high positions by the previous government, had to be removed. There were clear examples of corruption at various levels involving politicians, police, et cetera.

In 1988 the coalition ran on the law and order campaign as one of its major thrusts, which was successful and was necessary. The Labor Party has made a cynical political decision and said it will run on the same issue. It will not have to produce the goods but it will run on the issue to convince members of the public in New South Wales that there is a crime wave and that crime wave is the result of the coalition's policies. That is not correct. There is no crime wave. In fact, the reduction in many offences has occurred because of the coalition's policies. It does not matter what the truth is; in an election campaign the Opposition is working on the public perception. The Opposition is saying if people want to get rid of the crime wave and live a life of peace and security, they should vote for Mr Carr as Premier. That is the game plan that has been worked out for the next election.

The Hon. Dr B. P. V. Pezzutti: How do they vote when they are in here?

Reverend the Hon. F. J. NILE: As I said, Mr Carr will not be allowed to do it. Moments ago we heard members of the left wing vehemently criticise the bill that is attempting to toughen up the child pornography laws. They are not minor members; they have a great deal of influence within the Labor Party. I hope they do not have as much influence as the Hon. R. D. Dyer, but they do have influence.

The Hon. R. D. Dyer: They do not.

Reverend the Hon. F. J. NILE: I think they do. At least they are very vocal. I reject the criticism of the Hon. I. M. Macdonald that the Government is trying to win votes. This legislation is sincere. The Hon. Elisabeth Kirkby was critical about it. She asked what do victims know, what do families of murdered people know, as though only reports by psychiatrists or professional academics could be trusted. It is time we listened to the victims of crime, and allowed them to express their concerns and receive some therapy by feeling that they are participating in the situation and are not being sidelined by being told that we do not want to hear from them because they are ordinary people and not experts. It is time their views were encouraged, listened to and weighed up together with other reports concerning the prisoner and the future behaviour of the prisoner.

The concern of the families of victims should not be underestimated. They should be given respect and support in every way possible. It would give them a sense of justice to be able to put their views. People such as the parents of the murdered 9-year-old Ebony Simpson or of young women in the Sutherland shire who were raped and murdered have a right to participate in the debate in our society. This legislation will allow them to do that by submitting victim impact statements. Call to Australia is pleased to support the legislation and will not support any amendments that would water down the legislation and make it ineffective.

The Hon. R. S. L. JONES [4.20]: I speak in this debate as a victim of crime. I have been burgled several times. I have had my car stolen. Amazingly, I have even had cats stolen. I lost a boat trailer.

The Hon. R. D. Dyer: A cat or a hat?

The Hon. R. S. L. JONES: A cat. Cats were being stolen for their skins. When I lived in Manly years ago there was a big cat trade. Cats were being stolen and their skins were being sent to South-East Asia for furs. I have lost a number of things over the years. One home invasion, one burglary or one rape can traumatise not just the people involved directly but entire neighbourhoods. This morning a person was talking on the radio about how his family lived in fear as a result of a home invasion one kilometre away. One home invasion, which is very traumatic for the family involved, can traumatise an

entire neighbourhood. Thousands of people - an entire neighbourhood - can suffer because of one home invasion. After a rape the family and friends - and friends of friends - of the victim live in fear, not just the person who has been traumatised, perhaps sometimes for life.

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It is time that victims had a say. There is no deep understanding of how far the effects of crime ripple through the community. We have all experienced crime from time to time and have seen how it has traumatised friends, neighbours and families. I cannot imagine what it would be like if a close relative or friend were murdered. However, if the victim is a school child an entire school can be traumatised. When a home is burgled the family suffers trauma from the crime and the further impact of losing what has been stolen. I was burgled: I lost \$10,000 worth of goods. I managed to recover \$7,500 worth through a bit of sleuthing on my own and my insurance paid for the rest of it. But that experience was terribly traumatic for my family and me. Subsequently, we locked up our home, but we were never sure if we would be burgled again.

The rippling traumatic effect of crime in the community is being increased by media coverage of, for instance, home invasions. One risk from such reporting is the possibility of copycat offences. The graffiti that one sees now in the city of Sydney, and which was never seen some years ago, is a result of television coverage of graffiti in America. Colour gangs suddenly arrived on the scene. Where did they come from? They resulted from television coverage of colour gangs in America. The media have to take responsibility not only for traumatising the community through sensational reporting of crime, but also for increasing crime by explaining how it is done.

The Hon. J. P. Hannaford: There is no evidence of crime being on the rampage.

The Hon. R. S. L. JONES: There is no evidence of a crime wave. I suspect that if crime were not reported - and I am not suggesting that - the crime rate would be reduced. I saw a promotion on television for a program on *Real Life* that explained how easy it is to burgle a home. I was very annoyed about that. I phoned Channel 7 and said, "How dare you show how easy it is to burgle someone's home".

The Hon. J. P. Hannaford: The Bureau of Crime Statistics and Research has indicated there is no crime wave.

The Hon. R. S. L. JONES: No, there is no crime wave.

The Hon. Dr B. P. V. Pezzutti: It is a bit like the classification of pornographic and other literature that shows people how to commit violence.

The DEPUTY-PRESIDENT (The Hon. Dr Marlene Goldsmith): Order! If the Hon. Dr B. P. V. Pezzutti wishes to make a contribution to this debate, he is most welcome to do so.

The Hon. R. S. L. JONES: The honourable member has made a good point. Heroin was not a problem in the community before the subject was beaten up in the media. Before crack was beaten up in the media, it was not a problem, because people were not aware that it existed. Media reporting promoted the use of crack and heroin by the use of headlines and sensational news, and people started to wonder what it was like. Likewise, any new drug is promoted in the media. The media have to take some responsibility.

The Hon. D. J. Gay: People asking for its legalisation help to promote it as well.

The Hon. R. S. L. JONES: I do not think people are necessarily asking for its legalisation. When drugs, whatever they might be, are promoted by the media, people want to try them. The *Real Life*

program showed how easy it is to burgle a house. Television viewers are bound to think, that is very easy, I might just get into this, and perhaps their friends will learn how to do it as well. And so it goes on. I would like the media - and at one time I was a media owner - take a much more responsible attitude towards sensationalising crime and beating it up. The media are doing the community a disservice.

The DEPUTY-PRESIDENT (The Hon. Dr Marlene Goldsmith): Order! The level of noise in this Chamber is far too high. Hansard must be having difficulty hearing the debate.

The Hon. R. S. L. JONES: The media sell newspapers and get ratings by sensationalism and causing shock-horror in the community. The media like nothing more than a series of murders. The murders of elderly people on the north shore was wonderful for the media. They ran on that story for weeks. But the media do not realise that running on events even if they are trumped up does a lot of harm in the community by making older people, in particular, more frightened. The older people get, the more frightened they are of being victims of crime. In reality, the younger people are, the more likely they are to be victims of crime. The older a person is, the less likely it is that he or she will be a victim of crime. There is a reverse correlation between fear of crime and actual crimes committed against the person. Thought should be given most of all to our older people, who live in fear in their homes. Some do not want to leave their homes at all because they fear what they see on television about bashings and other crimes. The actual chance of being bashed or mugged is very low, but they would not believe that from what they read, see and hear from the media. I ask the media to take a more responsible attitude towards crime and to report it as it really is, not sensationalise it, even though they want to get ratings. The media should find some other way of getting ratings than promoting crime, promoting at times the commission of crime, and promoting fear within the community.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.28], in reply: I thank all honourable members for their support of the legislation, although I note that the Hon. Elisabeth Kirkby is opposed to the bill. Her opening comment surprised me, particularly having regard to the comments of the Hon. R. S. L. Jones, which would indicate that he supports the legislation. The Hon. R. D. Dyer supported the bill, but expressed concern about its implementation. The Government agrees

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that the legislation needs to be carefully monitored, and I assure him that any problems that become apparent in its operation will be addressed. He asked about disputed material that may be contained in victims' submissions. It is possible that victims, in their written or verbal submissions, may raise matters that the serious offender under consideration may not agree with or that may be potentially damaging to the prisoner's case. Nevertheless, it must be kept in mind that both the Offenders Review Board and the Serious Offenders Review Council are headed by experienced, retired District Court judges. The legislation demands that such persons head the board and the council. The boards also comprise a balance of community members and persons with experience of the judicial and prison systems. Both are well able to sift through the material presented to them by victims and prisoners and to decide what weight should be given to any matter. If either body has any doubts as to the veracity of any particular matter contained in a submission, they are able to call for further reports from experts within the system such as parole officers, psychologists and the like.

It is important that I make it clear that the Government is committed to ensuring the process envisaged by this legislation is informal and non-adversarial so as to not put undue pressure on victims. The Hon. R. D. Dyer made that point. I have a similar concern with the amendments proposed by the Hon. Elisabeth Kirkby. She is seeking to make the legislation more formalised, but I have little doubt that her amendments, if carried, will lead to its being more adversarial. For that reason the Government opposes the amendments foreshadowed by the Democrats. The representation of victims by the Director of Public Prosecutions was raised. The role of the DPP is to determine whether an offender should be prosecuted and to conduct the prosecution on behalf of the Crown. Although the DPP may appropriately provide information to the victim of the crime, this does not extend to providing the victim with guidance in preparing a submission or actually appearing on behalf of the victim before the board.

Witnesses in proceedings are generally not legally represented.

The issue of victim impact statements causing delay was raised. I assure honourable members that the existing rights of offenders will be in no way restricted by the proclamation of section 447C of the Crimes Act. I shall make further comments about that later. Victim impact statements are appropriately considered in a determination of the objective seriousness of an offence and are therefore an important tool in the sentencing process. Accordingly, victim impact statements aid rather than hinder the sentencing process. I was surprised by the generally negative attitude taken by the Hon. I. M. Macdonald. In fact, much of what he said was at odds with the line taken by other members of the Opposition. In fact, earlier this year the honourable member for Smithfield, Carl Scully, when the Lewthwaite case was being considered, was totally at odds with the position taken by the Hon. I. M. Macdonald and the Hon. Ann Symonds. On radio station 2UE I note that the Leader of the Opposition, Bob Carr, supported Mr Carl Scully. One wonders where the Opposition is coming from in relation to this issue.

The Hon. R. D. Dyer: The Opposition's policy was stated by me yesterday.

The Hon. J. P. HANNAFORD: The House finally has a statement as to Opposition policy on this matter. As has occurred in relation to other issues in recent times, the ALP's policy can change within days. At least now we have from the Hon. R. D. Dyer a definitive statement of the Opposition's policy. The power of the board to defer consideration of parole up to three years was raised. The intention of this provision is to ensure that the board does not have to waste its time by considering annually persons who, for a variety of reasons - such as public interest, the seriousness of the crime and behaviour in prison - will not be granted parole. At present the board must consider all prisoners who are eligible for parole on an annual basis. This is a great waste of the board's time. It is not envisaged that the board will act to defer many prisoners for the maximum period of up to three years.

Why should the board not be given some discretion to be able to defer further consideration of serious offenders to avoid having to consider such prisoners annually when there is no likelihood of them being granted parole? Deferral will remove the pressure on victims and their families, which arises every time a serious offender comes before the board. The board will be required to indicate to the offender in advance that it will make a deferral decision for a period of up to three years, and the offender will have the opportunity to require a formal hearing of the board at which, obviously, evidence will be adduced and legal representation provided. The issue of vengeance was raised by the Hon. I. M. Macdonald and the Hon. Ann Symonds. They were concerned that the bill would simply be a vehicle for victims to exercise vengeance. Apparently honourable members are not in communication with the victims and the victims representative groups in this regard. I wish to quote advice from the Victims Advisory Council as follows:

Vengeance is not what victims want but their situation is taken into account and they are not to be forgotten or simply disregarded as spent witnesses.

That is what this legislation is all about. The bill is not designed as a vehicle for vengeance against the serious offender. It is simply a means by which victims who wish to be heard can have their say before those statutory bodies responsible for making decisions or recommendations which can result in serious offenders being released into the community on parole or on various forms of temporary leave. The probability is that many victims of serious offenders will not wish to make submissions, written or verbal, but this bill will provide a mechanism for those who wish to be heard to have that opportunity. The board and the council will quickly be able to

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assess whether the only motive behind a submission is vengeance and, if so, to give that submission whatever weight they deem appropriate in the circumstances.

I do not think I need say more than that. People who want to wreak vengeance will not get vengeance. It is important to emphasise that this bill does not compel victims to make submissions; it

simply provides an opportunity for them to do so if they wish. The ALP seems to be divided on this bill, although the Hon. R. D. Dyer in his usual manner gave a carefully measured and thoughtful response. As I said earlier, I regret that his left-wing colleagues made comments which clearly indicate that they have no understanding or concern for the trauma that victims of serious crimes and their families experience, and the need such victims often have to tell their side of the story to those who are charged with the responsibility of making decisions about the eventual release back into the community of perpetrators of the crime.

Put another way, the opportunity for victims to have their feelings about the crime put before these bodies is a cathartic release of the trauma of crime and is one way in which victims can ensure that perpetrators of crime have a clear understanding of the total impact that crime has on the community. I am concerned that the Hon. Elisabeth Kirkby commenced her remarks by saying that she opposed the bill in its entirety. However, she raised a number of points about which I wish to comment. She indicated it was her view that the bill erodes the rights of prisoners. The bill in no way erodes the rights of prisoners; those rights remain unchanged. Again I emphasise that this bill seeks only to provide an opportunity to victims of serious offenders to have an opportunity to make written - or verbal in the case of the board - submissions in a non-threatening and non-adversarial environment to those bodies that have to make decisions or recommendations regarding the future management of these offenders.

The bill does not seek to diminish the present rights of those prisoners, or to make any changes that will prejudice the rights of those prisoners, apart from allowing the board to defer consideration of parole for up to three years at a time. It is a nonsense to claim that these provisions will erode the rights of prisoners. The Government is merely seeking to achieve some balance in the current system. The Hon. Elisabeth Kirkby raised issues concerning factual conflict, particularly in relation to unsubstantiated statements. The board and the council are headed by retired District Court judges and both comprise other members with judicial experience. If they have any concerns as to the veracity of any material submitted by victims, either written or verbal, they can have the material verified, if it is considered vital to their deliberations, by calling for other reports or information without the need to turn the proceedings into a formal hearing by the use of cross-examination and other procedures of an adversarial nature. That would simply result in unnecessary pressure and trauma being brought to bear on the victim.

At the end of the day both the proposed Parole Board and the Serious Offenders Review Council will comprise experienced members who are well able to assess what weight should be given to any material contained in victim submissions. I do not seek to introduce a system that turns what is intended to be informal and without pressure into a legalistic quasi-judicial procedure, with all its attendant problems and tensions. Victims have already been through enough in the committals, trials and possibly appeals. I do not want them to have to face this type of pressure again simply to provide them with an opportunity to be heard at the point at which the offender is being considered for possible return to the community.

The Hon. Elisabeth Kirkby has expressed great concern about unsubstantiated material being used in victims' submissions. As I have indicated, the process that is in place ensures that that does not occur. The honourable member made a comment which should not go uncorrected. She said that the inmate John Lewthwaite had been put in segregation while the Serious Offenders Review Council reviewed his eligibility for prerelease leave and had been held in segregation at Long Bay from 4 June to 6 August this year. In fact, Lewthwaite was held in protection for that period, at his own request, having regard to the nature of his crime.

The Hon. Elisabeth Kirkby also commented extensively on two cases of the Court of Criminal Appeal in which certain aspects of the particular victim impact statements which were presented in those matters attracted judicial comment to the effect that victim impact statements should contain objective details of the impact of an offence rather than emotive and judgmental language. I agree with that. It is important to note that such judicial comment is rare. Victim impact statements are already widely used in sentencing procedures and the vast majority of these statements do not attract criticism from the judiciary. Accordingly, they are successfully used to determine the objective seriousness of an offence.

In order to ensure that all victim impact statements continue to be a useful sentencing tool and contain appropriate and objective details of an offence, the Hon. Elisabeth Kirkby will be pleased to know that I have already approved the drafting of a regulation which will provide that it is preferable that a victim impact statement be made on behalf of a victim rather than by a victim. The regulation will further provide that a victim impact statement made on behalf of the victim must be made by trained personnel, such as social workers, counsellors, psychologists or psychiatrists.

Section 447C of the Crimes Act was inserted into the Act by the Crimes (Sentencing Amendment) Act 1987 to provide a statutory basis for the provision of victim impact statements in the sentencing process. The section was passed hurriedly through the 1987 budget session of the Unsworth Government with, it would appear, insufficient consideration of all the relevant issues. The provision accordingly remained unproclaimed. The criminal law review division of

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my department has since evaluated the use of victim impact statements in New South Wales and in other jurisdictions. Proposals to amend and proclaim section 447C were finalised and included in the Sentencing Legislation (Amendment) Bill following a consideration of the research report evaluating victim impact statements in South Australia, which was released in August 1994. I do not know whether the Hon. Elisabeth Kirkby was aware of that report. We have basically adopted the recommendations of that report.

I refer to the recommendation that all victim impact statements should be in writing and made available to the accused person. I have already approved the drafting of a regulation to complement section 447C of the Crimes Act. This regulation will provide that a copy of the victim impact statement must be filed with the court, the defence and the prosecutor within a reasonable time before sentencing. To ensure confidentiality, the statement should not be further reproduced by any of the parties involved. This prohibition on the reproduction of the victim impact statement will ensure that accused persons are prevented from using victim impact statements inappropriately. This amendment, which is concerned with procedure rather than with substantive law, is appropriately contained in regulation rather than in the bill itself. It allows me to finetune these procedures if I believe they are not being used appropriately.

The Hon. Ann Symonds is opposed to the proposal that the boards will be able to defer consideration of parole for prisoners for up to three years. She was concerned about vengeance by victims and factual mistakes in victims' submissions. I have previously addressed these issues. The process concerning a retrial of the prisoner requires some response. It is nonsense that this process will lead to a retrial. The process introduced by these measures will not amount to a retrial of the prisoner. The bill deliberately provides for an informal process.

The Hon. Ann Symonds also said that the victims do not want to be intimidated by the process. These proposals are deliberately designed to be informal and free from pressure and intimidation so as to ensure, as far as possible, that there is no undue pressure brought to bear on victims who wish to make a submission. I emphasise that there is no obligation on victims to appear in person before the board if they do not wish to; they can thus avoid the necessity of coming face to face with offenders responsible for the crime against them. The process which the Government seeks to introduce by these measures is designed to be non-threatening and non-intimidatory to the victims involved. Any change, such as those proposed by the Hon. Elisabeth Kirkby, which would require the victim to appear in person before the board, in certain circumstances, would result in profound trauma and stress on the victim.

The question has been asked: why give victims rights in relation to persons who are managed as serious offenders but who are otherwise not serious offenders as defined in the Act? Section 59 of the Prisons Act defines "serious offenders" to include life prisoners, prisoners who are serving a minimum term of 12 years or more, prisoners convicted of murder, and certain prisoners who are managed as serious offenders, such as Gregory Wayne Kable. There are a number of prisoners in the State, such as Kable, which the commissioner of corrective services, a sentencing court or the offenders review board -

that is, the parole board - have determined should be managed as serious offenders, having regard to the nature of their crime or their conduct in custody.

It is appropriate, in my view, that victims of these offenders should be able to make submissions to the parole board and the Serious Offenders Review Council. I refer to the recommendation that all victim impact statements should be in writing and made available to the accused person. I have already approved drafting of a regulation. I believe that I have addressed all the issues that have been raised. I thank honourable members for their support for the bill, which I commend to the House.

Motion agreed to.

Bill read a second time.

SPECIAL ADJOURNMENT

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

That this House at its rising today do adjourn until Tuesday, 22 November 1994, at 2.30 p.m.

ADJOURNMENT

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [4.48]: I move:

That this House do now adjourn.

SERVICES FOR THE MENTALLY ILL

The Hon. DOROTHY ISAKSEN [4.48]: I wish to read to the House a letter from a constituent which clearly portrays the tragic circumstances in which some of our mentally ill find themselves. I have edited the letter to protect the privacy of the person concerned. The letter reads:

This letter is an account of the incident I spoke to you about last Monday night regarding a young man I will call Jack, who suffers from mental illness.

Jack recently moved to the block of units where I live and as Secretary of the Body Corporate, as is my normal practice, I welcomed him, helped him settle in, introduced him to a few other residents, and assisted him in becoming familiar with the usual things like use of clothes line and so on.

At this time I noted that Jack seemed to be a little highly strung, and I felt he may need a bit of help from time to time. He told me that he had rent assistance, and that he was saving up for the connection of a phone but would not be able to get one for some time. This bothered me as I feel a telephone is essential when you live alone, so when I next saw Jack, I gave him my telephone number and told him he could give it to his family or whoever so that he could be contacted in an emergency.

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Jack spent the first couple of weeks scrubbing the flat inside and out and it began to look better than I had seen it. He told me that he had very high standards of cleanliness and asked me for advice as to household chemicals and so on. I gave him a key to my garage so he could lock his bike away, as I was satisfied he was totally trustworthy. Jack is a highly intelligent and personable young man,

and I remember thinking how lucky we were, once again, to have such terrific tenants in our place.

Unfortunately about 3 weeks ago, Jack became very disturbed at 1.30 am and began knocking on the doors of other flats, apparently seeking help. The following account is as told to me by a young woman [in a nearby] unit who, realising it was Jack, opened her door to him. (I slept through as I am situated at the other end of the building.) Jack wanted her to ring the Police to come and help him as there were people after him. She tried to calm him down, as she could not understand exactly what the problem was, but in the end rang the number and Jack spoke to the Police. He then told her that they wouldn't come, they wouldn't help him.

She managed to calm him enough to return to his flat, and suggested he keep the lights on and told him to call out if he needed help again . . . Shortly he began screaming and the other residents began waking to see what the noise was. With that, the young woman . . . decided that her only option was to call the Police as she became quite worried. The Police came and a few minutes later, took Jack with them in the Police car.

. . . We heard nothing of Jack's welfare, and as we were concerned for him, and wanted to discuss [his problem] with someone, I finally some days later consulted the phone book and was able to speak to the Counselling staff at [the local] Hospital, who knew of Jack and referred me to his personal Counsellor. I discussed our concerns with her . . . and we wanted reassurance if it could be given about our own safety . . . I made it clear to her that we were very happy for Jack to be our neighbour, but felt we could assist him in his endeavours to live independently if we knew what we should do should the situation occur again.

She told me that there was a Crisis Team operating from [another district] Hospital. I told her that I had seen that number in the phone book. She said "It says that it's a 24 hour service but it's not, there is no one there after 11 at night, so if it's after 11, ring the Police. That is all you can do." Jack has returned to his flat now after some days hospitalisation.

I mentioned this experience to you, as my neighbours and I have found it to be personally distressing, that this highly intelligent, likeable, open young man, who started out with such high hopes for his newly independent life, is now suffering the usual prejudice shown to people with mental illness. This prejudice is, of course, given credibility by the utter inappropriateness of having to call the Police to attend the premises.

Jack now must live with the stigma of having to be taken away in a Police vehicle, because there was no support for him, it being after 11 o'clock at night. We want to assist Jack but are appalled that we will have to call the Police if it is after 11 pm if he needs help. It is crucial that we have access to a 24 hour service for people in crisis.

The New South Wales Government should hang its head in shame as it cannot provide 24-hour crisis support for the mentally ill. There have been numerous stories of tragedies that have occurred when help was not available. The young man referred to in this letter is 23 years old. He is trying to live independently and his neighbours want to help him. This is a disgrace. [*Time expired.*]

ALBURY-WODONGA ENDOSCOPY CLINIC AND DAY SURGERY

The Hon. ELAINE NILE [4.52]: I read from a letter sent to a doctor from the Albury Wodonga Endoscopy Clinic. The letterhead also contains a heading, "Albury Day Surgery". The heading at the top of the letter is, "Termination of Pregnancy". The letter stated:

Dear Doctor . . .

We established a clinic service on a regular basis to try and improve the current service and

especially allow access to termination of pregnancy at an earlier gestation.

The morbidity from the operation is very low when the procedure is performed in a proper centre at 6-9 weeks gestation (from first day of last menstrual period).

An appointment can be made for termination of pregnancy patients by telephoning Albury Day Surgery and the patient will be given the next available appointment to see one of the three Gynaecologists that week with the operation being performed several days later.

If the patient has a long distance to travel, it is possible to arrange a morning appointment and same day procedure if fasted from 5 a.m.

All patients are expected to have the following performed prior to the appointment:

- 1) Blood Group
- 2) Cervical Smear
- 3) Cervical swab for a) Chlamydia
 b) Micro & culture

Please forward a copy of these results to the Albury Day Surgery.

COUNSELLING will be offered to all patients and insisted on for some patients.

- * COSTS Initial consultation \$65.00, Medicare rebate \$52.50 (104)
- * HOSPITAL If patient is covered by Private Health Insurance there will be no out of pocket expenses.

If patient is uninsured - \$400 cash is to be paid at the time of admission

- * SURGEON Medicare and health fund rebate only - \$120 (154)
- * ANAESTHETIST To be paid on admission to Day Surgery, \$115 cash - Medicare rebate \$72.50.

Any further queries can be answered by contacting the Albury Day Surgery . . .

The phone number is included. I ask the Attorney General to refer the practices of this and similar centres in Sydney and Tweed Heads to the Medical Complaints Tribunal for investigation and other action.

COFFS HARBOUR WATER SUPPLY

The Hon. R. S. L. JONES [4.55]: The World Watch Institute in its *State of the World Report 1993* confirmed that global water usage has more than tripled since 1950 - a rate of increase far in excess of the rate of population increase. The global consumption of water now stands at an estimated 4,340 cubic kilometres per year - 30 per cent of the world's total renewable supply. This represents a major interruption of the planet's water cycle, upon

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which life depends. It is down this road to ecological disaster that Coffs Harbour City Council, with

enthusiastic assistance from the Public Works Department, seems determined to go. It intends to more than double Coffs Harbour's population to 93,000 by the year 2016, and to multiply it more than 3.5 times to 152,000 by the year 2046. This is despite the fact that the Department of Planning says that Coffs Harbour has sufficient zoned land for a population of only 80,000. Urban expansion outside the existing zoned land can be achieved only by destruction of koala habitat and coastal wetlands, by building on contaminated land and by alienation of valuable agricultural land. As if this is not enough, Coffs Harbour plans to increase its per capita water consumption by 14 per cent by the year 2016 and 26 per cent by the year 2046.

To show how extreme the people involved are, back in February 1992 Coffs Harbour mayor John Smith was reported in the *Advocate* as saying that he believed Coffs Harbour could take 500,000 people. Mayor Smith went on to say, "There's plenty of space. We can put hundreds of thousands of people up the Orara Valley". Coffs Harbour's fetish for unsustainable development, as exemplified by the comments above, has meant that for years it has had problems with its effluent disposal and its water supply. After failing in its attempt to augment its water supply from the Bellinger River, Coffs Harbour turned to the Nymboida River, a tributary of the Clarence River. In the first step in augmenting its water supply, Coffs Harbour and the Public Works Department are doubling the size of the Karangi Dam, the town's main water storage. Work on this will start within a few months. The result will be increased extraction of water from the Orara River, another tributary of the Clarence River, which is Coffs Harbour's current water source. The Orara is already under very great stress.

The favoured option then is construction of a pipeline from the Nymboida River to Karangi Dam and then building of a major storage dam on Kangaroo Creek in the Clarence River. The five Clarence councils, completely ignoring the views of their local communities, support both the pipeline from the Nymboida and the Kangaroo Creek Dam. They claim this dam will be needed by the Clarence Valley for its water supply by around 2012. There is widespread public opposition in the Clarence Valley to Coffs Harbour's plans. At a meeting in Grafton late in June around 600 people declared total opposition to Coffs Harbour extracting additional water from the Clarence River system and demanded that the State Government, Coffs Harbour City Council and Clarence councils cease all activities to this end. The opposition is further indicated by a petition signed by almost 3,500 people. Coffs Harbour City Council and the five Clarence councils have told the Clarence community not to worry, that there will not be any adverse impact on the river.

Even more incredibly, the steering committee representing the Clarence councils has told the Clarence community that the rivers will actually be improved by taking more water out of the system. None of the people involved seem to have learned from the problems of the Hawkesbury, the Darling and the Williams rivers. Perhaps they assume that gross degradation of river systems can only happen in the west or near large cities. Others, however, are aware of the extent of the problem. In the *Australian* weekend review of 21 May Dr John Anderson of the University of New England, Northern Rivers said, "All of our east coast rivers are under stress . . . We are in a critical phase now . . . If we don't reverse the trend we could well lose the rivers". The Orara, Nymboida and Clarence rivers are already under great stress. Removal of more water could well spell the end. We are all familiar with the acid water problems, the "red spot" fish kills, the effluent and run-off that end up in the river. Less than six months ago a green algal bloom caused a fish kill on the lower Clarence. These are signs of too many nutrients from towns and farms and not enough flow.

These are signs of too much nutrient from towns and farms and not enough flow. There is so much nutrient build-up in the lower Clarence that when one of the prawn farmers on Palmers Island filled his ponds from the river some months ago, four tonnes of phosphate came in with the water. Upstream there are problems associated with low flow and siltation, especially in the Orara. Water extracted upstream for town supplies has an effect throughout the system, exacerbating nutrient build-up, promoting siltation and reducing aquatic habitat. The results are undeniable: poor quality water and depleted fish stocks.

No matter how one looks at it, the proposal by Coffs Harbour and Clarence councils will result in the loss of large volumes of water from the Clarence River system. The system simply cannot stand any more of this. We must absolutely minimise the water taken from the rivers, reduce the removal to the barest possible minimum. Coffs Harbour City Council must reassess the alternatives to increased river extraction, as well as implementing an effective policy of demand management. This time it must do a proper, comprehensive assessment. Economically viable alternatives do exist, alternatives such as rainwater systems, harvesting - [Time expired.]

BANK FEES

The Hon. J. F. RYAN [5.00]: Most honourable members will be familiar with the decision by the Commonwealth Bank to impose fees on counter services. Generally I support the policy as it would apply to most people, but as chairman of the government advisory committee on community services I feel responsible for two groups in the community: elderly people who have difficulty with technology and the insecurity of doing their banking in the street, and people with disabilities.

Accordingly, I contacted the Commonwealth Bank this week and spoke to some of its senior staff about the new policy. I was confident, from what I heard from the bank, that some effort would be made to deal with the problems encountered by people who

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have difficulties and those who are elderly. The bank has some exemptions for elderly people, but the policy does not cover all elderly people, one group of whom comprise self-funded retirees living on the benefits of a State-funded superannuation scheme.

Blind people and others with disabilities have difficulty using automatic teller machines. They need special consideration. They should not be disadvantaged by having to pay a fee for using counter service within the bank. I am grateful that the bank is giving consideration to reviewing its policy, certainly with regard to people who have disabilities. I am sure that all honourable members of this House will support me in asking the bank to review its policy at least in regard to those people. I do not believe that cash withdrawal service from a bank must always require personal service, but some groups do need that sort of attention and ought not necessarily have to pay for it.

Motion agreed to.

House adjourned at 5.02 p.m. until Tuesday, 22 November 1994, at 2.30 p.m.

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QUESTIONS UPON NOTICE

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

INGLESIDE-WARRIEWOOD MEDIUM- DENSITY LAND RELEASE

Mrs Isaksen asked the Minister for Planning, and Minister for Housing -

- (1) What financial, or other assistance, has been given to Pittwater Council to facilitate the Ingleside/Warriewood Valley land release?
- (2) What is the projected population increase in the Pittwater Shire on completion of the Ingleside/Warriewood Valley land release?

(3) How many blocks of government land will be available for sale, or auction, on completion of the Ingleside/Warriewood Valley land release?

Answer -

(1) The Department of Planning has, after considering requests from Pittwater Council, contributed the following assistance to assist in the planning of the Ingleside/Warriewood land release:

- * \$15,000 to assist Council in the preparation of environmental studies.
- * \$40,000 to assist in the preparation of a study into the transport, recreation, retail and community service needs of the area.
- * \$35,000 to help in the preparation of planning strategies for the release.
- * \$25,000 to undertake a study of State and Local Government financial exposure.

In addition, the Water Board and the Department of Planning jointly coordinated and funded a Water Cycle Management Study at a total cost of \$65,000.

(2) Population projections are still at a preliminary stage. Council has, however, produced a range of development scenarios for dwelling yields for the release ranging from a high yield of approximately 9,200 dwellings (32,800 people) to a lower density yield of 3,500 dwellings (12,500 people).

(3) The Department of Planning owns 68 hectares of land in the release area and I understand that the Department of Conservation and Land Management owns 74 hectares. The actual number of lots that will ultimately be sold will depend on planning and disposal strategies for the land and whether the land is sold for individual dwellings or amalgamated for integrated medium density development. Based on dwelling yields formulated by Pittwater Council, between 700 and 1,850 dwellings could be developed on the Government owned land.

GREAT LAKES COUNCIL COASTAL POLICY

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

(1) On what date did the Director of the Department of Planning deal with the Great Lakes Council preferred coastal zone application?

(2) What date did the Department of Planning notify Great Lakes Council of its decision?

Answer -

(1) The issue of definition of the coastal zone is being specifically addressed in the current review of the New South Wales Coastal Policy, and therefore consideration of coastal boundaries proposed by councils has been suspended until after the completion of this review. As a consequence, no action has been taken regarding the preferred coastal zone proposed by Great Lakes Council.

(2) Councils were advised of this matter by a circular letter on 5 May, 1994.

SHELLHARBOUR COUNCIL PLANNING POLICY

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

(1) Is there an agreement between the State Government and the Council of Shellharbour for an exchange of 72 hectares of land at Bass Point owned by the Council, for 49 hectares owned by the Department of Planning?

(2) If so, is it still the case as advised by you on 16 September 1993 that settlement will not be finalised until all planning approvals are obtained and a contractual agreement finalised between Council and a developer to proceed with the development project?

(3) Is the settlement dependent upon approval being given for construction of a boat harbour/marina?

(4) If not, what is it dependent upon?

(5) Did the General Manager of the Council of Shellharbour report to Council on 15 August 1994, as follows:

"One aspect of the project which has proceeded quicker than originally envisaged is the proposed land swap between the Department of Planning and Council with regard to Bass Point and a portion of the Project. The Minister for Planning, Hon R Webster, has agreed to bring forward the land swap and the legal documents are now being completed for that?"

- (6) What is the reason for this apparent change of timing in relation to the project?
- (7) Are the 49 hectares of land now owned by the Department within one kilometre of the shore?
- (8) Does the Walker Corporation have plans to use most of this land for residential development?
- (9) If so, does the Minister approve of these plans?
- (10) Is half of designated Wetland 376 within these 49 hectares?
- (11) Does the Walker Corporation and the Council of Shellharbour plan to create a boatharbour in this area?
- (12) If so, will such development destroy this wetland?
- (13) Are a third of these 49 hectares of land within the buffer zone of the nearby basalt quarry?
- (14) Do the Walker Corporation and the Council of Shellharbour plan to use this buffer zone land for residential development?
- (15) If so, does the Minister approve of these plans?

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Answer -

- (1) Yes. There is an agreement in principle.
- (2) No. The land exchange is now to be finalised separate from the marina/boatharbour approval process.
- (3) No.
- (4) Finalisation of the land exchange is awaiting agreement on the timing of the transfer of land to CALM.
- (5) Yes.
- (6) The land exchange is not dependent on the marina/boatharbour development and therefore I have decided to bring it forward.
- (7) Yes.
- (8) Yes.
- (9) The approval of residential development on this land is the responsibility of Shellharbour Council as the consent authority.
- (10) Yes.
- (11) Yes.
- (12) Yes.
- (13) Yes.
- (14) Yes. However, residential development within the buffer zone is currently prohibited under the Shellharbour Local Environment Plan (LEP) No. 16.
- (15) Amendment of LEP 16 to allow residential development on this land would require my approval.

M2 MOTORWAY BUILDING RESUMPTIONS

Ms Burnswoods asked the Minister for Energy, and Minister for Local Government and Co-operatives, representing the Minister for Transport, and Minister for Roads -

- (1) How many
 - (a) homes; and
 - (b) commercial premiseshave been purchased by the Roads and Traffic Authority to enable the building of
 - (a) the eastern section; and
 - (b) the wholeof the M2 Motorway?

- (2) How many of these homes have been demolished?
- (3) How many of these commercial premises have been demolished?

Answer -

- (1) (a) 71 homes have been purchased for the eastern section of the proposed Motorway. No commercial properties have been purchased, but four commercial activities on land acquired for the Motorway and leased for commercial use have ceased, or will soon cease, operations.
- (b) 147 homes have been purchased for the overall Motorway project. The position with commercial premises is as set out in (1)(a) above.

(2) As at 5 October 1994, ten houses had been demolished, work to demolish six was in progress and a contract had been let for the demolition of a further 20 houses.

(3) See (1)(a) above. The removal of improvements is a condition of some of the leases of the land acquired for the Motorway and leased for commercial use. Sites are currently being cleared.

PRIMATE RESEARCH

Mr Jones asked the Minister for Planning, and Minister for Housing, representing the Minister for Agriculture and Fisheries, and Minister for Mines -

- (1) What institutions in New South Wales are currently engaged in primate research?
- (2) What are the sources of funding for primary research and what were the amounts of grants allocated to each institution undertaking such research in New South Wales over the last two fiscal years?
- (3) What are the purposes for which primate research is being carried out in this State?
- (4) From which sources are primates obtained?
- (5) How many, and what species, are imported from overseas?
- (6) How many, and which species, are bred in Australia?

Answer -

(1) Section 56 of the Animal Research Act 1985 does not permit disclosure of information on the identity of the institutions at which research using primates is being conducted.

(2) Funding for primate research is neither provided by nor regulated by New South Wales Agriculture or New South Wales Fisheries. The Honourable Member is directed to the National Health and Medical Research Council, the main funding body for biomedical research in Australia.

(3) Statistics on animal use in New South Wales for the year 1992/93 identified the research purposes for which primates were used as behaviour, embryology or teratology, genetics, pain, pathology and physiology. Data for 1993/94 are not yet available.

(4) Primates used for research in New South Wales are either bred in New South Wales institutions or obtained from interstate institutions.

(5) No primates have been imported into New South Wales from overseas for some years.

(6) Information on primate species bred in Australia is held by the National Health and Medical Research Council which partially funds three central breeding colonies of non-human primates. According to a draft policy document held by Council the three species bred are: Macaques (*Macaca nemestrina* and *Macaca fascicularis*); Baboons (*Papio hamadryas*); and Marmosets (*Callithrix jacchus*).
