LEGISLATIVE ASSEMBLY

Tuesday, 12 November, 1985

Mr Speaker (The Hon. Lawrence Borthwick Kelly) took the chair at 2.15 p.m.

Mr Speaker offered the prayer.

DISTINGUISHED VISITOR

Mr SPEAKER: I draw the attention of the House to the presence in the gallery of the Rt Hon. Lord Shackleton, K.G., P.C., O.B.E., a member of the House of Lords.

FILMING OF PROCEEDINGS

Mr SPEAKER: Order! I inform honourable members that for television library purposes, some of this afternoon's proceedings will be filmed, without audio.

PETITIONS

The Clerk announced that the following petitions had been lodged for presentation:

Illawarra Transport Services

The Petition of residents of the Illawarra region respectfully sheweth:

That we are dissatisfied with a public transport system consisting of private buses and the State railway, which does not serve many residential areas and provides inadequate services for those areas it does cover.

Your Petitioners therefore humbly pray:

That as an immediate step the State Government should introduce a publicly owned bus service to remedy these deficiencies; and that the Government should plan now for a co-ordinated rail and road public transport system to coincide with completion of the Sydney-Port Kembla rail electrification in 1986.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr Petersen,** received.

Heroin Usage

The Petition of certain citizens of New South Wales respectfully sheweth:

That heroin usage is creating a major problem in our community. Crime rates have dramatically increased, and the cost of detection and detention are a burden on society. Addicts and their families are suffering unmercifully as well, and these problems cannot be tolerated in a caring community.

Your Petitioners therefore humbly pray:

That the Government will take immediate action to make methadone treatment, as recommended by the drug summit and promised by the New South Wales Minister for Health, available to all addicts who need and request it; that choice of modability of treatment and choice of practitioner be available to all addicts; that provision be made for mobility of addicts to enable them to live a normal productive life; that the Government and the medical profession combine to educate practitioners about the nature of heroin addiction; and that more

practitioners be given the right to prescribe methadone to meet the needs of heroin addicts in their own area.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr Smith,** received.

Technical and Further Education Colleges

The Petition of citizens of New South Wales respectfully sheweth:

That due to the restrictions on Government funds to technical and further education colleges, many courses have been cancelled in 1985, and many more will not be made available in 1986.

Your Petitioners therefore humbly pray:

That your honourable House will intercede on our behalf with the Premier of New South Wales, the Hon. N. Wran, to reconsider the 1985–86 State Budget funding allocations to technical and further education so as to ensure adequate funds are provided to meet the demand for technical and further education courses in 1986.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr Yabsley,** received.

Illawarra Women's Community Health Centre

The Petition of citizens of New South Wales respectfully sheweth:

Their support for the Illawarra Women's Community Health Centre.

Your Petitioners therefore humbly pray:

That your honourable House will take steps to ensure that full funding is provided for the Illawarra Women's Community Health Centre.

Any your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr Petersen,** received.

Illawarra Crisis Centre

The Petition of citizens of New South Wales respectfully sheweth:

That the crisis centre will be forced to close in the first week of December because of inadequate government funding. The crisis centre is the only specialized drug centre in the Illawarra region where drug dependent persons can withdraw from their addiction. Drug dependent persons who are unable to obtain appropriate assistance will be forced to continue their drug use. This will result in more drug-related activities, such as increased crime, prostitution, the selling of drugs, the recruitment of more persons into drug use, and will also lead to a greater number of deaths due to drug addiction in the Illawarra area. The closure of this centre will be a tragedy for the community of the Illawarra region.

Your Petitioners therefore humbly pray:

That your honourable House will take urgent steps to provide sufficient funding to maintain an adequate service. The crisis centre requires $3,000 to meet an immediate shortfall, to be repaid to the Commonwealth Bank. This loan has allowed the centre to remain open. The centre also requires $140,538, as requested in the crisis centre's submission to the New South Wales Drug and Alcohol Authority, for the next funding year, to allow for adequate staffing at appropriate wage rates and for running costs.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr Petersen**, received.

Prostitution

The Petition of citizens of Australia, New South Wales, respectfully sheweth:

That because we are due to celebrate our bicentennial in 1988 and because the health, moral and social well-being of our State is being seriously harmed by the rapidly expanding prostitution industry, and because prior to the arrival of the European settlers no prostitution existed among the Aboriginal communities your petitioners humbly pray that the Parliament of New South Wales will take urgent and posititve steps to eliminate the exploitation of women, teenagers and children through the degrading activity of prostitution.

Steps should be taken to ensure the elimination of the prostitution industry, as a major bicentenary project, by 1988. Arrangements should be made for co-operation by community organizations, law enforcement and welfare agencies to implement a programme of rehabilitation and re-education, retraining and relocation for all prostitutes by 1988. A vigorous law enforcement campaign should be implemented over the next three years to remove all persons who are exploiting females and/or males through prostitution and or drugs, including bosses of organized crime, pimps, clients, and so on. Moves should be taken to reject legalized prostitution and/or the licensing of brothels in New South Wales.

Your Petitioners therefore humbly pray:

That your honourable House will protect women, teenagers and children through the elimination of the degrading and exploitative activity of prostitution in New South Wales, by 1988.

And your Petitioners, as in duty bound, will ever pray.

Petitions, lodged by **Mr McIlwaine** and **Mr Schipp,** received.

Day Release of Prisoners

The Petition of citizens of New South Wales respectfully sheweth:

There is great concern for the safety and security of our families and ourselves, and we express our alarm at the failure of the New South Wales prison system to institute adequate measures to ensure that offenders whose behaviour poses a threat to the community are not recommended for day release from prison; and that the system fails to guarantee the safety and security of victims and their families from offenders on day release programmes and upon their eventual release from prison.

Your Petitioners therefore humbly pray:

That your honourable House will ensure the safety and security of our community from prisoners on day release programmes, and upon their eventual release from prison.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr Amery,** received.

Homosexual Laws

The humble Petition of citizens of Australia, New South Wales, respectfully sheweth:

That we urge the immediate repeal of Mr Wran's private member's bill to amend the Crimes Act, for the following reasons.

Mr Wran's bill, which deals with serious social, legal, moral and religious issues, was rushed through Parliament without adequate community debate concerning its far-reaching implications, as stated by the Catholic Archbishop of Sydney, who said, "Notwithstanding the very sensitive nature of the issue, provision was not made for adequate community discussion of the bill's implications." This was published in the *Catholic Weekly* of 23rd May, 1984.

There was no widespread community support for Mr Wran's bill: in fact, the opposite is true, as is testified by many members of Parliament who received hundreds of opposing letters and petitions, and not one supporting letter.

The main effects of Mr Wran's bill, that is, the legalization of sodomy for males over 18 years, in private, and in public, and the legalization of adult male soliciting, are a serious threat to public morals and health, and not in the public interest.

Mr Wran's public threats to remove the conscience vote clearly undermined the historic right of members of Parliament to exercise their conscience vote on a private member's bill dealing with the controversial issue of homosexual acts.

Your Petitioners therefore humbly pray that your honourable House will take urgent steps to repeal Mr Wran's private member's bill to amend the Crimes Act.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr Crawford,** received.

Moral Standards

The humble Petition of the undersigned citizens of Australia, New South Wales, respectfully sheweth:

That we, the undersigned, having great concern because of the spread of moral pollution in our State call upon the Government to introduce immediate legislation:

(1) To provide strict controls over video cassettes with the open sale of only G-, NRC-and M-rated video cassettes so that R-rated films can only be viewed in an adult theatre by persons over 18 years of age. We totally reject the concept of X-rated video cassettes which would allow the legal sale of hard-core pornographic films for screening in the homes of our nation.

(2) To tighten up the standards used by the New South Wales Indecent Publications Classification Board so as to include the total prohibition of any pornographic publication, video cassette, or film containing child pornography, bestiality, sodomy or violent sex acts against women, such as rape and pack rape, sadism and torture, et cetera.

Your Petitioners therefore humbly pray:

That your honourable House will protect our society, especially women and children, from moral pollution and its harmful effects.

And your Petitioners, as in duty bound, will ever pray.

Petition, lodged by **Mr McIlwaine,** received.

Acquired Immune Deficiency Syndrome

The Petition of citizens of New South Wales respectfully sheweth:

That because of the dramatic spread of the AIDS disease in New South Wales, with more than 50 000 AIDS male carriers in Sydney, and because the AIDS cases are doubling every three months:

Your Petitioners therefore humbly pray:

That the Parliament of New South Wales will take urgent steps to prevent the spread of the AIDS disease among homosexuals; will introduce urgent measures to prevent the spread of AIDS to the heterosexual community, especially through blood transfusions; will immediately close all AIDS disease centres, such as homosexual bath houses, brothels, and so on; will commence compulsory blood testing of the homosexuals in Sydney to locate and treat the AIDS carriers; will repeal the homosexual schedule of the Anti-Discrimination Act, 1983, and will repeal Mr Wran's private member's sodomy bill, known as the Crimes (Amendment) Act, 1984; and will institute a levy on all homosexual organizations, newspapers, clubs, bars, and so on, to pay for AIDS medical research and treatment.

Your Petitioners therefore humbly pray:

That your honourable House will protect our community from the AIDS epidemic, and will do all it can to promote the healthy heterosexual lifestyle, especially in our education system.

And your Petitioners, as in duty bound, will ever pray.

Petitions, lodged by **Mr Debus, Mr Jeffery** and **Mr Sheahan,** received.

ASSENT TO BILLS

Royal assent to the following bills reported:

State Drug Crime Commission Bill
Miscellaneous Acts (State Drug Crime Commission) Amendment Bill
Appropriation Bill
Greyhound Racing Control Board Bill
Landlord and Tenant (Protected Tenancies) Amendment Bill
Sydney Turf Club (Amendment) Bill

HIGHER SCHOOL CERTIFICATE EXAMINATION PAPERS

Suspension of Standing Orders

Mr GREINER (Ku-ring-gai), Leader of the Opposition [2.25]: I move:

That so much of the standing orders be suspended as would preclude the consideration forthwith of the following motion:

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Waverley to order.

Mr GREINER: The motion is:

> That this House condemns the Minister for Education for misleading the House and the public in his statements to the House and the media on October 15, 16 and 17 this year about the 1985 Higher School Certificate Examination Papers.

Standing orders should be suspended to deal with this motion because of the gravity of the charge of misleading the House. The charge against the Minister is simple; it is straightforward and specific: that he lied to the Parliament about the steps taken to ensure the integrity of the higher school certificate. As a result of those false assurances there has been a dramatic, devastating effect on thousands of students throughout New South Wales. Today there are thousands of students throughout the State whose confidence in the higher school certificate examination has been shattered, whose anguish at the end of years of study cannot be measured, all because the Minister for Education lied to them, all because the Minister tried to cover up the gravity of a crime that he knew could well wreck the entire examination. Hiding behind the emotions and pressures of the students sitting for the higher school certificate, the Minister sought at first to bluff his way through. When that looked like failing, he lied. He lied to the students. He assured them that no one would have a greater advantage than anyone else. He gave them the categoric assurance that wherever there was any doubt about any paper on any subject, that paper would be reset and reprinted. He knew that was not so. He knew that was not happening. He thought that he would not get caught. I leave aside for the purposes of this motion for the suspension of standing orders responsibility for security of the Government Printing Office—the truth on that—and on the Premier's ridiculous posturing in yesterday, four weeks after the theft, calling for a report from the Government Printer. The truth of the security of the Government Printing Office is another story. This motion centres on the unambiguous, typically arrogant statements by the Minister for Education to this Parliament and to the public, statements which are known to be false, false and false. The Minister for Education specifically misled this House when he told it on 15th October:

> No examination paper will be delayed. Wherever there is any doubt about any paper on any subject, the paper will be reset and reprinted.

"Wherever there is any doubt about any paper on any subject, the paper will be reset and reprinted". That was his clear, specific and unambiguous assurance. Yet on the very previous day the official police report by Constables Waterman

and Taylor said specifically—and I ask honourable members on the Government side to pay attention:

> It is not known at this stage the exact subjects taken and it will be difficult to ascertain.

The police were quite clear on that point. They had serious doubts about what papers were stolen. They said the thief was in possession of a number of 1985 examination papers, and they mentioned seven of them, but they were absolutely unambiguously clear in their written advice that it was not known at that stage the exact subjects taken and that it would be difficult to ascertain. Yet the very next day the Minister told this House that wherever there was any doubt about any paper on any subject the paper would be reprinted. The investigating police had doubts. They had doubts about all the papers. They simply could not be sure what had been taken, and neither could the Government Printer, who was quoted in the *Sydney Morning Herald* of 15th October, the day the Minister gave his assurance to Parliament, as saying:

> It is possible that nobody may ever know exactly which papers the thief stole.

So the police did not know; the Government Printer did not know; yet the Minister apparently had no doubts. "Wherever there is any doubt", he said, "on any paper on any subject, the paper will be reset and reprinted". Was that the truth?

[*Interruption*]

Mr GREINER: Was that what happened? We might never have known if some of the stolen papers had not surfaced. We might never have known if the Minister had not been forced to reschedule examinations so that they could be reset. The truth—the whole truth—is that no one, including the Minister, could guarantee what papers had been stolen and could be seen by higher school certificate candidates. The truth is that for the Minister's guarantee to this House to have been worth anything, all papers would have had to be reset.

But this Minister was not concerned about the truth. He was more concerned about showing this House and his left-wing cronies how clever he was. He did not give a damn about the students. If he had, he would have worked to reset all the papers—the Government Printer was set up to reprint all the papers; the Minister would have set out to remove the cloud hanging over the entire examination and to allay the fears of those students whose careers hang on the results. Quite simply, the Minister would have told the truth. The Minister assured this House on 16th October, "No candidate will be disadvantaged". How could he say that, knowing that the police and the Government Printer did not know what papers had been taken? How could he tell the *Sydney Morning Herald,* as quoted on 16th October, "No one will be sitting for an examination that will have been seen by anyone else other than the examiners". We all know that was a lie.

[*Interruption*]

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber.

Mr GREINER: We now know that the Minister was in no position to give such guarantees. But the Minister did not stop there. He was suitably outraged the following day in this House by suggestions from the honourable member for Hornsby that the Board of Senior School Studies was not resetting higher school certificate exams where there were doubts about security. The Minister told the House: "Are these claims true? No, they are not. They are a

wicked and deliberate lie". "A wicked and deliberate lie", the Minister said. The Board was resetting papers, according to the Minister, wherever there were doubts about security. Who lied? Who knew that there were doubts, according to police and the Government Printer, about the security of all the papers? The Minister for Education knew. He knew from the initial police report. And it was he who lied, not the honourable member for Hornsby.

The Minister admits in his own press release on 8th November, when he says that the stolen exam papers "include papers about which the board had advice, papers about which the board did not have advice, but nonetheless reset examinations, and, regrettably, papers about which the board did not have advice and did not reset papers". The Minister admits that there were papers about which the board did not have advice and yet did not reset the papers. They did not have advice, and did not reset the papers. In other words, the Minister took the punt. He did not know. He could not guarantee security and no one had advised him that the papers were secure. His lie is cemented in that statement alone.

Let the Minister table the police and Government Printer's advice on which he relied, especially that prior to the assurances he gave on the 15th, 16th, and 17th October. The facts in this situation are undeniably clear. The Minister misled the House on more than one occasion. He misled the public. And, perhaps most importantly in this situation, he misled the 37 000 students doing the higher school certificate. He knew on 15th, 16th, and 17th October that the security of all the papers was in serious doubt. He knew that the vast majority were not being reset. He has no excuse, certainly not on the ground of being improperly advised. It is not simply a technical misleading of the House. It is not the honourable member for Heathcote getting some dates mixed up. It is not a confusion over detail. It is a deliberate and substantial series of falsehoods. If the Minister had any decency, if the Minister had any sense of ministerial responsibility , if he had any understanding of the trust he has broken, not only to this House but to the students of New South Wales, then the Minister would resign. If he does not, he should be sacked.

Mr SPEAKER: Order! The honourable member's time has expired.

Mr WRAN (Bass Hill), Premier, Minister for the Arts and Minister for Ethnic Affairs [2.35]: Mr Speaker——

Mr Greiner: Where is the Minister?

Mr SPEAKER: Order!

Mr WRAN: If there were a higher school certificate examination for fudging——

[*Interruption*]

Mr SPEAKER: Order!

Mr WRAN:——the Leader of the Opposition would certainly get first class honours because, as the member of this House who has been caught with falsity after falsity——

[*Interruption*]

Mr SPEAKER: Order! The Premier paid the Leader of the Opposition the courtesy of listening to him in silence. I ask the Leader of the Opposition to pay the Premier the same courtesy.

Mr WRAN:—falsity after falsity, who has been caught red-handed forging a document—he has the temerity to bring this half-baked, miserable motion—

[*Interruption*]

Mr SPEAKER: Order!

Mr WRAN:—before this House at a time when the higher school certificate examinations are not concluded—

[*Interruption*]

Mr SPEAKER: Order! I call the Leader of the Opposition to order.

Mr WRAN: Speak up little man. Come on; speak up. At a time when the examinations are not concluded, and at a time when every responsible organization in the community, from the Federation of Parents and Citizens to the Independent Teachers Association—

Mr T. J. Moore: Left-wing front.

Mr WRAN: The honourable member for Gordon brands the—

Mr SPEAKER: Order! I call the honourable member for Gordon to order.

Mr WRAN:—the Parents and Citizens Association a left-wing front.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Gordon to order.

Mr WRAN: Some more? I want to make this very clear. This whole, sorry—

[*Interruption*]

Mr SPEAKER: Order!

Mr WRAN: —episode arose from a criminal act. The Leader of the Opposition has been prepared to use the higher school certificate students as fodder—

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Hornsby to order.

Mr WRAN: Do not bother with him. He is only a pipsqueak.

[*Interruption*]

Mr WRAN: He has been prepared to use the higher school certificate students as fodder for his cannon. But, regrettably, because of the responsible attitude that has been taken by every organization associated with education in this State, it blew up in his face.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Orange to order.

Mr WRAN: What he is endeavouring to do now under the guise of this pitifully weak motion, pitifully presented— and I have dealt with all his predecessors, and this is the weakest effort I have ever heard on a matter of public interest—

[*Interruption*]

Mr SPEAKER: Order!

Mr WRAN: Why, Lord Shackleton came 12 000 miles from London, and the Leader of the Opposition drove him out in three minutes.

[*Interruption*]

Mr WRAN: I want to make this very clear. The Minister for Education is a person of great integrity, and at every step he has acted in the interests of the students who were likely to be disadvantaged. At every step the Minister for Education has been honest with this Parliament. At every step he has been honest with the public. And at every step, most of all, he has been honest with the students.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Goulburn to order.

Mr WRAN: Ever since this crime was perpetrated the Leader of the Opposition has endeavoured to make political capital out of it. He has failed, and he has twisted and turned in his usual evasive and sneaky manner in order that he could make political capital out of the stress and the strain that was imposed additionally upon the HSC students. He has failed, and he has failed here in this House today; he has failed to make out any case whatsoever against the Minister for Education.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber.

Mr WRAN: He has failed again to show his bona fides in relation to the enormity of the pressure placed upon the higher school certificate students. I am aware of what is in the police report and I can say without any doubt—and I have no doubt that the Leader of the Opposition, if he has any intestinal fortitude, will produce that stolen document which he probably has—that it is in every respect consistent with what the Minister for Education told this Parliament. The Leader of the Oppopsition said, "Where is the Minister?" He is exactly in his rightful seat in the House and after the House votes upon this motion for suspension, which the Government will support, the Leader of the Opposition will be given the opportunity in the next hour or so of debating the Minister for Education, who is quite able to take care of himself and present his own case and, most of all, the case in the interests of higher school certificate students in New South Wales.

[*Interruption*]

Mr SPEAKER: Order!

Motion for suspension of standing orders agreed to.

Motion

Mr GREINER (Ku-ring-gai) (Leader of the Opposition) [2.43]: I move:

That this House condemns the Minister for Education for misleading the House and the public in his statements to the House and the media on October 15, 16 and 17 this year about the 1985 Higher School Certificate Examination Papers.

The HSC examination has been a history of fiasco piled upon fiasco since this Minister took over. In 1984 we had a series of security fiascos, fiascos in terms of papers being left in the street, papers in the driveway, papers off the back of the proverbial truck. We had a series of errors, not simply typographical but substantial, in terms of the substance of the HSC examinations. We had a fiasco in terms of the scaling procedures which were unjust and unfair, which produced results that were not meaningful. We had strikes by markers. We had, in the Minister's first attempt at the HSC, a complete and monumental hash, nothing more and nothing less. At that time the Minister, in unusually contrite fashion, assured us all that there would be absolutely no problems next time. The proverbial backsides had been kicked; the heads would roll. In 1985 he would get the examination right.

What has the result been? It has been worse on every score. On every score the 1985 examination has been worse than the one that the Minister made a mess of in 1984. Nobody denies the importance of the examination. Nobody denies the importance of ensuring the credibility of that examination, not only for those who take it, but for the community as a whole. No one doubts that what we have got is the culmination not only of twelve years of school life but something that affects the entire future of the 37 000 students who are doing the examination. Let us just think by way of background of the impact—the impact on the students, the impact on their parents, the impact on employers and the community as a whole. If the Goverment had set out, if this Minister had set out, to undermine the credibility of the HSC in 1985, if that had been his deliberate purpose, he could not have done a better job than what he has done.

The realities are that students have worked twelve years and worked for what—for an examination that has now been made a laughingstock by the ineptitude and the arrogance of the Minister for Education. The history of the particular episode is, of course, known to the House. The papers were stolen—we will not canvass the particular situation—on the morning of 14th October, more than a month ago today. That afternoon the police issued a report on the break-in. In the following three days—15th, 16th and 17th October—the Minister gave repeated assurances to this Parliament and to the public about the integrity of the higher school certificate. He started off by telling us on 16th October: "No candidate will be disadvantaged. The examinations will proceed on schedule". On 17th October, in reply to the member for Hornsby, he said, "I am aware of the claims of the honourable member for Hornsby, but the Board of Senior School Studies is not in fact resetting examination papers, where there are doubts about security". Just remember that. Are these claims true? No, they are not. They are a wicked and deliberate lie.

The Minister went on to say: "I am aware also that the honourable member for Hornsby has challenged me to produce the original set and the newly printed set. I shall meet that challenge"— we only wonder when. On 15th October the Minister said in this House, "Wherever there is any doubt about any paper on any subject, the paper will be reset and reprinted". Now let us just for a minute contemplate whether each and any one of those statements was true. The realities are that all three statements—the 15th, the 16th and the 17th—in this House were blatant lies and they were statements that the Minister

knew were lies. In terms of his public statements, he told the *Sydney Morning Herald* on the 15th, published on the 16th, "No one will be sitting for an examination that will have been seen by anyone else other than the examiners". We all know just how credible that particular statement by the Minister was. His strategy throughout was to say: "Trust me. We will get it right. We will ensure the integrity of the higher school certificate. The Premier and I will go and visit the people who are working day and night to reset examinations". What we have in fact is a monumental con job. The Minister and the Government set out to con the people of New South Wales and in particular to con the students of New South Wales that all was well. The Minister said, "higher school certificate to pass test". The higher school certificate is not on trial in this House today. What is on trial is the integrity and the managerial competence of the Minister for Education and on that matter there could be no serious doubt that he has failed and failed abysmally.

The Minister for Education has not failed simply in substance; he has failed completely in the truth of what he said. That is the real test. The Minister said at the time, "We are not going to have this cover-up. We are not going to tell anyone anything. Just trust us, otherwise you will help the criminals". The truth, of course, is that if the Minister had come clean from the beginning, if he had levelled with the House, he would not have been helping the criminals. He would have been helping the students of New South Wales for they would have known what the situation was, as indeed the community would have known, and he would not have been landed in the situation in which he finds himself. Nor would the thousands of ancient history students be in the position in which they found themselves this week.

Before I return to the matter of the Minister's misleading the House, I refer honourable members to the security fiasco. They will recall that the Opposition asked several questions about the security arrangements at the Government Printing Office. At the time, the Minister was overseas. We were told by the Premier that there were no problems. All adequate arrangements had been made. What is the truth of that? Obviously the Premier did not know, because four weeks to the day after the event he had a sudden urge to call for a report. The Premier suddenly decided, "We ought to ask the Minister for Industrial Development to get a report from the Government Printer". The Government Printer made his position perfectly clear on day one: on that day he said he did not know.

However, let us examine the security arrangements. The police report that was in the Government's hands on 14th October stated that no external alarm system was fitted. The security officer was relied upon to telephone about any problems. Imagine the Government Printing Office, the institution that is responsible not only for HSC examination papers but also for Budget Papers and a whole variety of confidential high security information, having no external security, and relying on the watchman to telephone if something should happen. Honourable members have seen how successful that arrangement was. The truth is that internal security as well as external security was abysmally low. Any analysis of the police report will show that the intruder came and went from one floor to the other. Examination papers were found everywhere; they were not kept in one place, or in any one secure place. There were proof copies on one floor and other copies on other floors. It was a type of come-and-get-it, walk-in walk-out, McDonald's version of HSC examination paper storekeeping. The security arrangements at the Government Printing Office for the HSC examination papers are a joke, and a joke of the first order. It is not possible for the Government or the Minister to escape blame for it.

I return now to the gravamen of the motion. I refer honourable members to the first statement made on 15th October by the Minister. He said, "Wherever there is any doubt about any paper on any subject, the paper will be reset and reprinted". Were the papers about which there was some doubt reset? No, no, and no again. The Minister knew on 15th October that there was significant doubt about all the HSC examination papers. Despite knowing that, and despite having full and complete knowledge of the police report and the Government Printer's inability to specify precisely what had and had not been taken, the Minister gave an assurance to this House. That assurance was categorically false. It was false, not on the basis of misleading information, but false on the basis of correct information. It was false because the Minister deliberately set out to mislead the House.

I refer now to the second statement made by the Minister on 16th October. On that day, to a question asked by the honourable member for Hornsby, the Minister gave a one-line answer. He said, "No candidate will be disadvantaged and the examination will proceed on schedule". I leave aside the second part of that statement, which members know now not to be the case. The Minister said, "No candidate will be disadvantaged". The Minister made that statement knowing full well that he did not know, that his advisers did not know, that the Government Printer did not know, that the Board of Senior School Studies did not know, and that no-one in the Government and the entire bureaucracy knew, given the abysmal security arrangements, what the situation was regarding which papers had been secured and which papers had not. As a consequence, it is simply impossible for any individual to say honestly, on the basis of the information the Minister had, that no candidate would be disadvantaged. That assurance was a lie. It has now been shown to be a lie. Quite obviously there have indeed been many students directly, and more particularly indirectly, disadvantaged as a result of the HSC fiasco. Was no candidate disadvantaged? Is that the truth? No, no, and no again. On 17th October the Minister said in reply to a question from the honourable member for Marrickville:

> I am aware of the claims of the honourable member for Hornsby that the Board of Senior School Studies is not, in fact, resetting examination papers where there are doubts about security. Are these claims true? No, they are not. They are a wicked and deliberate lie. I am aware also that the honourable member for Hornsby has challenged me to produce the original set and the newly printed set. I shall meet that challenge.

Was it a wicked and deliberate lie to say that examination papers, where there are doubts about security, were not being reset? No; it was not. The only lie came from the Minister. In that reply the Minister not only set out deliberately to impute unworthy and untrue motives to the honourable member for Hornsby, but also he quite clearly stated the exact opposite of the truth. The Minister knew full well on 17th October that the examination papers, where there were doubts about their security, were not in fact being reset. In the joint release by the Minister and Mr Winder, the Director-General who was brought in to share the blame, to have the flak spread round, we were told that there were some papers about which the board did not have advice and papers were not reset. If the board did not have advice, how logically was it possible for the Minister in good conscience to give the assurances he has given? Of course, the answer is that he could not; he absolutely could not, neither on the basis of the information that the board had, the information that the police had, nor the information that the Government Printer had. On none of those bases was the Government, the Minister or the board in a position to give the clear and unambiguous assurances that were given. In each and every case, the Minister's assurances are inconsistent with the truth. There is a straightout contradiction

between the Minister's press release of 8th November and the previous assurances that he has given. Finally, in terms of the news media—and this is just one of many similar statements made on the radio—the following was reported in the *Sydney Morning Herald* of 16th October:

> Mr Cavalier and the chairman of the Board of Senior School Studies announced yet again, "Wherever there is any doubt about security following the theft of exam papers the papers will be reset".

It gets monotonous; it gets boring. The number of times on which the Minister has lied to the public in this House is simply boring, but is simply convincing proof of the fact that he has in fact misled the House. He says directly, "No one will be sitting for an examination that will have been seen by anyone else other than the examiners". He simply was not in a position to make that statement with any confidence at all in its truth. Part of the Minister's response, which I should deal with in passing, is to say, "Well, the computer is going to catch anyone who has had an advantage"—after admitting that there are going to be people who are advantaged, which is the exact opposite of his previous assurances. He says the computer profiles will catch them. If there is a cluster of students in Gladesville or perhaps in Harbord, wherever it might be, who do better than expected by their school assessment throughout the year, the computer is going to catch them. Then we are going to have Rodney's army marching across Spit Bridge or over Gladesville Bridge.

We have an absurd suggestion—a totally ludicrous suggestion—that we are going to have somehow the Department of Education inspectors following up, interrogating, seeking to find out whether someone has managed to do better than his school assessment because he happened to have access to the papers or because he happened to do better than for some other perfectly legitimate reasons. It surely makes a mockery of the entire situation, when the Minister's attempt at a big stick for those who might have access to the examination papers is to say, "Well, if anyone had access to them"—and obviously they had—"we will catch them on our computer and we will take action". What an absolute joke. In many ways that is symptomatic of the Minister's inept handling of the entire situation.

We acknowledge that a major problem was created for the Government as a result of the theft. It is obvious that the security arrangements at the Government Printing Office were laughable, totally derisory in the context of any high security document. But given that the theft had taken place—and leaving aside the responsibility of the Minister for Industrial Development, who is responsible for the Government Printing Office—everyone accepts that there is a major and difficult problem for the Government and that there was no simple answer. Nevertheless, the response by the Minister for Education has been bungled from go to whoa. It has been bungled from the 14th October right through until today. At every stage he has knowingly, deliberately—and I would believe maliciously—misled the House. He has misled the Parliament, the people, and the students. There can be no doubt that the trust of the students, the confidence of the students, and the integrity of the HSC has been shattered—and has been shattered substantially—because the Minister's response to the difficult situation was hopelessly inept.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Northcott and the honourable member for Broken Hill to order.

Mr GREINER: The Minister stands condemned in terms of the specific charges in the motion. He stands condemned that on each and every one of the three days mentioned, on 15th October, 16th October and 17th October, the Minister for Education undoubtedly misled the House, misled the public, and misled the 37 000 HSC students in New South Wales.

Mr CAVALIER (Gladesville), Minister for Education [3.5]: The burden of the case of the Leader of the Opposition depends wholly upon the advice of the police. As if the Board of Senior School Studies or the Government Printer or the Department of Education or the Minister acted in blithe disregard of what it contained—anticipating a question along the lines of what was the advice preferred by either the police or the Government Printer—I had, understandably, a response prepared—a response which I largely prepared myself. I want to make it very clear that the police report was something that I had the opportunity to see, and the police officers in charge of the matter were gentlemen to whom I had the opportunity to speak. They indicated to me in their opening sentences that they could at no stage be certain about what had been stolen, and their report bore that out. That is not in dispute. The one point—taking away the persiflage, the abuse, and the defamation—upon which the Leader of the Opposition depends, the only sensational new development which might have warranted the hype and the bluster and the huff and puff in the media before this day, was the police report. The police officers at no stage indicated that they were certain about what had been stolen, but they could advise me on two critical points that assisted the Government Printing Office and the board. Those two points, and only those two points, were, first, the criminal did not dictate the contents of any examination paper via the walkie talkie; and, second, the criminal did not take photographs of any examination papers. With that material information to hand, the Government Printer was able to assume—[*Quorum formed.*]

[*Interruption*]

Mr SPEAKER: Order! The matter needs no comment from the honourable member for Gordon.

Mr CAVALIER: For that reason the Government Printer was able to make the essential assumption that the only papers which were compromised were those which had been taken away—quite critical; very different to what the Leader of the Opposition attempted to put today. The Government Printer, Mr Don West, has authorized me to make the following statement:

> The Government Printing Office at all times conscientiously gave advice to the examinations branch of the Department of Education on what they honestly believed, and had reason to believe, had been stolen. The examinations branch acted on that advice to the letter and the extent necessary.

Now what the Leader of the Opposition is simply unaware of is the dimension of the task that faced the Government Printing Office. The advice from the Government Printing Office was very simple: everything believed to be on the premises at that time was essentially compromised. I quote the Government Printer again:

> This left no alternative other than to advise the examinations branch that we considered that copies may have been stolen from any or all of the—

And there is a number given:

> —examination papers which were being worked on.

Everything that was on the premises was believed to be compromised. There is one big problem: there was a very large number of examination papers that were no longer believed to be on the premises. I think it is also of advantage for the House to be acquainted with the dimensions of the task of the Government Printer each year when he prints and bundles the higher school certificate examination papers. The Government Printer has stated:

> The following information gives perspective to the daunting task employees of the Government Printing Office face each day in providing this essential and extremely sensitive work. It would serve no useful purpose to detail other security and confidential work carried out at the office. It is sufficient to say that production of the huge printing requirements of the Department of Education for the HSC is only part of the overall confidential production of the Government Printing Office. In the period from June—

Not just October:

> —to October this year inclusive, in excess of 15 million pages of higher school certificate papers at A4 size were processed from material supplied by the Examinations Branch of the Department of Education. At the time of the break-in on the night of 13th October, work in progress held at the Government Printing Office for the HSC has been estimated at 3 million pages—

That is somewhat less than 15 million. I continue:

> The complexity of activity within the Examinations Branch in managing the preparation of texts for examination papers and other factors, such as excessive Author's corrections and late changes to papers in production impede pre-press preparation of texts by Government Printing Office staff, and often play havoc with leadtimes and planned deadlines.

There is a great deal more, but it should be very clear that the Government Printing Office had completed its work and returned the work that it believed it had completed, all of it, to the Department of Education or the Board of Senior School Studies at North Sydney. That was the basis upon which the Government Printing Office carried out its normal auditing. It made a number of calculations about what had happened and determined very simply that what was believed to be on the premises had been compromised, and therefore anything that it believed to be on the premises—anything at all that it believed to be on the premises—had to be reset. The Board of Senior School Studies acted upon that advice to the letter and, to the extent necessary, reset those papers. Upon 26th November, when the examinations are over, we shall see the extent to which the Board of Senior School Studies acted. We shall see at that point of time that it was to the letter. Consistently throughout this crime the Government has taken three positions: that we would tell the truth as we knew it; we would give out no information—

[*Interruption*]

Mr SPEAKER: Order!

Mr CAVALIER: And we would at all times act in the interests of students to maintain their morale and confidence. Throughout this matter the Opposition has taken three consistent positions: it has given no consideration to the truth; it has aided and abetted the aims of the criminals; and it has made statements consistently in total disregard of the interests of students and their confidence in the difficult task before them. The Opposition has played this crime for all that it might be worth to them. It is worth while remembering—it cannot be emphasized too much—that it is a crime with which we are dealing.

Let us go through some of the twists and turns, the weaving and the bobbing. which have characterized the Opposition's response to the crime—with which they were actually totally delighted. On the morning of the robbery the Opposition took the position that the board should have rescheduled the entire examination in all subjects for all 37 600 students, meaning a delay in the vicinity of four to six weeks. Yet, a delay in one subject, involving one-sixth of that number of students, for no more than twelve days, and much less for most, is unacceptable to the Opposition when the board concludes reluctantly that it has no choice, following the broadcasting of the contents, or the purported contents, of an examination paper. The Opposition position on this crime is very simple: whatever the board or the Department of Education or the Government does is wrong. What we have is the most selective and craven indignation imaginable. The honourable member for Hornsby, for example, said on Sunday—having earlier called for the entire examination to be reset—that the decision should be not to reset ancient history alone, thus forcing the students to be stretched on the rack even further. This is the same man who called for the whole examination to be rescheduled.

[*Interruption*]

Mr SPEAKER: Order!

Mr CAVALIER: It was all right to stretch them on the rack for four to six weeks longer. It was all right to have them sitting for the examinations right up until Christmas Eve. It was all right to delay all the marking and all the scaling and the necessary processing of information so that the entire academic year for tertiary education would be placed in grave jeopardy. That was all right. That stretching on the rack was all right. But, one examination reset forced upon the Government, forced upon the board, by the aiding and abetting of criminal activity is not all right. That is all that one needs to say about the attitude of the honourable member for Hornsby who, throughout this matter has behaved in a false and wicked fashion.

Just who does the Opposition believe that it represents when it takes the position that it has? The Leader of the Opposition has throughout displayed his dangerous predilection to shoot from the hip. He called for delay at the time of the robbery because he said the examination could not be reset. Just as the Leader of the Opposition consistently fails to understand education matters, he confuses very simply the vast difference between an assessment and an estimate, and is unaware that we do not have assessments in New South Wales in 1985, and that they will be actually opposed by the honourable member for Hornsby when introduced in 1986.

The Leader of the Opposition said that the examination could not be reset. But this week he asserts that the Government should have reset all the papers in the time between the robbery and the first examination. The proposition for this opposition is simple: whatever the Government does is wrong. On the day of the robbery, when it suited his advantage to say that the job cannot be done, he said just that. Then a month later he says that the Government is in error for not having done what he claimed was impossible to do. The overall performance of the Opposition in its reflections on the board and its officers has had one positive effect, however, because they have lifted the morale of the workers in all sections of the operation so as to prove wrong the doomsayers, the saboteurs and the knockers.

The Board of Senior School Studies comprises some of the most eminent educationists in this State, with representatives of Government and non-government principals, working teachers, private education leaders, employers,

universities, colleges and parents. It is hardly an irresponsible or unrepresentative body. Its members work without remuneration and have one interest in their minds: the welfare of education. Their decisions throughout have been based upon responsible advice given by people who conscientiously believed that the advice was correct and that the board had no reason to believe otherwise. The decisions of the board have been supported by every significant education group. They have in fact been supported by everyone that counts.

[*Interruption*]

Mr SPEAKER: Order! I call the Leader of the Opposition to order.

Mr CAVALIER: They are opposed only by the New South Wales Opposition. In the course of yesterday the groups that came out in support of the board's decision to reschedule included the New South Wales Teachers Federation, the Federation of Parents and Citizens Associations, the Catholic Education Commission, the Headmasters Conference of Independent Schools and the Association of Heads of Independent Girls Schools of New South Wales. Indeed, it is worth while to acquaint the House with the views of the president of the New South Wales Teachers Federation—hardly a friend of this Minister or the Department of Education. He stated:

> Following the Minister's decisions on Saturday and other advice I have obtained, I am confident that the examination will survive this awful crisis with its reputation for fairness intact. The Federation is not noted for coming out in support of Mr Cavalier or the Department, so I hope this statement will reassure students. All that should be done has been done.

The Catholic Education Commission made a very simple statement:

> The Catholic Education Commission supports the action taken by the Board of Senior School Studies to reschedule and reset the Ancient History Higher School Certificate examination papers. It believes that these actions were the only ones possible in the circumstances.

The Federation of Parents and Citizens Associations' president, Shirley Berg, said, among other things:

> All through this unpleasant situation the Minister for Education and the Board of Senior School Studies have acted properly and with the best interests of the candidates paramount in their minds.

The unpleasant situation—a nice euphemism—was, of course, a crime. Shirley Berg continued:

> The Minister has today again shown he is prepared to do whatever possible to overcome the effects of the criminal act and ease pressure on the students . . . . . .
>
> The Minister, the Director General, teachers and parents are united in their determination to see that all students are given a fair go, despite the traumas caused by the original perpetrators of the crime.
>
> This whole saga is too serious to become an opportunity for scoring cheap political points and the Opposition ought to be supporting the Minister rather than calling for his removal.

From the committing of the original crime the Opposition has sought to take advantage whenever it thought that it could. It is in a horrible strategic mess as a result, and can only heap extravagance upon extravagance to extricate itself. After the honourable member for Hornsby placed himself well inside his usual hole when calling for a full disclosure of the stolen examination papers, the Leader of the Opposition intervened in the press conference in this Parliament

to offer his own solution. Let me quote from the ABC weekly programme "This Week in State Parliament." The reporter said:

> Mr Greiner interrupted his shadow Minister to propose a better way of reassuring students that they would not be competing against other students who had already seen the examination papers.

The reporter then quoted Mr Greiner:

> There is a simple way for the Minister to give the assurance that in effect you are seeking. If the Minister's prepared to provide the paper that has been stolen and subsequently to provide the paper that is set and that is if the papers are different, totally different, partially different, then that will be evident to all concerned, and if he is prepared to give that guarantee today, then I would have thought that gives a pretty clear assurance. It would seem to me that the way to provide certainty with regard to that is simply for the Minister to give a clear undertaking that he will provide after the examinations all of the original papers, and all the papers that were eventually set—some will be identical, presumably. They may not have been stolen, that would in my view if he gave that undertaking we would accept his word that he would do that and that would I think clear the air in terms of the question you asked.

The reporter then comes back on the programme:

> That afternoon Mr Cavalier gave precisely that undertaking.

Mr Cavalier is quoted as saying:

> There is no problem about that at all. I just find it extraordinary that there could be any allegation that we are not going to be resetting wherever we believe there is a need to.

Exactly "wherever we believe there is a need to". The Leader of the Opposition last Friday when speaking to Steven O'Doherty on radio station 2GB in the course of a number of defamatory remarks also made this remarkable claim:

> Nobody could criticize Mr Cavalier if he had said "We don't know whether all the papers are stolen; we have reset the following ten papers".

What Mr Cavalier did say in this Parliament, and I quote from the *Hansard* of 15th October, 1985, page 7832, which the Leader of the Opposition has quoted something like eighteen times today:

> Wherever there is any doubt about any paper on any subject, that paper will be reset and reprinted.

If Mr Cavalier had done what the Leader of the Opposition had called for and Mr Cavalier had been wrong about what he believed had been stolen, if the doubt was wrong in any particular way and Mr Cavalier would have been wrong—and I wonder just how forgiving the Leader of the Opposition would have been about that—just who would have benefited from that error? Only the criminals would have benefited, and the New South Wales Opposition. Let me remind the House what I said on 17th October, 1985, quoting from *Hansard,* page 8155, a quote that the Leader of the Opposition very conveniently did not include in his catalogue of quotations:

> If the Board of Senior School Studies or the Government Printer or the police are wrong about what they believe is stolen, the only ones who know are the criminals and the criminals' agents.

Somewhat short of the absolute that the Leader of the Opposition attempted to portray this morning. Let me remind the House of what I also said on that day:

> . . . knowledge of the papers that are being reset is of advantage only to the thieves. It cannot help any student. The honest student will resist the blandishments of the shysters offering documents purporting to be examination papers. The dishonest student will go down the tube because he will be buying a forgery. He will certainly have

> no verification, no incentive to study closely that false paper in the hope that it is a genuine one because we are not going to give anyone any hint of what is stolen and what is not stolen. He will be working in the realm of uncertainty about what is a geniune article with these purported documents that inevitably will float around, particularly with the assistance of the honourable member for Hornsby.

Students have perceived the wisdom of what we sought to do. We have seen and heard a lot of students on television and radio in the last few days in what are hardly calm circumstances for them, anyway. Provoked by cameras and microphones, their responses have not been the government-bashing or Cavalier-bashing exercise that some might have hoped. One student on 2GB grasped exactly what was behind my strategy when he said yesterday:

> Mr Cavalier is in a difficult situation because I think the physical reprinting of the paper and resetting it must be very difficult in getting it done and I think he had to say straight away that we are going to reset the papers just to create that doubt in their mind—

The mind of the thieves. The *Sydney Morning Herald,* not always—hardly ever—a supporter of the Wran Government, in its editorial today understood what the Minister has been seeking to do:

> But on the evidence of what has come forward so far, Mr Cavalier has done all that could be expected of a minister who has had to deal with a situation where no-one, except those dealing with the stolen papers, knew precisely what had happened.
>
> Mr Cavalier gave an assurance that those papers known to have been stolen were all re-written. This was a proper reaction. The decision ensured that no student enjoyed the advantage of knowing what the examination questions would be. Mr Greiner's resignation call could only have validity if the re-drafting was not actually done, and there is no evidence at this time to suggest that this is so. Mr Cavalier, too, was right not to reveal what papers had been re-written. To have listed the papers would merely have caused unnecessary stress to students trying to study for the various papers.

The matter, in summary, is simple. The Opposition has played this crime for all it may be worth, and I cannot emphasize too strongly that the dimension about which we are speaking is a crime. The one decision that I regret is the decision to reschedule the ancient history examination. There was and there is no alternative to that decision. Every other decision I stand by without hesitation because the board and the Government have acted to preserve the integrity of the higher school certificate and the confidence of students. The Opposition believes that their antics have gone down well. If they believe that, they are even more out of touch with public opinion than we had thought. No one in the education community will ever forget that the honourable member for Hornsby invented a phone call about the stolen papers and called a press conference rather than contact the police or the board. The Opposition has remained silent on the original crime, preferring not even a ritualistic condemnation of the crimes.

[*Interruption*]

Mr SPEAKER: Order! I call the honourable member for Hornsby to order.

Mr CAVALIER: The honourable member for Hornsby has handled himself so badly throughout this crime that the Leader of the Opposition has had to take over the media management of the issue, and all he can offer is a call for the Minister to resign and a claim that the Minister has misled the Parliament. The Leader of the Opposition is singularly unspecific about how or where the Minister has misled the Parliament, and this singularly unspecific Leader of the Opposition is the same man who faked the Edelstein letter, and a person.who in speaking about the road construction programme of this State made five separate statements that were totally and deliberately wrong, has

made a number of false statements about the administration of the Department of Youth and Community Services and, in terms of security of the Government Printing Office, made the statement that the security about which he speaks of being inadequate was downgraded in 1985 when it in fact took place eleven years earlier. He comes into this Parliament with a blithe disregard for the truth and now sets himself up as the arbiter of the Westminster system.

When the Leader of the Opposition has wrong advice and offers that as his excuse for stating facts that were wrong, and if honourable members charitably accept that he did not know that they were wrong, that is not even notable so far as he is concerned, but when a Minister acts upon responsible advice, some parts of which are subsequently proven to be wrong, through no fault of the people who are offering that advice, that is a reprehensible offence worthy of resignation. I regret that the advice was wrong, but I do not regret the decisions that were made, because they were decisions that were made in the best interests of candidates for the higher school certificate. The only confusion to students came not from the efforts of the board and the Government, who throughout have adopted a consistent policy in the conscious knowledge that we were dealing with criminals working to a strategy of maximum disruption. No, the only confusion has come from the efforts of criminals and their allies. I said on the morning of the robbery that I did not believe the criminals were in it for commercial advantage but in order to sabotage the higher school certificate and to undermine the credibility of an external credential. All that has happened since confirms that view.

The thieves had to drop the stolen papers to recreate the confusion that their theft had failed to do. They had to do that because of the success of the strategy of not revealing what was or what would be reset. If there had been any thieves amongst HSC candidates, or any HSC candidates had access to the papers, when they entered the examination room, they would have entered that room without any certainty about what they might have before them. Neither the Board of Senior School Studies nor the Government Printer had been geared in the past to cope with criminal behaviour, but they have done remarkably well every day since they were confronted with it to put right the consequences of that crime, and I have enormous admiration for all that the examiners and the printers and the delivery people have achieved. They have coped extremely well in the most difficult circumstances, but no one could have foreseen that the criminals would be given such assistance from a publicly-funded radio station, and no one could have foreseen that the New South Wales Opposition would seek to take advantage of the crime and set out to create the very situation that they claim to deplore.

Before the House resumed for this session the media were informed that education was one issue that the Opposition would raise. That was hardly surprising when the Opposition had been silent for the previous seventeen months in an area that embraces one-third of recurrent expenditure, and the job of the Opposition spokesman was squarely on the line. Now we find that after five weeks of sitting the Opposition has not laid a glove on the Government on any issue at all. In fact, the House has not seen the Government more dominant since the Parliament of 1978–81. The Opposition has not raised an education issue. No, after five weeks of sitting and one week's adjournment, all they have to run with is a crime against the Government Printing Office, where the Board of Senior School Studies and the candidates for the higher school certificate were the victims. The crime on the Government Printing

Office is all a matter of partisan advantage to this Opposition and this Opposition leader.

The same equation is at work today that preceded the departures in my time of John Mason and John Dowd. As the success of the Wran Government becomes more apparent and the Government asserts itself in the House, so the ranks of the Opposition bridle against the events that they believe place them where they are. Their loss of confidence becomes self-fulfilling and takes its toll on the leadership. The leadership, in response, takes extravagant positions, supported by desperate statements in order to create issues where there are none. As we have found this session, under-prepared, under-researched and dissembling, the Opposition leadership brings only discredit on itself and the Opposition. Discredited, this Opposition has become more desperate, more extravagant and more uncaring about the public welfare. So it was with the hoax phone call to the honourable member for Hornsby; so it is with the leader's claims of security changes at the Government Printing Office that took place not, as claimed, in 1985 but eleven years earlier in 1974; and so it is with calls for resignation.

The integrity of the higher school certificate and the confidence of students is too important to allow this Opposition and this Opposition leadership to play out their divisions. The intraparty politics of the Liberal Party will not be allowed to assist the criminals in creating any further damage to this year's higher school certificate. Throughout this the Government, the public servants involved—whether in the board or the Government Printing Office—have acted conscientiously to repair the effects of a crime. What they have done warrants the praise and commendation of every citizen of New South Wales. To the extent that they were wrong is wholly regrettable. They were dealing with a crime. Nothing that the Government Printer advised the Board of Senior School Studies upon was not acted upon, and to the extent that it was necessary, by the Board of Senior School Studies. The police report was absolutely material to what the Board of Senior School Studies decided to do. The police report certainly indicated the extent to which there had been a compromise of all that material believed to be on the premises; and acting upon that belief, honestly and conscientiously held, advice was given by the Government Printing Office about what it believed to be on the premises. That advise was used and carried out to the letter by the Board of Senior School Studies to the extent that was necessary. On 26th November, when I do produce what I indicated I would—the original papers—where there was belief about a compromising, and new papers where they were reset, will all be produced in this Parliament. It was a pathetic effort by the Opposition, a wholly wilful playing around with public confidence, and warrants the condemnation of this House.

Mr W. T. J. MURRAY: Mr Speaker—

Mr WADE (Newcastle), Government Whip [3.34]: I move:

That the question be now put.

The House divided.

Ayes, 58

Mr Akister	Mr Doyle	Mr J. H. Murray
Mr Amery	Mr Face	Mr Neilly
Mr Anderson	Mr Ferguson	Mr Paciullo
Mr Aquilina	Mr Gabb	Mr Page
Mr Arkell	Mr Hills	Mr Petersen
Mr Bannon	Mr Hunter	Mr Price
Mr Bedford	Mr Irwin	Mr Quinn
Mr Booth	Mr Keane	Dr Refshauge
Mr Bowman	Mr Knight	Mr Rogan
Mr Brereton	Mr Knott	Mr Sheahan
Mr Carr	Mr Knowles	Mr Smith
Mr Cavalier	Mr Langton	Mr Stewart
Mr Christie	Mr McCarthy	Mr Walsh
Mr Cleary	Mr McGowan	Mr Whelan
Mr R. J. Clough	Mr McIlwaine	Mr Wilde
Mr Cox	Mr Mack	Mr Wran
Mr Crawford	Mr Mair	
Mrs Crosio	Mr Mochalski	*Tellers,*
Mr Davoren	Mr H. F. Moore	Mr Beckroge
Mr Debus	Mr Mulock	Mr Wade

Noes, 35

Mr Armstrong	Mr Greiner	Mr Rozzoli
Mr Baird	Mr Hatton	Mr Schipp
Mr Beck	Mr Hay	Mr Singleton
Mr J. D. Booth	Mr Jeffery	Mr Small
Mr Caterson	Mr Kerr	Mr Smiles
Mr Causley	Miss Machin	Mr Webster
Mr Collins	Dr Metherell	Mr Wotton
Mr Cruickshank	Mr W. T. J. Murray	Mr Yeomans
Mr Dowd	Mr Park	Mr Zammit
Mr Fahey	Mr Peacocke	*Tellers,*
Mr Fisher	Mr Phillips	Mr T. J. Moore
Mrs Foot	Mr Pickard	Mr West

Pair

Mr Walker Mr Yabsley

Resolved in the affirmative.

Question—That the motion be agreed to—proposed.

Mr GREINER (Ku-ring-gai), Leader of the Opposition [3.41], in reply: There is virtually nothing to which to reply.

[*Interruption*]

Mr SPEAKER: Order!

Mr GREINER: The Minister has condemned himself out of his own mouth. He has admitted that he gave assurances that he was simply not in a position to give on the basis of the information available to him at that time.

He has admitted that what he said to the House was not true; it was indeed a lie. He says, of course, that the advice was wrong, that he regrets the advice was wrong. The truth, of course, is not that the advice was wrong in essence, but that the Minister's action in response to that advice was wrong, was deceitful, and was totally misleading of this House and of the students. The Board of Senior School Studies in the joint release with the Minister said—

[*Interruption*]

Mr SPEAKER: Order! I ask honourable members to reduce the level of audible conversation.

Mr GREINER: The board said they acted at all times upon the advice from the police and the Government Printing Office, but also took independent action where it was thought it was necessary. Let us see what the Minister had to say about the matters raised in that paragraph of his own press release. With regard to the police he concedes immediately that the police simply did not know. His words were to the effect that they could by no means be certain of what had been stolen. So that is the nature of the police advice; the only police advice upon which the Minister relied was to the effect, by his own admission, that they could by no means be certain what had been stolen. They were able to say that there had been no relaying of information by walkie-talkie and no photography. Very good. But the police advice is that we just do not know.

Mr Cavalier: Anything on the premises.

Mr GREINER: That is what the Minister relies on. Then the Government Printer—

Mr Cavalier: Anything on the premises.

Mr GREINER: He made the assumption that only the papers taken were those removed; in other words, that everything had potentially been compromised.

Mr Cavalier: Anything on the premises.

Mr GREINER: By the Minister's own admission, everything had potentially been compromised. Those are the Minister's own words.

Mr Cavalier: Anything on the premises.

Mr GREINER: Yet what did the Minister say?

Mr Cavalier: Anything on the premises.

Mr SPEAKER: Order!

Mr GREINER: What the Minister did was come into this House knowing that the police said they did not know, knowing that the Government Printer said everything had potentially been compromised—

Mr Cavalier: On the premises.

Mr GREINER: We will come to the premises. On the basis of that—

Mr Cavalier: On the premises—a very, very important point.

Mr GREINER: On the basis of that the Minister gave ironclad assurances to this House and to the public about what was going to happen. He was simply not in a position to do so. He lied to the House and to the

people. There can be no other conclusion. He was advised that copies may have been stolen from any of the papers on the premises, that he has been parroting.

Mr Cavalier: That is right.

Mr GREINER: But the Government did not know. He did not know what was on the premises. They were the Minister's own words. So you have got the police not knowing, you have got the Government Printer not knowing—although heaven only knows how that situation could arise—so the truth is—

Mr Cavalier: Good point.

Mr GREINER: The Minister says, "Good point". Perhaps he might ask his colleague the Minister responsible. But the truth is that the two lots of advice upon which the Government relied were unambiguous; they said, "We just do not know". Everything has potentially been compromised. The police do not know. The Government Printer does not know and that is exactly what the Minister has said, that every paper upon which there was advice was reset. The Minister is understandably agitated—

Mr Cavalier: Because you are telling lies. You are telling lies.

Mr SPEAKER: Order!

Mr GREINER: On his own admission, on his own encapsulation of the police and Government Printer's advice, it is clear that you can reach no conclusion other than that he misled the House.

Mr Cavalier: You are telling lies, Nick.

Mr SPEAKER: Order! The Minister knows it is unparliamentary to tell another member he is telling lies. I ask him to withdraw that remark.

Mr Cavalier: I withdraw it.

Mr GREINER: The Minister has great trouble with the concept of telling lies, quite obviously. If we go to the board, the board, acting on all this advice which was basically advice that "We did not know", said it reset everything on the premises. Yet English and mathematics were not reset. We know that mathematics was not reset. Yet we also know from what was said publicly that it was unclear whether English and mathematics were in fact in the premises or not. In other words, quite specifically in the case of the mathematics examination, the Government and the Minister did not act in good faith, did not act consistently with the repeated assurances by the Minister to this house. Likewise, quite obviously, with respect to ancient history the Government and the Minister have yet again misled, misled and misled once again. I shall not delay the House longer, other than to quote back to the Minister some words he quoted at us several times about his own beliefs. He said that he believed—and you will all recall this—in honour, trust and integrity. He said that he believed in honour, trust and integrity.

Mr Cavalier: No, I did not. I was speaking about the examiners. Once again you lie. I was speaking about the examiners.

Mr GREINER: The Minister admits he does not act with honour, trust and integrity.

Mr Cavalier: I was speaking about the examiners.

Mr SPEAKER: Order!

Mr GREINER: Not only has the Minister totally failed to act with honour, trust and integrity; he might be reminded, given his love of English parliaments and the House of Commons, of what Bourke said about another parliamentarian, Charles Townsend. He was arrogant, flippant, unscrupulous and unreliable. He was given to reversing himself by 180 degrees if expedience beckoned. In 1984 this Minister said that if there was a fiasco again in 1984 in the higher school certificate, he would resign. He said he would resign if there was another fiasco in 1985. There has been an unmitigated, monumental fiasco. The Minister has misled the Parliament and he ought to resign.

[*Interruption*]

Mr SPEAKER: Order!

Question—That the motion be agreed to—put.

The House divided.

Mr SPEAKER: Order! For the purposes of this division, the backbench on the righthand side will be counted with the noes.

Ayes, 34

Mr Armstrong
Mr Baird
Mr Beck
Mr J. D. Booth
Mr Caterson
Mr Causley
Mr Collins
Mr Cruickshank
Mr Dowd
Mr Fahey
Mr Fisher
Mrs Foot
Mr Greiner
Mr Hay
Mr Jeffery
Mr Kerr
Miss Machin
Dr Metherell
Mr W. T. J. Murray
Mr Park
Mr Peacocke
Mr Phillips
Mr Pickard
Mr Rozzoli
Mr Schipp
Mr Singleton
Mr Small
Mr Smiles
Mr Webster
Mr Wotton
Mr Yeomans
Mr Zammit

Tellers,
Mr T. J. Moore
Mr West

Noes, 59

Mr Akister
Mr Amery
Mr Anderson
Mr Aquilina
Mr Arkell
Mr Bannon
Mr Bedford
Mr K. G. Booth
Mr Bowman
Mr Brereton
Mr Carr
Mr Cavalier
Mr Christie
Mr Cleary
Mr R. J. Clough
Mr Cox
Mr Crawford
Mrs Crosio
Mr Davoren
Mr Debus
Mr Doyle
Mr Duncan
Mr Ferguson
Mr Gabb
Mr Hatton
Mr Hills
Mr Hunter
Mr Irwin
Mr Keane
Mr Knight
Mr Knott
Mr Knowles
Mr Langton
Mr McCarthy
Mr McGowan
Mr McIlwaine
Mr Mack
Mr Mair
Mr Mochalski
Mr H. F. Moore
Mr Mulock
Mr J. H. Murray
Mr Neilly
Mr Paciullo
Mr Page
Mr Petersen
Mr Price
Mr Quinn
Dr Refshauge
Mr Rogan
Mr Sheahan
Mr Smith
Mr Stewart
Mr Walsh
Mr Whelan
Mr Wilde
Mr Wran

Tellers,
Mr Beckroge
Mr Wade

Pairs

Mr Walker Mr Yabsley

Question so resolved in the negative.

Motion negatived.

GROSVENOR PLACE DEVELOPMENT

Ministerial Statement

Mr CARR: In the Ombudsman's report tabled in Parliament today—

[*Interruption*]

Mr Dowd: The Minister should indicate to members of the House to what he is speaking.

Mr SPEAKER: Order! I am sure the Minister will indicate to the members of the House and to the honourable member for Lane Cove his purpose for speaking.

Mr CARR: As I said above the din, I wish to make a ministerial statement. In the Ombudsman's report tabled in Parliament today, he questions the validity of the approval for the construction of Grosvenor Place. It is the Government's intention to put beyond any doubt the validity of the building. The Ombudsman stated in his finding:

> Realistically, the building is not going to be pulled down at this stage. At stake is the principle whether the Sydney Cove Redevelopment Authority is to exempt itself from outside scrutiny on environmental grounds.

I would like to make it abundantly clear that the Sydney Cove Redevelopment Authority will at all times be subject to that scrutiny and have instructed the authority to fulfill its obligations under part V of the Environmental Planning and Assessment Act for all current and future approvals. The Government has decided to take whatever steps are necessary to ensure that the development proceeds and that the employment of 450 people is not put in jeopardy and the $300 million development proceeds as originally planned.

Mr GREINER: This is yet another example of the Government's brilliant set of double standards with respect to its planning legislation. It simply decides, whenever it does not like its own planning laws, which have been remodelled twice and become worse each time, to legislate around them.

Mr Sheahan: That is why we are the Government.

Mr GREINER: That is why they are in Government. The Attorney General is exactly right. The Government legislates around its own laws whenever it gets the opportunity. The Attorney General has summarized the standards of morality of the Wran Government to a T. If the Government does not like the law, to escape it it goes around the law. I thank the Attorney General for his interjection. The members of the Opposition will look at the detail of the Ombudsman's report, which obviously we have not had the chance to do as yet. It is obvious how concerned the Government is about the Sydney Cove Redevelopment Authority. The Government has appointed a new chairman who is well and truly under the ministerial thumb, in the best traditions of the politicization of the public service for which this Government is so famous.

CRIMES (CHILD ASSAULT) AMENDMENT BILL
COMMUNITY WELFARE (CHILD ASSAULT) AMENDMENT BILL
OATHS (CHILDREN) AMENDMENT BILL
EVIDENCE (CHILDREN) AMENDMENT BILL
PRE-TRIAL DIVERSION OF OFFENDERS BILL

Suspension of Standing Orders

Mr SHEAHAN (Burrinjuck), Attorney General [3.59]: I move:

That so much of the Standing Orders be suspended as would preclude the Crimes (Child Assault) Amendment Bill, Community Welfare (Child Assault) Amendment Bill, Oaths (Children) Amendment Bill, Evidence (Children) Amendment Bill, and the Pre-trial Diversion of Offenders Bill, notice of which was given this day for tomorrow, being brought in and proceeded with up to and including the Minister's second reading speech.

Mr DOWD: (Lane Cove) [3.59] The Opposition understands the importance of the legislation and appreciates that the suspension of standing orders will allow the Opposition proper time to consider the legislation. I thank the Attorney General for allowing the members of the Opposition this opportunity. However, I hope the Opposition is afforded the same opportunity with the immense amount of legislation still to come before the Parliament.

Motion for suspension of standing orders agreed to.

Introduction

Motion (by **Mr Wran**) agreed to:

That leave be given to bring in the following cognate bills:

(i) A bill for an Act to amend the Crimes Act 1900 in relation to children who are sexually assaulted, and in other respects.

(ii) A bill for an Act to amend the Community Welfare Act 1982 in relation to children who are sexually or otherwise assaulted.

(iii) A bill for an Act to amend the Oaths Act 1900 in relation to the giving of evidence by children.

(iv) A bill for an Act to amend the Evidence Act 1898 in relation to evidence by children.

(v) A bill for an Act to establish a procedure whereby child sexual assault offenders may be diverted from the criminal process into a treatment programme.

Bills presented and read a first time.

Second Reading

Mr WRAN (Bass Hill), Premier, Minister for the Arts and Minister for Ethnic Affairs [4.0 p.m.]: I move:

That these bills be now read a second time.

I am very pleased to introduce to the House the Crimes (Child Assault) Amendment Bill and its cognate bills. This comprehensive set of reforms is part and parcel of my Government's integrated and co-ordinated programme to reduce the incidence of child sexual assault in our society and to give every possible assistance to the victims of child sexual assault. Child sexual assault is a frightful and frightening problem. All of us are aware of many horrendous cases. I will not describe any here today but as I speak I know many will come to mind. It is estimated that only 10 per cent of cases are reported to authorities.

Thus in New South Wales we estimate that there are around 12 000 children sexually assaulted each year. In approximately 85 per cent of cases reported to the Department of Youth and Community Services since 1982 the perpetrator has been known to the child – a family member, a close family friend, someone known and trusted by the child. Of the perpetrators 90 per cent are male and of the victims 90 per cent are female. These statistics are the cold hard facts of the dimension of the problem.

I am introducing this package of legislative reform with the main objective of alleviating the trauma and stress on child victims, but I am very conscious of the limitations of the criminal justice system in dealing with the problem. Thus, when I established the Child Sexual Assault Task Force in mid–1984 I asked that it recommend to the Government a comprehensive strategy encompassing law reform, health, welfare, police, education and legal services training and community education and participation. I am pleased to say that the task force report, which I tabled in this place on 10th April, provided my Government with the integrated approach to the problem it sought. The Government has moved quickly on the report. Sixty-three of the sixty-five recommendations are being acted on. Alternative solutions were found for the two not proceeded with. A child protection council will be set up very soon to monitor and co-ordinate the implementation of the programme. Funds totalling $1.87m have been added this year to the departmental budgets of youth and community services, attorney-general's, health, police and education for the initial phase of a four year implementation plan. I table the details of the allocation.

Leave granted.[*See Addendum* I]

Mr WRAN: This money primarily provides the funds to develop a wide range of services including community based services for victims as recommended by the task force. The legislation will be proclaimed in mid-1986 following extensive training of key personnel and a statewide community education programme. I shall not describe in detail the legislative reforms contained in the bills. During the second reading debate my colleagues Terry Sheahan, the Attorney General, and Frank Walker, Minister for Youth and Community Services, will give more detailed explanations of the technical aspects of the legislation pertaining to their portfolios. We have focussed on sexual assault because it is distinct from the general area of child abuse.

Children are the most vulnerable to sexual assault and the least able to seek help and support. They are usually forced in fear, shame and guilt to keep the secret of an adult whom they have been taught to respect and obey—often an adult upon whom the child is dependent for food, clothing, shelter, guidance, love and understanding. As the task force report said:

> . . . without concerted action specifically directed to improving awareness of and responses to child sexual assault, the victims will continue to suffer in silence compounded by shame.

The report continued:

> Sexual abuse is very different from physical abuse, which may be fairly open, sudden and violent. Sexual abuse is secretive and hidden. The children are sworn to secrecy and are blackmailed emotionally. It often isn't until after puberty that they really know what has been done to them.

As a society we have been able to face physical assault much more readily and as a result that form of abuse is being dealt with a lot more confidently. But at the same time I am pleased to point out that many of the reforms will apply

to physical as well as sexual abuse. I am proud that these reforms are a major step forward in the recognition of the rights of children—their rights to be protected, believed and supported. The principal bill, the Crimes (Child Assault) Amendment Bill, contains several measures that enforce these rights. First, the bill will amend the range of sexual assault offences. This new range takes the age of the victim as the primary consideration for the description of categories of offence. Thus the offences are categorized for offences against under 10-year olds, 10-to-16 year olds and over 16-year olds.

The new range of offences also gives special emphasis to the relationship of the offender to the victim. If the offender is found to be in a postion of care, supervision or authority over the child, then harsher penalties apply. Thus the law recognizes far more comprehensively than it did before, the more serious nature of abuse by a parent, *de facto* parent, person in charge of an institution or family friend. Incest and carnal knowledge offences against under 16-year olds have been incorporated into the reforms. Incest laws relating to persons over 16 years remain untouched. The new law will also extend the 1981 definition of sexual intercourse to offences against children. This definition includes the use of objects to penetrate different parts of the body and oral intercourse, which the old carnal knowledge provisions did not include. One effect of this reform will be to increase penalties on most offences. Eighteen offences have higher penalties. For example the penalty for oral intercourse with a child under 10 increases from 6 to 20 years. In respect of the new offences being created, the present age of consent has been maintained. Consent is not an issue except in the very limited circumstances covered by section 77 of the Crimes Act. This maintains the present law. The new scheme of offences gives the legal system a far more appropriate set of penalties for these crimes against our children.

The principal bill will make the spouse of an accused person compellable to give evidence in cases of both sexual and physical assault of a child. This extends the 1983 amendment, which made spouses compellable witnesses in cases of domestic violence. This reform will assist in taking the onus off the non-offending spouse in the decision as to whether to give evidence or not. There is provision for a spouse to be exempted from giving evidence. In strengthening the law relating to the closing of the court, the Government had uppermost the needs of the child. The needs of the child are to be considered in a determination to close the court in child sexual assault proceedings. The amendment specifies that a support person for the child may be exempted from the court's closure. A child's name is not to be published, nor is any information that may identify the child.

Further measures embodied in this legislation to protect child witnesses during the court processes are that the judge is required to warn the jury that absence of complaint or delay in complaining by a child victim is not to be taken as an indication that the allegation is false, and that there may be good reasons for the child's delay in making a complaint; children are not required to repeat evidence in committal hearings in multiple rape cases where one of the offenders is brought to justice after the others; and, as with adult victims, the sexual reputation of a child victim is not admissible; nor is the sexual experience of a child except in very limited circumstances. As well, the accused is not permitted to introduce this sort of material in a dock statement.

Other measures are being taken to assist children once they become witnesses. The amendments to the Oaths Act allows a child who does not comprehend the meaning of an oath to give evidence in any proceedings if the

court is satisfied that the child has sufficient intelligence to justify the reception of that evidence and understands the duty of speaking the truth. The declaration which the child may make states: "I ..... promise to tell the truth at all times in this court/document." All that a child under 12 years of age has to do in the future is respond yes or no to the declaration to the magistrate or judge. This puts children's evidence on the same footing as that of adults. The Government believes this reform will have a major effect on the acceptance by courts of children's evidence. The effect of this and the other amendments will be closely monitored and evaluated by the Child Protection Council in conjunction with the Bureau of Crime Statistics and Research.

Another major reform is contained in the Evidence (Children) Amendment Bill. It will now be a matter for the judge's discretion whether he or she warns the jury in any case that it is unsafe to convict the accused on the uncorroborated sworn evidence of a child. I shall mention here the many administrative measures and procedures that will accompany these reforms, all with the objective of making the court less of an ordeal for these young children who have suffered so much already. The Department of Youth and Community Services is now funded to employ over 100 child protection and family crisis workers. Five hospitals now have specialist child sexual assault teams. These workers give the child ongoing counselling and support. Sixty specialist police officers are being especially trained and appointed to the Juvenile Services Bureau. This bureau has been regionalized to Campbelltown, Penrith, Bankstown, Wollongong, Lismore and Newcastle. This will help ensure that one police officer is assigned to a case from the outset and stays with it right through.

A Special Prosecuting Branch will be established in the Attorney General's Department to undertake the prosecution of cases from committal to trial. This continuity is very important for the child who often is already disturbed and needs the security of people he or she knows and trusts throughout the court proceedings. A special bail form will be developed to assist police to give consideration to the safety and welfare of the child when deciding whether a person charged should be refused bail and if not, what conditions should be placed on the alleged offender. For too long, it has been the child who is further victimized by having to be removed to a place of safety away from family and friends. The onus is now on taking every measure to keep the child with the family. In the case of offending parents, it is they who will have to find alternative accommodation—not the child. There are many children already in care because they have had to leave home. For them, there are increased funds in this budget for organizations like Barnado's Australia and more substitute care workers employed by the Department of Youth and Community Services.

As recommended by the task force, priority will be given to listing court proceedings involving child sexual assault after that given to proceedings involving persons in custody. The child victim's wishes will be taken into account in deciding the venue of court proceedings. This is important in ensuring confidentiality, especially in rural areas. The Child Protection Council and the Attorney-General's Department will develop further procedures to ensure the child is not intimidated. For example, the positioning of the child in the court, and the size of the furniture. We are asking the Department of Education to make provision in school curricula to familiarize all children with the character and atmosphere of a criminal court. The community education process will include multilingual information to child witnesses and their adult support persons on their rights in court proceedings. Recently when in

California I held discussions with that State's Attorney-General. The measures we are taking in New South Wales compare well with measures being taken in that State. The Child Protection Council will of course be expected to bring to the Government's attention any further legislative or procedural measures it believes should be introduced. I now return to the two other bills I am introducing today.

Mr Smith: What about court counsellors?

Mr WRAN: Be patient. First, I refer to the amendments to the Community Welfare Act. Through these amendments the Government is extending the categories of persons required to notify the Department of Youth and Community Services of suspected cases of child sexual assault. Medical practitioners have been required to report since 1977. We are adding many other categories of persons in a position of professional responsibility to the child. These categories will be prescribed by regulation but are likely to include teachers, paramedics, for example physiotherapists, occupational therapists, naturopaths, counsellors—schools and Family Court—child care workers, kindergarten, pre-school teachers, welfare workers, youth workers, social workers, psychologists, pharmacists, speech pathologists, nurses and police.

Mr Smith: And ministers of religion?

Mr WRAN: Ministers of religion will not be included. This provision will be proclaimed on the recommendation of the State Council after education programmes have been conducted for these groups and sufficient services have been established. Prescribed persons who in good faith report suspected cases of child sexual assault will be immune from civil or criminal liability. The other amendment to the Community Welfare Act relates to the situation where parental permission cannot be obtained to conduct a medical examination on a child who, it is suspected, has been sexually or physically assaulted. The legislation provides that the Director-General of the Department of Youth and Community Services becomes the child's guardian for as long as it takes to carry out the examination. The intention here is to limit the time the child is taken out of the family.

I come now to the Pre-trial Diversion of Offenders Bill. This bill legislates to enable a limited number of child sexual assault offenders to plead guilty to a charge and undertake a two-year treatment programme. The task force recommended that the Government establish the scheme for a range of reasons. The sexual assault of a child is one of the most serious crimes in our society and when these crimes occur within the child's family they are even more serious. Yet at the same time we are all conscious of reality. These cases are fraught with trauma in all their aspects. Long-term protection and support for the child are very hard to achieve and require enormous effort on everyone's part. All the measures in the world cannot make the court process anything less than very difficult, especially when the offender is well known to the child.

The Government is concerned that many children being sexually assaulted by family members feel compelled to keep the secret for fear of being held responsible for the breaking up of the family. It is of primary importance, from the child's point of view, that the offender is offered some form of help following upon the child's disclosure. Through the pre-trial diversion scheme the Government hopes to encourage child victims to disclose the assault, thereby improving the prospects of protection for the child. It is not the aim of the programme to reconstitute the family. It is desirable, however, that where the child wishes it, and it is perceived to be in the best interests of the child,

assistance should be provided in a context where a child's safety can be closely monitored. As legislators we are faced with the reality that many offenders either never face a court or return to that same family or another family without any effort made to change their behaviour. In some cases they spend time in gaol. In many cases they get good behaviour bonds. Many offenders indicate that they genuinely want to change their behaviour. In the United States of America it has been accepted for some years that pre-trial diversion programmes are an effective means of dealing with some child sexual assault offenders. I think that the task force itself best refutes the criticism of pre-trial diversion as a soft option in the following statement:

> We have given serious consideration to this problem. It is not our intention, as will be evident from this Report as a whole, to minimise the seriousness of these offences. Unfortunately, it seems that for reasons already given, the ordinary criminal law has very little value in preventing child sexual assault—few cases come to notice; many are not pursued because of the problems of establishing the case according to the rules of evidence or because of the trauma to the child associated with giving evidence; of the few persons convicted, many receive non-custodial sentences or short sentences leaving children exposed to the risk of further assaults.
>
> We believe that a diversion scheme such as proposed here holds greater promise of actually reducing the amount of child sexual assault and this benefit outweighs the disadvantages that the system might be seen by some as "soft". Our concern has been more with the protection of children than with the punishment of offenders for its own sake.

In its decision to proceed with the scheme the Government has been encouraged by the support of the Women's Advisory Council, the judiciary, the churches and most practitioners in the field including Dr Ferry Grunseit of Camperdown Children's Hospital and the Family Life Movement.

I shall now outline how the scheme will work. The scheme will only be available to those who have pleaded guilty to the offence and will not apply to the very serious sexual assault offences. The offender will be considered for diversion after being charged and before any trial takes place, thus saving the victim from the additional trauma of committal and trial proceedings. No court appearance is required by the child. The case will be assessed by the special unit to be set up within the Office of the Solicitor for Public Prosecutions. This unit will determine whether the person should be eligible for the scheme.

In making its decision the special unit will be guided by considerations such as: that the accused should be ineligible in cases where the child is not known to the accused; that the accused should have had no prior involvement in the treatment programme; that the accused should have no previous convictions for sexual assault; and that there is no evidence to indicate that the assault was accompanied by threats of or actual violence. In fact the bill specifically excludes such offences. If found suitable, the offender pleads guilty before a District Court judge, who then requires the offender to enter into an undertaking to participate in the treatment programme. The undertaking includes participation in the programme for two years, and compliance with certain conditions such as not having access to the child and not living at home. At all times the offender remains under the control of the criminal justice system.

The conditions of the programme are far more onerous than those under a good behaviour bond and there will be careful monitoring of the offender's behaviour to gauge compliance with the programme in a way not possible with either bail conditions or a bond. Any breach of the undertaking is reported, and the judge may then call upon the offender to be brought before the court

and sentenced for the original offence. The Commissioner of Police is required to keep a record of the offence. The treatment programme will be under the administration of the Department of Health. However, because of the range of portfolios involved, the planning and management committee will include representatives from other departments and the Child Protection Council. The method of monitoring and evaluation of the Act will be agreed by the relevant ministers. Of the $1.87 million we have committed to the programme this year $100,000 has been provided to establish the treatment programme. The Government will be keeping a very close eye on its effectiveness. It is certainly a new direction in Australia but indications are that the other States are looking to New South Wales lead. When it comes to children we have to do what is best for them and their future.

Child sexual assault is a massive and still hidden problem. We are optimistic that the community education programme the Government is funding helps children to learn to say no and to ask for help, helps adults who were assaulted as children, and helps parents and siblings. There is much to be done but there is no doubt that the work already done by community groups, government agencies and the task force has removed some of the stigma and myths attached to child sexual assault. I wish to acknowledge particularly the work of the Child Sexual Assault Task Force. The 7 000 community consultation papers distributed, the public hearings and meetings throughout the State and the release of their report have accelerated the community awareness of this problem. I table at this point the names of the many community organizations and individuals who contributed to the development of the government programme through their contributions to the work of the task force.

Leave granted. [*See Addendum II*]

We look now to the leadership that will be given to the programme by the State Child Protection Council, which will focus on child sexual assault over the next four years. To provide continuity, the chairperson of the task force, Helen L'Orange, will serve as chairperson of the Child Protection Council. The Government is deeply committed to this work. My hope is that the whole community joins us in our efforts. Community commitment and involvement is needed if we are to bring this problem right out in the open and deal with it effectively. I commend the bills to the House.

Addendum 1

THE 1985–86 STATE BUDGET ALLOCATION FOR CHILD SEXUAL ASSAULT

The Government has adopted a four year strategy for the implementation of the child sexual assault program arising from the task force report. Funds totalling $1,870,000 have been added to departmental budgets for the initial phase which will include the employment of—

15 additional police for child sexual assault cases;

12 staff for a 24 hour statewide crisis line operated by the Department of Youth and Community Services;

15 district officers to assist in the provision of substitute care and to provide services to sexually assaulted children;

15 additional child protection workers to be allocated to areas of highest need.

The Department of Health will apply $300,000 in increasing metropolitan hospital staff and providing services for child victims in Western Sydney and rural areas.

The Department of Health will also have $100,000 as establishment funds for a treatment programme for offenders.

A further $660,000 has been allocated to the Department of Youth and Community Services to establish the Child Protection Council to fund community-based services for victims, to arrange a regional training for all departments and for a community education campaign to coincide with the proclamation of new laws in 1986.

The Department of Education spend receive $30,000 to develop and pilot suitable material in schools.

The Attorney General's Department has been allocated $80,000 for the establishment costs of a new special prosecuting unit which is to undertake the prosecution of child sexual assault cases from committal to trial.

Addendum II

A TASK FORCE MEMBERSHIP

Helen L'Orange—Director, Women's Co-ordination Unit (Chairperson).
Megan Latham—Legal Officer, Solicitor for Public Prosecutions (Executive Officer).
Julie Berry—Projects Officer, Office of the Minister for Education.
Paul Byrne—Commissioner, N.S.W. Law Reform Commission.
Gillian Calvert—Dympna House.
Moira Carmody—Co-ordinator, Sexual Assault Centre, Westmead Hospital.
Richard Chisholm—Senior Lecturer, University of New South Wales Law School.
Sandra Egger—Deputy Director, Bureau of Crime Statistics and Research, Department of the Attorney-General.
John Gavaghan—Regional Social Worker, Department of Health.
Ferry Grunseit—Director of Casualty, Children's Hospital, Camperdown.
Bruce Hawker—Legal Project Officer, Department of Youth and Community Services.
Rod Howie—Director, Criminal Law Review Division, Department of the Attorney-General.
Brian Rope—Officer-in-Charge, Child Mistreatment Unit, N.S.W. Police Department.
Jan Shier—Operations Manager, Central Metropolitan Regional Office, Department of Youth and Community Services.

B. LIST OF THOSE WHO GAVE SPECIAL ASSISTANCE

Marion Horsky, Maria Kevin, Jackie Bransdon and Maryanne Woodward (N.S.W. Bureau of Crime Statistics and Research).
Denise Lynch, Susan Alexander, Elizabeth Lennon, Sandra Heilpern, Kim Dwyer, Eva Cox and Eva Lerner (Department of Youth and Community Services).
Alan Neilsen (Department of Education).
Christine Nixon, Reg Mahoney and Gordon Lever (Police).
John Andrews, Ruth Heazlewood (Criminal Law Review Division, Department of Attorney-General).
Jill Sutton, Jenny Earle (Women's Co-ordination Unit).
Andrea Larkin and Patricia Martin (Department of Health, Lismore)
Kim Kilpatrick (Department of Youth and Community Services, Armidale).
Glennis Lee (Broken Hill Community Health Centre).
Catherine Mullane (Department of Youth and Community Services, Wagga).
Marilyn Bliss (Department of Health, Newcastle).
Pamela Ashton (Richmond–Tweed Regional Council for Social Development).
Nadine Hood (Lismore Women's Resource Centre).
Colin Bowmaker (Department of Youth and Community Services, Wollongong).
Melodie Sawkins (Child Abuse Research and Ed. Productions Association, Canada).
Aina Martin (Bomaderry).
Reg Blanch (Crown Advocate).
Peter Bannon, Brian Roach, Ian Pike, Nick Harrison, Greg Woods (Department of Attorney-General).
Brent Fisse (University of Sydney).

C. LIST OF THOSE CONSULTED

Aboriginal

Aboriginal Children's Service.
Aboriginal Legal Service.
"Gullama", Department of Youth and Community Service.
Ministry of Aboriginal Affairs.

Church

Rev. Dr. John Hill, Principal, St. Patrick's College, Manly.
Bishop John Reid, St. Andrew's Cathedral, Sydney.
Uniting Church of Australia.

Community

Action for Children.
Child Abuse Prevention Service.
Council on Intellectual Disablilities.
Men Opposing Patriarchy.
N.S.W. Association of Child-caring Agencies.
N.S.W. Teachers' Federation.
Parents' and Citizens' Federation.
The N.S.W. Independent Teachers' Association.
Youth Refuges Association.

Ethnic

Ethnic Affairs Commission of N.S.W.
Ethnic Communities Council.
N.S.W. Immigrant Women's Speakout Association.

Legal

Rod Blackmore, Senior Special Magistrate, Children's Court.
Council for Civil Liberties.
Crown Prosecutors.
Labor Lawyers.
N.S.W. Bar Association.
Police Association.
Privacy Committee.
Public Defenders.
Public Solicitor.
Solicitor for Public Prosecutions.
His Honour Judge Staunton, C.B.E., Q.C., Chief Judge, District Court.
The Honourable Sir Laurence Street, K.C. M.G., Chief Justice, Supreme Court.
C. R. Briese, Esquire, Chief Magistrate, Local Courts.

Women's Groups

Australian Federation of Business and Professional Women.
Country Women's Association of N.S.W.
Dympna House.
Labor Women's Organization, Australian Labor Party.
National Council of Women.
N.S.W. Women's Advisory Council.
Union of Australian Women.
Women Against Incest.
Women Against Violence and Exploitation (W.A.V.E.)
Women's Council, Liberal Party, N.S.W. Division.
Women's Electoral Lobby.
Women's Health Information and Rape Crisis.
Y.W.C.A.

D. List of Submissions

Dr P. A. Abrahams, Sydney.
Alliance of Revolting Feminists, Sydney.
Ms Miriam Ananin, Liverpool.
Mr Kevin Anderson, Sydney.
Ms Lee Armstrong, Broken Hill.
Ms Pamela Ashton, Casino.
Auburn Community Health Centre, Auburn.
Australian Association of Social Workers, Sydney.
Australian Federation of Festival of Light, Sydney.
Mr Rob Baker, Sydney.
C. Bakich, Tregear.
Ms Jennifer Baines, Penrith.
Baptist Women's Missionary Union of N.S.W., North Rocks.
Ms Marian Barber, West Wollongong.
Dr B. Barnett, Sydney.

Ms Pat Barrington, Campbelltown.
Ms Anne Beard, Sydney.
C. Beaton, Sydney.
Ms Gail Bennett, Sydney.
Ms Deanne Berry, Sydney.
Betsy Women's Refuge and Crisis Centre, Sydney.
Mr Rod Blackmore, Sydney.
Mr Richard Blair, Sydney.
Blaxland Health Centre, Blaxland.
Ms C. Boland, Sydney.
Mr David Bond, Goulburn.
Bonnie Support Group, Canley Heights.
Dr John Boots, Sydney.
Ms Louise L. Boulter, Sydney.
Dr D. P. Bowler, Broken Hill.
Ms F. M. Bradford, Sydney.
Mrs Marjorie Brady, Sydney.
Ms Esmeralda T. Branco, Green Point.
Mr Peter Brooks, Mount Riverview.
Mrs Pamela Budai, Sydney.
Ms S. Bulmer, Nambucca Heads.
Ms Sharyn Butt, Kambah, A.C.T.
Canterbury Hospital, Sydney.
Care Force, Parramatta.
Ms Jane Carpenter, Gosford South.
Ms Annette Carter, Goulburn.
Mr John Cauchi, Sydney.
Mrs Jennifer M. Causley, East Lismore.
Centacare Catholic Family Welfare, Sydney.
Central Coast Area Health Service, Bateau Bay.
Central Coast Children's Services, Ourimbah.
Childs Abuse Prevention Service, Sydney.
Child Abuse Social Work Team, Children's Hospital, Camperdown.
Child and Parents' Support Service, Coffs Harbour.
Child Mistreatment Unit.
Mr Robert Christie, Sydney.
Ms Helen Churches, Sydney.
Ms Pam Clarke, Broken Hill.
Dr Simon Clarke, Westmead.
Rev. K. H. Clendinning, Broken Hill.
Ms Dorothy Coates, Sydney.
Ms Rhonda Coles, Revesby.
Community Health Area Co-ordinating Committee, Commonwealth Health Services, Lismore.

Mr Robert L. Cooke, Tumut.
Ms Dawn Coombridge, Sydney.
Ms Janet V. Coombs, Sydney.
Ms Nola Cooper, Sydney.
Mrs Jennifer Cornwall, Tweed Heads.
Country Women's Association of N.S.W. Sydney.
Mr R. H. Cox, R.P.N., Forster.
Ms Lindy Coyle, Sydney.
S. R. Creek, Sydney.
Ms Margaret Crowley, Dee Why.
P. Culley, Sutherland.
Ms S. R. Davina Curnow, St Marys.
Mr Tom Cusack, Nowra.
Mr K. C. Dale, Nowra.
Ms Robyne Dalton, Cabramatta.
J. Danneuig, Taree.
Ms Jenny David, Sydney.
M. Davidson, Blackhalls Park.
Ms Betty Davy, Sydney.
Ms Jill E. Denten, Sydney.
Department of Health, Area Health Centre, Penrith.
Department of Health, Hunter Region, Hamilton.
Department of Youth and Community Services, Sydney.

Ms Vallery Dembic, Sydney.
Yvonne Drury, Sydney.
Mr Tony Duncan, Albury.
E. Dunsmore, Sydney.
B. J. Dwyer, Broken Hill.
Ms Marilyn Dyer, Toronto.
Dympna House, Sydney.
Emetchi, Sydney.

Ethnic Affairs Commission of N.S.W., Sydney.
Ethnic Child Care Development Unit, Sydney.
Family Court of Australia, Sydney.
Ms Lesley Featon, Coffs Harbour.
Federation of Business and Professional Women, Sydney.
Miss E. Fenton, Sydney.
Ms Joan Fenton, Wollongong.
Mr Ruth Ferrington, Fairfield.
Mr George Fisher, Sydney.
Mr Albert Foggett, Waratah.
S. Foley, Sydney.
Mr Jim Fraser, Queanbeyan.
Mr Ron Frey, Newcastle.
Mr Richard Fry, Sydney.
Ms Kerry Gardiner, Tenterfield.
J. Garner, Sydney.
Ms Glenda Gartrell, Sydney.
Gays Counselling Service, Sydney.
Mr Wayne Gillies, Yass.
George Glinka Brush Farm Home, Sydney.
S. Goh, Seven Hills.
Det. S/Const. R. S. Gorman, Sydney.
Ms Libby Goss, Sydney.
Goulburn Family Support Service, Goulburn.
Mr P. N. Grabosky, Woden, ACT.
Griffith Women's Refuge, Griffith.
Ms Liz Grist, South Wagga Wagga.
"Gullama", Sydney.
Ms Mary Guthrie, Sydney.
Mr R. G. Haebich, B.A., LL.B., Engadine.
Detective Sergeant 1st class A. Halliday, Bankstown.
F. Hammond, Parramatta.
Ms Lyn Hammond, New Lambton.
Ms Betty Harding, Doonside.
R. W. Harding, Woden, A.C.T.
Major Hilton S. Harmer, Wollongong East.
Ms Jenny Hartman, Deniliquin.
Hawkesbury Area Health Centre, Richmond.
Dr S. C. Hayes, Sydney.
Ms P. Hazelwood, Muswellbrook.
Ms Kerri Heavens, Whalan.
Mrs Anne Henry, Sylvania.
Ms Denise Herron, Parramatta.
A. Hicks, Maitland.
Rev. John Hill, Manly.
Mr Russell Hogg, Sydney.
Ms Debbie Holden, Sydney.
Ms Rhonda Holland, Broken Hill.
Mr Carl Holzberger, Broken Hill.
Ms Nadine Hood, Nimbin.
P. Horwood, Waterfall.
Mr Anthony House, Fairfield.
E. Howarth, Sydney.
Miss A. Hughes, Sydney.
Ms Susan Hunter, Newcastle.
Inner City Child Health Centre, Sydney.
Ms Carole Isaacs, Wagga Wagga.
Ms Kerrie James, Balmain.

Mrs Thelma James, Lismore.
Ms Magda Johns, Kincumber.
Ms Christine Johnson, Newcastle.
Ms Jacqueline Jones, Mona Vale.
Sister Jean Jones, Sydney.
Ms Kay Jones, Moree.
Ms Lee Jones, Gympie.
Ms Philippa Kavanagh, Sydney.
Ms Meg Keher, Broken Hill.
Mr Peter Keshan, Sydney.
Ms Margaret Knittel, Sydney.
J. Kooray, Newcastle.
Ms Loraine Kornfeld, Sydney.
Con Krallis, Scotland Island.
Ladies Auxilliary, The Baptist Theological College of New South Wales, Eastwood.
Mrs Lynn Lamp, Richmond.
Mr Shayne Lang, Sydney.
Mrs E. Lee, B.S.W.(Hons.), Sydney.
G. A. Lee, Broken Hill.
Ms Glenys Lee, Broken Hill.
Legal Action for Girls, Sydney.
A. Leighton, Sydney.
Lesbian Feminists Fight Paedophilia, Sydney.
Lesbian Line, Sydney.
Lesbian Mothers' Group, Sydney.
S. R. Letnar, Cardiff.
Mr John Lewis, Campbelltown.
Mr Kevin Lieichke, Sydney.
Lifeline, Sydney.
Ms Lyn Lillington, Sydney.
Fr Brian Lucas, St Michael's Presbytery, Lane Cove.
Sol-Mai S. Lindquist, Sydney.
Lismore Women's Refuge, Lismore.
P. Lloyd, Broken Hill.
Ms Edith Lomas, Sydney.
I. G. Love, Sydney.
Ms Mayna MacDermott, Cooma.
Det. Sgt McAfee, Miranda.
Mr N.McConaghy, Sydney.
S. McGufficke, Sydney.
Dr Gayle McInerney, Sydney.
K. McKinnon, Wagga Wagga.
Macarthur Child Protection Committee, Campbelltown.
Mr M. Macarthur, Orange.
Mr G. W. Mackay, Coonabarabran.
C. Maclean, Gosford.
"Magdalene", Sydney.
Maitland Hospital, Maitland.
Ms Anne Malcolm, Sydney.
L. Marlow, Sydney.
Maroubra Community Health Centre, Maroubra.
Marrickville Legal Centre, Marrickville.
Marrickville Women's Refuge, Newtown.
Mr Bill Marshall, Sydney.
Ms Bridget Mason, Saratoga.
Ms Ruth Matthews, Rooty Hill.
Medical Women's Society of New South Wales, Sydney.
Men Opposing Patriarchy, Sydney.
Ms Michelle Meyer, Sydney.
Mrs M. E. Miller, Mona Vale.
Ms Wilma Miller, Scotland Island.
Mr P. Milne, Sydney.
Ms S. Moran, Narrabri.
Ms Jeanette Morgan, Sydney.
Ms Elizabeth Morley, Sydney.
Mothers' Union of Sydney, Sydney.
Ms Doreen Muirhead, Bass Hill.
G. Newman, Teralba.

Ms Julie Nimmo, Sydney.
Ms Joan Nix, Sydney.
Mrs V. Norris, Sydney.
Northern Rivers Rape Crisis Centre, Lismore.
N.S.W. Association for Mental Health, Sydney.
N.S.W. Family Therapy Association, Sydney.
N.S.W. Humanist Society, Sydney.
N.S.W. Society for Crippled Children, Sydney.
N.S.W. Teachers' Federation, Sydney.
Dr Kim Oates, Sydney.
Terry O'Donohue, Merewether.
Ms Sharon O'Grady, Sydney.
J. K. Orr, Casino.
Ms Valerie J. O'Sullivan, Sydney.
Parents Without Partners (N.S.W.) Sydney.
Parramatta Child Health Centre, Parramatta.
Parramatta Hospital, Parramatta.
Mr Keith Pascoe, Tamworth.
Ms Ella Payne, Broken Hill.
B. Pearson, Parramatta.
Ms P. Pemberton, Tamworth.
Penal Reform Council of N.S.W., Sydney.
Ms Valerie S. V. Penrose, Sydney.
Mrs Cheryl Peris, Bathurst.
Ms Lyn Perkin, Sydney.
Ms Janet Perrim, Campbelltown.
Ms Wendy Phillips, Bidwill.
Pixie and Dixie Kindergarten, Narrabeen.
Ms Mina Podbereski, Sydney.
Police Prosecuting Branch, Sydney.
Ms A. Powell, Narooma.
Ms Bronwyn J. Pozzecco, Bass Hill.
Ms Gabby Pritchard, Sydney.
Privacy Committee, Sydney.
Probation and Parole Officers' Association of N.S.W., Sydney.
Prospect Youth Projects Committee, Prospect.
Ms Adeline Quartullo, Sydney.
Ms Susan Quirk, Sydney.
Ms Caroline Quinn, Sydney.
Ms Julie Rea, Sydney.
S. J. Reason, Lidcombe.
Redfern Community Health Centre, Sydney.
Ms Bernice Redman, Sydney.
Ms Miriam Rena, Sydney.
Ms Sharon Rennie, Carlingford.
S. Richardson, Sydney.
Mrs Jean Ridley, Warilla.
Ms Jenny Rigby-Knight, Sydney.
Mrs. Debra A. Roberts, Dee Why.
Jay Robinson, Nowra.
Mr Arthur Roy, Gilgandra.
David and Jenny Ryan, Blacktown.
Dr Michael Ryan, Mangerton.
Ms Leanne Salmond, St Marys.
P. F. Scahill, Grafton.
Ms Grace Seeto, Newcastle.
Ms Peggy Mercer Seipel, Miller.
Ms S. Sharman, Armidale.
Ms Lynda Shearer, Blacktown.
Mr Jack Sheehy, Sydney.
Ms Adrienne Shilling, Sydney.
Mr Barry Simpson, Mudgee.
Mrs D. Shortland, Tregear.
Single Women's Refuge, Sydney.
Sir Philip Baxter Child Care Centre, Sydney.
Lee Simister, Merrylands.
Mr Barry Simpson, Mudgee.
Ms Jill Smith, Sydney.

Mrs Marion Smith, Sydney.
Mr Max Smith, M.P., Mona Vale.
Ms Linda Snitch, The Entrance.
A. & G. Somerville, Sydney.
Ms Lorraine Spears, Gosford.
Mr Jim Stanger, Sutherland.
I. Steele, Sydney.
Judge Paul Stein, QC, Sydney.
Ms Fran Stoddart, Sydney.
Ms Deborah Stow, Sydney.
Ms Sue Stoyanovski, Sydney.
Sutherland Community Welfare Office, Sutherland.
Ms Alana Sweeney, Coffs Harbour.
Dr Brian Symons, Sydney.
Mr Len Szymczak, Sydney.
Ms Jane Taylor, Sydney.
The Cottage Centre, Campbelltown.
Mr Russell Thorpe, Singleton.
Ms Kerry Tilbrook, Parramatta.
Ms Consuelo Torrealba, Sydney.
Ms Sue Tregeagle, Sydney.
Ms Marie Tulip, Sydney.
Uniting Church of Australia, Sydney.
Mr Justice A. Vasta, Brisbane, Qld.
Br Peter A. Walsh, Griffith.
Mrs P. Walton, Point Clare.
Ms Elizabeth Ward, North Adelaide, S.A.
Dr Gordon Waterlow, Fairfield.
Dr Brent Waters, Sydney.
Ms Pamela Watson, Taree.
Ms Pam Waugh, Sydney.
Ms Catherine Weaver, Sydney.
Ms Debbie Webber, Mittagong.
S. Weedon, Sydney.
Mrs Debra Wellfare, Sydney.
Westmead Centre, Westmead.
Whalan Community Centre, Whalan.
P. A. Whitaker, Forster.
Ms B. Whitcher, Stockton.
Mrs Esme White, Liverpool.
Ms Barbara Whole, Kyogle.
Ms Elizabeth Wiegold, Sydney.
Fr E. T. Wilkes, Tamworth.
Ms Julie Williams, North Parramatta.
Mr Frank Wilson, Broken Hill.
Windsor Presbyterian Pre-School, South Windsor.
Women Against Violence and Exploitation (W.A.V.E.), Sydney.
Women Lawyers' Association of N.S.W., Sydney.
Women's Council, Liberal Party, N.S.W. Division, Sydney.
Women's Legal Resources Centre, Sydney.
Women's Needs Research Team, Gosford.
Ms Margaret Woollard, Tamworth.
Mrs S. M. Wood, Berkshire Park.
M. J. Youh, Sydney.
Ms Jan Young, Nelson Bay.

Debate adjourned on motion by **Mr Dowd.**

INTOXICATED PERSONS (AMENDMENT) BILL

Second Reading

Debate resumed (from 16 October, *vide* page 7990) on motion by **Mr Sheahan:**

That this bill be now read a second time.

Mr DOWD (Lane Cove) [4.28]: The Opposition generally supports the bill as being either a necessary amendment or addition to the legislation of 1979. At the outset, however, I refer to an inherent flaw in the Act itself that will not be corrected by the bill. That is the fact that New South Wales has provision for detention without trial. That might be acceptable in countries such as South Africa and most totalitarian States, but it should not be accepted here. It is sufficient for a policeman, or somebody else, to say "I think he is drunk" and on that ground to detain a person for eight hours.

Detention without lawful process and without trial can be and is abused. I ask the Government to seek a better formula than is provided in the bill. In no way do I reflect on the tremendous job that the overwhelming number of police do in the administration of this Act. Dealing with intoxicated persons has always been, and will continue to be, a very difficult part of the policeman's duty. In my experience, the impressive way in which most policemen look after people under the provisions of the Act and under previous legislation is a credit to their training. Sometimes intoxicated persons are difficult to deal with, and some are physically awkward to handle. However, they are usually shown commendable compassion. However, abuses do occur and are likely to occur when one has an Act such as the Intoxicated Persons Act which contains, in section 8, a provision exempting members of the police force or authorized persons from actions under the Act in certain circumstances. That is a dangerous measure to have in an Act. It gives the right to assault a person, not because that person is drunk or affected by alcohol but merely because in the opinion of the arresting officer the person is behaving in a disorderly manner or in a manner likely to cause injury to himself or another person, or damage to property, or is in need of physical protection, because of his incapacity due to intoxication.

I ask honourable members to examine carefully the provisions of section 5 of the existing Act, which is to be unaltered. It speaks of a person who is found intoxicated and is behaving in the manner set out in that section, but that is in the opinion of the arresting officer. That is far too general and subjective a power. That power is unreviewable. As such, it can be abused. I wish to restate that the onus is on the Government to find a better formula than is provided in the Act. I have always believed that it is wrong that those who commit victimless crimes, except in so far as they themselves are the victims, should have records against them for those crimes. I am not suggesting a return to such a provision, for I supported the removal of such records. But that is not justification for removing the due processes of the law that provide that a citizen ought not be assaulted or arrested without recourse to some sort of review. It behoves the Government to find a better formula than the power provided by section 5 of the Act. I have had referred to me cases not considered serious enough to make a complaint to police but nonetheless cases of abuse. I believe those abuses have occurred.

The bill will not solve the problem of lack of definition or precision in the definition in the original Act. The Government has an obligation to review that provision to make sure that where abuses happen they do not occur through abuses of the right of detention and officers arrogating to themselves rights contrary to the intention of the legislation and contrary to the principles of natural justice. In respect of the bill itself, the Opposition supports the obvious correction to the Act to give power to deproclaim prescribed premises. This provision is clearly due to an omission from the original bill. Considering who the Minister was at the time, I am not surprised at the omission. That Act was

introduced with great hoo hah, fanfare and publicity about the great things that that Minister proposed to do. This was an obvious omission and it is quite rightly to be rectified. Of course there is a need to give power to police to remove people from a proclaimed area where the person is behaving in a violent manner. That is essential.

I do not criticize the Government at that time for not thinking of the need for that provision for it is a power that one would not necessarily expect to be necessary. However, those that clearly do a good job of looking after intoxicated persons merit commendation for their job. Rarely are the police called, but when they are they normally perform their tasks in a proper and professional manner. Clearly, in those circumstances the police must have that power because of the awkward civil consequences that might flow in the absence of that power. I repeat, that is an omission from existing legislation, but a matter that could not have been anticipated. The Opposition supports that measure. The other two provisions of the bill are important in their intention and in the principles that they set out. As I have said to the Attorney General and to the Minister for Police and Emergency Services, I am concerned that sections 5 (1A) and 5 (1B), but particularly section 5 (1A), will not work as intended. I have said to the Attorney General that the power that now remains in the Act to lawfully take a person to a proclaimed place, which lawful power may be abused, carries with it the concomitant section 8. That section provides:

> No action lies against any member of the police force, any authorized person, any person engaged in the conduct of a proclaimed place or any other person in respect of anything done or omitted to be done by him in good faith in the execution or purported execution of this Act.

Of course, to prove lack of good faith would be almost impossible. Accepting the amendment to the structure of the Act by reason of the amendment, I point out that I do not believe that the words "No action lies against" are sufficiently wide to protect a police officer, authorized person, and so on, acting bona fide in the course of his duty. I know that the Attorney General's assurances will be of some comfort to police, but an officer in carrying out his duties under new subsection (1A) may decide that no other proclaimed place has facilities adequate for the detention of the intoxicated person, is close by, or that it is impracticable by reason of distance or unavailability of necessary resources to take the intoxicated person to the intoxicated person's home. That officer may have to make a judgment that is unfair. He may not necessarily know what facilities are available, and what the state of those facilities is in the small hours of the morning.

The amending provisions cast on the officer a positive duty—which, of course, we want to cast on officers to enable them to carry out their duties to the best of their ability—not to put intoxicated persons into cells and so on. However, the casting of that duty may create a corresponding right of action for breach of that duty. The effects may be two-fold. First, the officer who is genuinely trying to do his duty and to do the best thing in the interests of the intoxicated person, may expose himself to action if someone were later to say that close by was another place that had proper facilities, et cetera. The words "No action lies" are not quite strong enough. It would be unfortunate to have an officer criticized or to have a mark placed against his record if there was evidence of such a breach of duty. The Minister may express the view that those words are sufficiently wide to cover civil prosecutions, departmental inquiries and actions under the Police Regulation Act. If that is so and officers will no longer be at risk, that assurance ought to be expressed in clear terms. Subsection (8) ought to be amended to give the officer better protection.

Mr Petersen: That is section 8 of the original Act?

Mr DOWD: Section 8 of the original Act ought to be amended to make it clear that the officer, when he is acting properly, is protected if someone later on—getting advice good or bad—subjects him to action. The other effect will be that in many cases an officer when he is in doubt may be tempted not to carry out his duty. That, of course, does not happen very often. But the police force is a large body and it is obvious that sometimes an officer will say, "I am not going to get involved in that", and will walk by on the other side. I am not saying that is done as a matter of practice. I am not saying it as a matter of complaint, but I am saying that the power would be there. As I said, the protection may well be the Minister's assurance, but I do not like legislation by Ministers' assurance. It is not the way that legislation ought to be carried out.

Mr Sheahan: It is better than by Opposition criticism.

Mr DOWD: The Minister, being filled with his own obsession with his own judgment, says it is better than Opposition criticism. One day he may find himself in Opposition, though where his electorate is that is most unlikely to occur, for when we win his seat he will be retired. He may find himself in Opposition one day. They might find him a better seat.

Mr Sheahan: That is not what Nick said in the paper the other day.

Mr DOWD: Well, he and I do not agree on everything, you know.

Mr Sheahan: We know that.

Mr DOWD: Be that as it may, if the Minister is unable to accept constructive criticism, or unable to have the Opposition raise matters and even have members go to him and other Ministers trying to be helpful, without any beg-pardon, by your leave, or whatever, and say, "Have a look at this"—if the Minister is so churlish as to criticize Opposition members who do that, he is not worthy of holding that position. I am in this place, as he is, to do the job. If I come to him privately, publicly or otherwise, trying to help the Government with its legislation, he ought to be a little more gracious about it.

The provision whereby members of the family may be brought in to help look after someone is important. We do not want people unnecessarily brought into custody or into institutions or proclaimed places. The only problem and worry I have about this provision is there are a lot of people who would be very happy, thank you very much, not to have them brought home. I am sure for some people the worst possible news will be a telephone call to say, "We have got Fred in here again; will you come and get him", when in fact they will be reluctant to do so. But that is part of the vagaries of marriage, *de facto* marriage or otherwise. That is an inevitable result of this measure. But we support that provision. It is an important provision. Our only concern is the failure of the original Act to give proper definitions, and its giving a power to arrest without an offence having been committed, without trial or without review. It is the casting of a duty on the police who may not carry out the spirit of the Act. We otherwise understand the Government's need to bring in the legislation and support the bill.

Mr PETERSEN (Illawarra) [4.43]: I congratulate the Attorney General on his initiative in introducing the Intoxicated Persons (Amendment) Bill. Before 1980 drunkenness was a crime. As the Attorney General rightly said, this led to a futile roundabout of arrest, incarceration, bail, court appearances and re-arrest. I am very glad to see that this amendment has the full support

of the Opposition. I particularly note the remark of the honourable member for Lane Cove that detention without lawful process is undesirable. I suppose there is more rejoicing in heaven over one repentant sinner than over ten righteous men. I hope this approach by the honourable member for Lane Cove on behalf of the Opposition represents the view of the whole of the Opposition, for I remember that when we brought in the repeal of the Summary Offences Act and the resultant number of Acts which we passed through this House, there were dire prophecies by the Opposition that what we were doing was leading to the total destruction of western civilization in New South Wales.

The concept of drunkenness as an offence is essentially a relic of the convict era—an era in which New South Wales was one great prison and, according to the imperial rulers, a society which needed draconian penalties for offences against order to preserve law and order. It is a fact that the repeal of the Summary Offences Act in 1979 provoked certain bloody-minded officers of the police force to engage in a campaign against this Government. It is well known too that, despite directions by the Commissioner of Police that the police force now possessed adequate powers to deal with breaches of law, some police officers continued to advise the public that the repeal of the Summary Offences Act left them powerless, and this misleadingly false propaganda was echoed by the Opposition in this place. I note now the knee-jerk reaction to the current bill by Mr John Greaves, president of the New South Wales Police Association. We get the familiar claim that the overworked police have more to do than to comply with the law. This is a peculiar sort of statement to come from an organization representing police officers. In this case Mr Greaves said that it is intolerable that his members should become chauffeurs for drunks.

What he is doing is simply appealing to blindly prejudicial minds that believe all social problems can be solved by imposing penalties, and when those penalties do not work, imposing stiffer penalties. I have to say too that allegedly responsible sections of the media have also acted in a flagrantly irresponsible way. The *Sydney Morning Herald* headed its story on the bill, "If you're drunk the police will drive you home". The *Illawarra Mercury* went one better with an editorial headed, "New law an insult to the Force". Obviously swallowing whole the police association propaganda about inadequate staffing, it states sententiously that, "The Police manpower shortage in the Illawarra is acute and well chronicled". In fact, New South Wales police strength now stands at a record level. In the current budget $423 million is allocated for recurrent expenditure and $35 million for capital expenditure, with an increase of police staffing to 12 939 from 8 274 in 1976. In the Wollongong police region numbers of police have increased from 265 in 1976 to 423 today.

The *Illawarra Mercury* editorial further draws attention to the fact that suburban police stations have closed down, when in fact what has happened is that a new 24-hour station has opened at Dapto, increasing Dapto police staff from six to twenty-eight. The increase in staff was partly achieved by transferring to Dapto eight police at Unanderra and two police at Berkeley, a net gain of ten at the station at Dapto which now serves the areas of Berkeley and Unanderra as well as Dapto. However, one officer remains at Berkeley, while an anti-theft squad of eight officers has been established at Unanderra. So the stations at Berkeley and Unanderra have not been closed down. The final paragraph of the *Illawarra Mercury* article is worth quoting as an example of purblind prejudice. It reads:

> Asking (the police) to mollycoddle drunks is an insult to both their intelligence and calling. The State Government should think again. It should be doing its utmost to elevate the morale of the New South Wales police force, not introduce scatterbrained laws that tarnish it even further.

Surely a newspaper with pretensions of responsibility should do better than write such claptrap. The facts are that police do act as chauffeurs for drunks now. Take the case of a young man of my acquaintance. About ten o'clock one night almost four years ago he was walking from the Berkeley hotel to his home in Berkeley about a kilometre away, where he lives with his parents. He says that he had spent the previous five hours drinking with friends and playing pool. He admits being influenced by liquor, but states he knew what he was doing. About halfway home he was put into a police car and taken to Warilla police station about ten kilometres away. Why they did not take him to Berkeley police station, a few hundred yards away, I cannot understand. Presumably it was because it is not a proclaimed place. The question might well be asked, why did they not take him to the St Vincent de Paul refuge for alcoholics in Wollongong, which is a proclaimed place? Certainly it would have been far more humane to do so than to take him to a police cell. When he got to Warilla he was put into a cell and left there until 7 a.m., when he was released. He then rang his father, who had no idea of his whereabouts and who had been telephoning the local hospitals during the night to find out where his son was. His father then came out and drove him home. In his statement to me the young man said that he had in his possession at the time of his arrest a driving licence and other papers showing his address, but nobody made any attempt to notify his parents. In a letter that I wrote to the Ombudsman I said, inter alia:

> It is my understanding that the Intoxicated Persons Act is intended to be protective rather than punitive. One would imagine that if a young man were seen walking in an intoxicated condition through a residential suburb he was on his way home. There is, therefore, no necessity for him to be apprehended and put in a place nominated under the Intoxicated Persons Act for eight hours. Why the police officer concerned did not ask the simple question 'Is there somebody at home waiting for you?' or 'Where are you living?' instead of taking him to a police station is beyond my understanding.

In acknowledging my representations, the Ombudsman said:

> I receive many complaints from people who have received similar treatment . . . it is obvious that the majority of complainants are shocked when they realize they can be detained without the normal recourse to an appeal to a relative, friend or solicitor when first detained. In many of the cases I have made determinations on, to date, I have found it impossible to satisfy myself whether the complaints are sustained or not because of the wide discretionary power the Act in practice gives to the police and the fact that the Act contains a clause of no liability for acts or omissions performed in good faith by police involved in the execution of the Act.

Eventually I got a stock letter from the Ombudsman in which he pointed out that the questioning of the complainant, witnesses and police involved, was carried out by the police internal affairs branch and that as a result he had not been able to satisfy himself that the complaint had been sustained. I have mentioned this case in some detail because as a result of this incident I now know the family very well. The young man is a decent person, not an alcoholic; but on occasions, as do many young men, he has been known to overindulge. His mother is a moderate social drinker and his father a life-long teetotaller. For the young man's own protection the simple step would have been to take him to his home half-a-mile away. Instead, he was taken to Warilla and left in a police cell until morning. No attempt was made to contact his parents. Whatever happened, his being taken ten kilometres when he had committed no offence involved the police in much more work than taking him home would have done.

Unfortunately there have been too many such cases since this incident was referred to me. I have heard of other incidents but I do not have the authority of the persons concerned to report them. In view of the result obtained

in that case I have advised others that complaint would be worthless. In particular a number of complaints have come from the gay community, which frequents the Oxford Street area, that gays who have had only a few drinks have been picked up on many occasions and taken to police cells. I believe this matter was taken up with the gay liaison group of the police force and this practice has now ceased. However, while the existing provisions remain on the statute book, irrespective of how sympathetically police officers administer the Act, there is always a danger that the action will be repeated. Of course, if a person behaves in a violent way while being detained at a proclaimed place other than a police station, it is only right that the intoxicated person should be transferred to a police station for the remainder of the period of detention.

It is, or course, necessary to have flexibility in administering this legislation. I am pleased that if facilities are not available in proclaimed places, it may be necessary to place the person concerned in a police cell. Conversely, if more civilian proclaimed places become available, it may be necessary to state that certain police cells are no longer proclaimed places. Above all, it needs to be emphasized that legislation dealing with intoxicated persons should not be punitive. The first priority is to get a drunk person home. The second priority, if the first fails, is to get him to a civilian proclaimed place. The third priority, if all else fails, is to take him to a police station. If by some chance he must be taken to a police station, and if a responsible person is available to care for him, for example a parent, wife, son or daughter, that person should be contacted. I know that in the case of the Berkeley young man I mentioned, his parents would have been only too glad to come for him and take care of him. He should not have been left in the police cell overnight.

Some concern has been expressed by the honourable member for Lane Cove that section 8 of the original Act does not give police officers enough protection when mistakes are made honestly. I do not know whether that is right but I know that the Government, if that were found to be the position, would have afforded officers protection in this amendment. I am sure, if that does become the position, that such an amendment will be introduced. This legislation is sensible and is the most humane way to act. For that reason the Government has decided to amend the legislation so that the problem can be treated in a way experience has told us is necessary. I have no doubt that the editors of the *Sydney Morning Herald* and the *Illawarra Mercury* had great pleasure commissioning the drawing of two cartoons that depict drunks using police cars as taxis. That points to a gross insensitivity on the part of the people concerned. Drunkenness is not a crime; it is a social problem. It is probably a greater social problem than the well publicized scourge of illegal drugs. In Australia more people are killed and maimed by alcohol than by heroin. Drunks are not figures of fun; they are casualties in the legal drug trade.

If alcohol is accepted as a legal drug and if governments are willing to derive billions of dollars in income from the use of this drug, governments have a responsibility to treat people who overindulge in alcohol as having a social problem, not as criminals. They should not be treated in the same way as the young man from Berkeley; as if they were *de facto* criminals. This bill is a humane approach to a social problem and it deserves the support of any person with a shred of decency. I commend the bill.

Mr KERR (Cronulla) [4.58]: In his second reading speech the Attorney General said that prior to the reform of the Summary Offences Act public drunkenness was treated as a crime. He said also that with these reforms the Government recognized the futility of the roundabout of arrest, incarceration,

bail, court appearance and re-arrest that the Summary Offences Act imposed upon persons whose only crime was intoxication. The Attorney General went on to say that the amendments being introduced to the House accorded with the philosophy of the original Act and reflected the policy that an intoxicated person's contact with criminal law and its institutions should be kept to a necessary minimum. It is perhaps worth pausing at this time to examine the relationship between intoxication and English criminal law and why intoxication has formed such a thread in the fabric—some might say a rich fabric—of that law. Sir Matthew Hale in his pleas of the Crown said:

> This vice (drunkenness) doth deprive men of the use of reason, and puts many men into a perfect, but temporary phrenzy . . . By the laws of England such a person shall have no privilege by this voluntary contracted madness, but shall have the same judgment as if he were in his right senses.

Lest anybody is cavalier enough to think that is ancient history in need of revision, I point out that that was quoted with approval by Lord Denning in *Attorney-General for Northern Ireland* v. *Gallagher,* reported in 1963 Appeal Cases at page 349. Lord Denning could not be accused of having a mind of blind prejudice, much less of working for the *Sydney Morning Herald* or the *Illawarra Mercury.* I make a statement that strikes a contemporary note that I am sure will not be disagreed with by the honourable member for Riverstone or any other person with practical experience of police work: self-induced alcoholic intoxication has been a factor in crimes of violence like assault throughout the history of crime in this country. It has been and it will continue to be so. To dispose of the problem of intoxication as simply a social problem is to ignore the fact that it represents a public menace to this community. The philosophy that intoxication should not simply be treated as a social problem applies to my electorate, which encompasses the Cronulla-Caringbah area. Late at night and in the early hours of the morning gangs roam about parts of Caringbah and Cronulla in an intoxicated state; they vandalize property and have been guilty of offences on persons. They do this because, often with their mates, they have summoned up Dutch courage.

[*Interruption*]

Mr KERR: The honourable member for Riverstone says that they are guilty of other offences.

Mr Amery: Not just being drunk.

Mr KERR: Not just being drunk says the honourable member for Riverstone. But their reasoning is so affected that they are not capable of forming an intention, and the police have problems in charging them with assault, particularly a serious assault. Shopowners have told me that they have great difficulty in insuring their shops because of the attitude taken towards intoxication and drunkenness. That attitude is reflected in the philosophy of this bill. Shopowners' livelihoods are in jeopardy because of what is happening. The honourable member for Illawarra talked about dire prophecy. Many shopowners have lost their profits and often work at a loss. I deal now with why people get intoxicated. Everyone has a great deal of sympathy for the alcoholic who has come to that condition because it is a disease. Everyone has a great deal of admiration for the work performed by organizations such as Alcoholics Anonymous and the courage that many of its members have shown in redeeming themselves and becoming useful members of society. However, surely no one would justify a young man, often under age, with all the benefits of a bourgeoisie background, going to a hotel, deliberately getting drunk with

his mates, and then going on what they regard as a stir to damage the person and property of their fellow citizens.

Mr Amery: They can still be charged.

Mr KERR: They still can be charged, but not always successfully.

Mr Sheahan: You are not saying they should be charged with drunkenness?

Mr KERR: Why not charge people with drunkenness who deliberately and publicly disregard the rights of others. What privilege have they got that they can stand out from other people and ignore the consequences of their acts? That is what I and the people of this State are complaining about, and it is what members of the police force are seeking to draw attention to.

Mr Amery: This is the best bill of the lot. Go and ask them at the academy.

Mr KERR: They might be under the impression that today we are debating the Conveyancing Act, because they will be required to provide taxis for these sorts of people and to deposit them in special designated places. As the honourable member for Riverstone knows, the police have a great many things to do at present. Additional workloads should not be placed upon them. The police should not have to be social workers to get rid of a social problem. The police must be given powers to eradicate a social menace that is confronting the hard working people of New South Wales who provide economic well-being and jobs. If a shop closes down in Caringbah or Cronulla because of consistent vandalism, the decent people—the people that Government supporters are supposed to represent in this community—lose their jobs. It is sad that these things are caused by people who have enjoyed the privilege of a middle-class background and have abused that privilege. Often young people become intoxicated when they attend two-day pop concerts. They form groups, pool their money and ask someone over the age of eighteen to buy liquor for them at a bottle shop. They consume this liquor and become extremely intoxicated. Why is it not an offence to supply alcohol to a minor in these circumstances?

Mr Amery: It is.

Mr KERR: I look forward to the honourable member for Riverstone citing authority as to when it is an offence to supply. I gave an example of a group getting together and asking someone over the age of eighteen to supply them with alcohol and then drinking it in a public place. This legislation is incomplete. It provides a great deal of protection for persons who have voluntarily got themselves into a state of intoxication. Yet not one whit of protection is being given to citizens on the receiving end of the antisocial actions of persons who have abandoned reason in an orgy of drinking and misbehaving. This piece of legislation is not even a mixed blessing if it provides protection and encouragement for wanton drinking in our community. The most fundamental task of any governnment is the protection of the citizen's property and person.

Mr Gabb: In that order?

Mr KERR: No. In the reverse order. I thank the honourable member for Earlwood.

Mr Sheahan: He is pretty sharp this week and he is travelling all right.

Mr KERR: I hope that he is not overtaken by a car on his right the next time a ministerial vacancy occurs. I make a plea on behalf of those citizens who work hard and who are entitled to have their person, family and property protected by this Government—a government that should exercise its fundamental responsibility towards the citizens of this State.

Mr AMERY (Riverstone) [5.8]: Before commenting on the bill, I should like to make a few comments on the contribution of the honourable member for Cronulla.

Mr Sheahan: He did not make any comments on the bill.

Mr AMERY: I agree with the Attorney General. The honourable member for Cronulla rarely touched upon the bill. My comments are directed mainly towards the honourable member for Lane Cove, who placed much emphasis on the abuses and possible abuses of the Intoxicated Persons Act. He referred to detention without trial and what a policeman has to do to detain an intoxicated person. He said it is enough for the policeman to say that a person is intoxicated and there is no recourse from that decision. No doubt many members would know that that statement is false. It is true that a police officer would have to form the opinion that a person is intoxicated before detaining that person. In most instances that police officer would be accompanied by another officer, who would have to co-operate in the decision. Therefore, two police officers would make the decision that a person is intoxicated. If a police officer takes an intoxicated person to a proclaimed place, he would have to show that the person he was bringing into custody is an intoxicated person. If that proclaimed place were a police station, the police officer would have to show to the station sergeant that the person he was bringing in was an intoxicated person. To accept that what the honourable member for Lane Cove said is perhaps a widespread practice, one would have to accept that there is a widespread practice of conspiracy between a number of people to say that a person is intoxicated.

Most reasonable honourable members will realize that that is unlikely, bearing in mind that such matters are of no serious note, particularly when one is dealing only with intoxication and no other crime involved with it. Therefore I cannot accept the view of the honourable member for Lane Cove that only one person decides whether someone is intoxicated. The honourable member presumed that once a decision is made by a police officer to detain an intoxicated person, that person has no other recourse. The honourable member spoke of detention without trial. Most honourable members realize that in recent years the Government has introduced a number of bills dealing with police administration and the investigation of complaints from the public. Such complaints are investigated either by the Ombudsman's Office or the Police Department. All police actions are and can be subject to a complaint by a member of the public. If any person who is detained as being intoxicated believes that the policeman overstepped his authority, or acted outside the legislation, he has every entitlement to make a complaint to the Ombudsman, who would review the decision by the police officer that that individual was intoxicated. Such a review has occurred since the legislation was first introduced in 1979.

The honourable member for Lane Cove was the only member opposite to speak to the bill. Obviously his views were in conflict with those of the honourable member for Cronulla. The honourable member for Lane Cove was concerned that a police officer would not have knowledge of proclaimed places

within the area that he patrolled. The honourable member's words were to the effect that if an intoxicated person were detained, an officer might in good faith take that person to a police station without knowing that a proclaimed place was within his division. As you would no doubt well know, Mr Deputy-Speaker, that is unlikely. Any police officer working on general duties in an area in which he would come into contact with intoxicated persons would have knowledge of proclaimed places within his division. It would be unlikely that he would drive around his patrol area and pick up intoxicated persons, not knowing of the proclaimed places. Though that might happen with a new recruit, I believe that is an overgeneralization by the honourable member for Lane Cove. I turn to comments raised by the honourable member for Cronulla, who seemed to be concerned. Obviously he was compiling the basis for a number of press releases about crime in his electorate.

Mr Sheahan: He might be running for leader of his party.

Mr AMERY: If one listened to the honourable member for Cronulla, one could be forgiven for believing the Government is decriminalizing assault, malicious injury and the other offences to which the honourable member referred as happening within his electorate. The Intoxicated Persons (Amendment) Bill will decriminalize only the offence of drunkenness. It is misleading for the honourable member for Cronulla to say that because a person is drunk, he can commit offences without being arrested and put before a court. Even though he may be intoxicated, he is still liable to be arrested for those offences under the Crimes Act.

The honourable member for Cronulla raised also the question of police wanting power to eradicate drunkenness. As I said by way of interjection, obviously the offence of drunkenness has been on the statute books for a couple of hundred years. Certainly it was on the statute books of this State up until 1979. Although many thousands of persons were charged under the Summary Offences Act and, prior to that, section 6 of the Police Offences Act, public drunkenness was never eradicated. There is no chance that the Government will resolve public drunkenness by reverting to the previous custom of charging persons with that offence. If the honourable member for Cronulla were to check with police stations in his area, and with the Police Academy, he would find that the Intoxicated Persons Act has been well received within the police force. As I shall explain later, this legislation will save administrative time as compared with previous legislation.

The honourable member for Lane Cove was concerned about persons not having recourse to a trial. The honourable member cannot have it both ways. Drunkenness is either a crime that is subject to arrest and charge and being placed before a court—in which case one has the normal right of defending the matter in court or appealing to a higher court—or it is a social problem, as it is now, and should be dealt with in a far more civil and humane way.

The bill will fine-tune one of the major reforms introduced by this Government since it came to office nearly ten years ago. It is a continuation of the original Intoxicated Persons Act, which transformed public drunkenness or intoxication from a crime to a social problem. That is how the problem should be treated. When one compares the bill and the 1979 Act with the Summary Offences Act, or section 6 of the Police Offences Act, one realizes how far the community and the Government have progressed in handling the problem of public drunkenness. That problem has always been with us and unfortunately to a certain extent always will be.

It is interesting to recall how drunkenness was dealt with prior to this Government's reforms. Previously, attention to this matter was almost the sole domain of the police force. The procedure was that a person who had been found by a police officer in an intoxicated state was arrested, conveyed to the nearest police station, placed in the dock, charged with being drunk in a public place, searched and placed in a cell for four hours. If that person had the amount of bail in his possession at the time of arrest—which was the amount of $1—he would be bailed out to appear at court the next sitting day. If the person failed to appear, the charge sheet was endorsed, "Not before the court. Recognizance forfeited", and that was the end of the matter. If that person was not in possession of the amount of bail when arrested, the police or station sergeant at the time had two options: the first was that a message would be sent to that person's home or place of residence at that time—assuming that he had one—advising that $1 bail was required for his release; or, alternatively, the prisoner remained in custody and appeared at court the next day, when in the overwhelming majority of cases the charge was dealt with by the prisoner being admonished and discharged. As can be seen, the intoxicated person was always treated as a prisoner.

The previous system created administrative waste of police and court time, with little or no return of revenue to the Government. The Intoxicated Persons Act, 1979, did not cure society of public drunkenness. However, morally and in a practical way, it brought society into the 20th century in the manner in which it addressed the problem. I refer not just to the police but to other persons involved in the treatment and care of intoxicated persons. I dare say that if some of the drunks with whom I had to deal during my time as a police officer are an example, some of them today would not notice any change in the law except that they are now detained for eight hours rather than the previous four hours, and they do not have to pay $1 to be released from custody.

Persons finding themselves in this situation fall within a number of categories. The majority would be homeless men—society's dropouts—for whom life is living from day to day in parks, hostels, the back of buildings or old boarding houses. To most chronic alcoholics, a bottle of McWilliams port is their only way to accept the life they live. They are the people who mostly come to the attention of the police, whom the police generally find on routine patrols in parks, sleeping in doorways or collapsed in a gutter. There is no doubt that a dry cell and a blanket at a police station were the main reasons many of those persons survived the winter months, when many less fortunate were found dead in parks and various areas of our cities. As no doubt you would have experienced, Mr Deputy-Speaker, on many a morning following a cold night I found such society dropouts in the parks and laneways of our cities, they having died from the cold of the night before, compounded by years of chronic alcoholism that had broken down their defences.

Often many of these persons staggered their way into a police station and asked for a bed for the night. Such requests were generally met. Previously they were charged, but now they are subject to the provisions of the Intoxicated Persons Act. Either way they were kept out of the weather and given a bed and a dry blanket for the evening. Most of the drunks that I came across in my years in the force fell into this category. Most of them kept their $1 note bail money on almost any part of their body or any part of their clothing. I have personally found that $1 note in drunks' pockets, wallets, hats, and in the most odd places. Any honourable member who may think he will never lose respect

for the almighty dollar has never fished one of those dollar notes out of the toe of a sock that has not been changed for three or four weeks.

Most other cases of intoxication come from a variety of causes. They include the one-off case of a young person misjudging his drinking ability at the local pub, or party, people over-celebrating at a function, or habitual drinkers who have a home or family to go to but who spend too much time at the local hotel. Sometimes they come home creating arguments or what are commonly known as domestic disputes. In relation to the latter, it is no secret that the police have had to bend the rules on occasions to use the law to resolve or head off a potentially dangerous domestic dispute. A charge of drunkenness was perhaps the only solution when it was apparent that a more serious charge was not appropriate or would have been withdrawn the following day at court when everybody had settled down or sobered up.

Of course, men are not the only persons to come within the ambit of the Intoxicated Persons Act or, previously, the offence of drunkenness. I can also give an example, as I related earlier today, of an experience in my first year on the police force when I was called to the Transport Club in Regent Street. A female contestant had entered a talent quest and when she arrived she was very intoxicated. I, with another young constable, was sent to arrest her. She was conveyed to Regent Street police station on that occasion, and I can say she was quite a talented lady, being able to kick very high, all the way across the street. She did not endear herself to the station sergeant at the time, because during the search he must have said something that offended her and she was able to place a well-aimed can-can kick in a certain tender part of the station sergeant's anatomy. I will leave that case incomplete, except to say it was probably the first occasion that I can recall when a young probationary constable learns that a police officer may find occasion to swear at a lady, or perhaps a female.

On a more serious note, dealing with intoxicated persons is an extremely unpleasant affair, as the honourable member for Lane Cove pointed out. Looking after these persons involves a considerable amount of police time in searching, feeding and supervising them. As mentioned earlier, the new bills have resulted in a lot of time-saving for police and courts. I was disappointed by the instant reaction of the press and the Police Association to the introduction of this bill, which was outlined by the honourable member for Illawarra. If the only information available on this bill were press reports, the public could be forgiven if they believed that the bill was designed to insist that police act as a taxi service for drunks, and that after its passage through Parliament police time would be spent driving intoxicated persons home and putting them to bed. Not only is this plainly false; it is a mischievous exaggeration of one section of this bill. However, I should deal with it.

It is an exaggeration, first, because a considerable number of persons coming under notice do not even have a home to be driven to. They make up many of the thousands of homeless persons who depend on hostels run by community organizations, many of which are probably proclaimed places now, such as the Sydney City Mission and the like, for a bed, a wash and dinner. Second, some of the persons detained are in such a state, or are affected to such an extent, that it would not be practicable to return them to a domestic situation before a sobering-up period had elapsed. Other persons that come under notice are in company and can be released into the control of friends or family. The circumstances where a policeman would be expected to drive a person home would be isolated and would probably be a case where the policeman would

have felt it necessary that driving him home was the appropriate course of action.

I have known cases where police have driven intoxicated persons home. This was usually when they were found staggering along the street, obviously with a destination in mind. When the patrol car pulled alongside, the officers, after asking a few questions, have decided the best course of action would be to drive them home. I have taken this action myself, not just under the Intoxicated Persons Act, but also when this issue was covered by the Summary Offences Act. In short, it is just the use of plain commonsense that judges this issue, and every policeman would apply that in some cases. The times when a person would be driven home by police would be more common in the suburbs than the city, and would always have been the practice in country towns. This bill will put that commonsense practice into legislation.

[*With concurrence, Mr Amery was allowed to continue his speech for a further period of ten minutes.*]

Mr AMERY: The part that grabbed the news media's attention was proposed subsection 5 (1A) of schedule 1, which reads:

> A member of the police force or an authorized person shall not take an intoxicated person to a proclaimed place, being a police station, for the purpose of detaining that person unless—
>
> (a) no other proclaimed place which has facilities adequate for the detention of the intoxicated person is close by;

Put simply, If there is a more suitable proclaimed place nearby, the police detaining that intoxicated person should use it in preference to the station. Paragraph (b) of that subsection provides:

> (b) it is impracticable by reason of distance or the unavailability of necessary resources to take the intoxicated person to the intoxicated person's home;

That clearly is the paragraph that was exaggerated by the newspapers. The words used are "by reason of distance". If we were to believe the newspapers we would have people being arrested in Sydney and being driven home by the local police, whether they lived in Penrith or the like. It is quite obvious that that situation has been adequately covered and commonsense has prevailed in wording that paragraph for the guidance of the police. The inclusion of the words "by reason of distance" precluded any requirement of police driving intoxicated persons all over the suburbs—driving them home after a night out. As I have said, this section will give legislative sanction to a common practice that has been going on for years. Paragraph (c) of the proposed subsection provides:

> (c) the intoxicated person has been refused entry into a proclaimed place, not being a police station;

This would often by the case where a previously known troublesome or violent intoxicated person has caused trouble at such centres, and because of the facilities at a police station, this would be the more suitable form of accommodation. Finally, paragraph (d) of proposed subsection 5 (1A) provides:

> (d) it is otherwise impracticable, for reasons similar to a reason specified in paragraph (a), (b) or (c) to take the intoxicated person to a proclaimed place other than a police station.

This again gives legislative sanction to a police decision—under some circumstances—to decide that a police station is the more suitable choice. I have no doubt that this amendment, when put into practice, will fit very well into the existing services now being operated by the various agencies dealing with intoxicated persons, and I have no doubt that the requirement that has received

all the media attention about driving intoxicated persons home will not be as way-out or outlandish as the media would like us all to believe. I am pleased that the Opposition supports the bill. I found it difficult to understand the comments of the honourable member for Cronulla who, though his party supports the bill, seems to advocate its rejection. I support the bill.

Mr GABB (Earlwood) [5.30]: Listening to the address to the House by the honourable member for Cronulla, one could come to the conclusion that the Opposition has made little progress in its attempts to give a human face to its policies. The honourable member's speech suggests deep division within the conservative parties about this bill. Leading for the Opposition, the honourable member for Lane Cove expressed support for it. The only interpretation one can place on the comments of the honourable member for Cronulla is that he opposes it. Given his comments, one is entitled to presume that the honourable member for Cronulla longs for the days when drunkenness was a crime under the Summary Offences Act. In view of his comments and particularly his examples of rampaging thugs throughout the electorate of Cronulla, it is important to point out that prior to the Intoxicated Persons Act of 1979 drunkenness was of itself a crime. It was not necessary for the intoxicated person to act in an offensive manner, to harm anyone or to undertake any action that constituted a crime, other than being intoxicated.

The examples given by the honourable member for Cronulla show that he lacks understanding of the Intoxicated Persons Act and of the provisions of the bill, for there is no doubt that if an intoxicated person commits a crime police have not only the right to arrest that person for the crime so committed but also a duty to do so. The gangs that the honourable member for Cronulla talks about clearly have committed crimes. Just as clearly, the police have the right and duty to arrest them for those crimes. Under the Summary Offences Act, for which apparently the honourable member for Cronulla longs, persons could be branded as criminals even though they were entirely harmless to themselves and to the rest of the community. Such a provision as was contained in section 6 of the Summary Offences Act was clearly beyond justification. It is interesting to note that in the 1979 debate, when the Intoxicated Persons Bill was introduced as part of a package to replace the Summary Offences Act, even the Opposition conceded the point. However, it would seem that the honourable member for Cronulla wants to take us back further than even the Opposition attitude in 1979, because the shadow attorney-general at that time and present Deputy Leader of the Opposition both spoke in this House at that time in support of the Intoxicated Persons Bill. Of course, they voted against it; but that is not unusual for the Opposition. I must say, in fairness to the Opposition, that the Intoxicated Persons Bill was part of a package and that the Opposition opposed the package though not necessarily the Intoxicated Persons Bill.

The rationale of the Intoxicated Persons Act was twofold. First, it was to remove the stigma of drunkenness being a criminal offence. Second, it was to provide for intoxicated persons a humane system of care as far removed as possible from the criminal processes. The bill seeks, first, to reinforce that fundamental reform and, second, to improve the system of care. Whenever there is a fundamental change in attitude, as was contained within the Intoxicated Persons Act, it is important and entirely prudent that after a period of time of operation of the new Act, there be a review of the workings of that Act. This the Government has done. That review indicated a need to spell out how the scheme is designed to operate, and the amending bill does just that.

Essentially, the bill will give greater guidance to police in their dealings with intoxicated persons. New sections 5(1A) and 5(1B) give emphasis to the policy that police cells should not be used as a place of detention for intoxicated persons, except as a last resort. Police will be required to give consideration to the availability of other suitable proclaimed places or indeed to the practicability of simply taking the person home. As the honourable member for Illawarra and the honourable member for Riverstone have pointed out, some quite misguided publicity has been given to this provision of the bill. There was ludicrous talk of police being required to act as taxi drivers for drunks. The reality is far from the media fantasy. Again as was pointed out by the honourable member for Riverstone, the overwhelming majority of persons likely to come under police notice under this provision of the amended Act will not have a home to go to. The tragedy is that many who become habitually intoxicated are outcasts of society and may view a police cell as far more preferable to other alternatives available to them.

In the small number of instances where an intoxicated person does have a home—and the honourable member for Illawarra gave an example—it is surely preferably and clearly in the interests of the intoxicated person to sleep off his condition at home, if that is at all practicable. If police must drive an intoxicated person to a police station or to another proclaimed place, it should be no greater burden on police to drive such a person home if the home address is ascertainable. All honourable members would agree that some intoxicated persons do not make the most pleasant of guests. I should have thought that police would wholeheartedly support the provision that will allow them in some circumstances to take an intoxicated person home rather than detain that person in a police cell and provide care for him. I should have thought that the care that police might properly give to intoxicated persons, or the care that social workers in other proclaimed places may give to intoxicated persons, could best be provided by a relative or friend into whose custody, where appropriate, the intoxicated person could be placed.

New section 5 (3) makes it perfectly clear that an intoxicated person should not be released into the care of anyone other than a responsible person able to care for the intoxicated person. That is a safeguard against placing an intoxicated person in the care of someone who is himself intoxicated or who is for some reason unable physically to cope with an intoxicated person. In those circumstances the police would no doubt consider it their duty to care for the intoxicated person or to ensure that the intoxicated person is placed in the care of responsible social workers. There is no suggestion that an intoxicated person will be placed in the custody of any person other than a responsible person, whether that be the police, social workers or, in appropriate circumstances, relatives or friends of the intoxicated person. I have no doubt that the provisions of the bill will have a somewhat limited scope because, as I and the honourable member for Riverstone have already said, the vast majority of persons who will come under police notice in respect of this bill simply will not have a home to go to and will be cared for in police cells or other proclaimed places.

There are two additional measures contained in the bill to which I shall make brief reference. As the Attorney General said in his second reading speech, the first of these will clarify the power of the Governor to vary or revoke a proclamation of a proclaimed place and the second will ensure that the police have the power to remove a violent intoxicated person from a civilian proclaimed place. Both these measures are, in my view, unexceptional and deserve support of the House, as does the bill as a whole.

Mr SHEAHAN (Burrinjuck), Attorney General [5.41], in reply: I suppose if we had had this debate after tea we would have had a few more contributions from members of the House. I had a few offers that I was pleased to be unable to accept. Speaking from the Government's point of view I want to thank the honourable member for Illawarra, the honourable member for Riverstone and the honourable member for Earlwood for their constructive and sensible contributions to the debate. I was particularly pleased to hear some of the remarks of the honourable member for Riverstone who, not so very long ago, was a serving officer of the New South Wales police force. The sensible approach he took to this measure compared very favourably indeed with the irresponsible attitude adopted by the Police Association and by some elements of the news media immediately following my second reading speech some time ago on this bill. I welcome the contributions made by those three members, as I welcome the constructive criticism of the honourable member for Lane Cove, who became a little perplexed halfway through at an interjection when he thought I was having a go at him. In fact I do appreciate constructive expressions from members of the Opposition or from the public or from professional organizations or others. I shall be happy—and I always take this course—to have the remarks of the honourable member studied in detail.

One of the difficulties with this Opposition is that when one brings in a piece of legislation that is the result of monitoring another piece of legislation for some years, a bill that is the result of an exacting and complex examination, and when one does the best one can, it goes through the Cabinet processes and the parliamentary party processes, and when one introduces the bill in the House one gets further submissions from the other side that have never been made during that period. There is an open policy on these matters at all times. In fact, the only time that policy has been abused was recently by the Leader of the Opposition. There is an open policy as far as my administration is concerned.

The honourable member for Lane Cove has from time to time—and I acknowledge it, as he invited me to do so—come to me with constructive suggestions on bills of mine or bills of some of my ministerial colleagues and I have always been happy to have them analysed. It is a pity for him, now that the bill is before the House, to say we should have addressed some other section of the principal Act. It is a bit late so far as I am concerned, because it was made clear by this Government in 1979 that we would keep all the legislation that replaced the Summary Offences Act under close examination and scrutiny, to make sure that the right thing was done. None the less, the constructive criticism expressed by the honourable member for Lane Cove will be helpful when we are examining any further action that needs to be taken with this Act, subject to the passage of this amending bill. Certainly it is in graphic contrast with the irresponsible comments that were made by the Police Association and the irresponsible editorials and other comments made by some elements of the news media at the time of the introduction of the measure.

I am sure that speculation was fuelled by some people such as the honourable member for Cronulla, who made an extraordinary speech. As a matter of fact, I thought if he had spoken any longer he would probably have ended up outside the door. As he became more excited he started walking further and further up and down the Chamber. He has admitted to me that he is not anti-drink. I am quite surprised that a man of his compassion and experience is not a little more sensitive to the real meaning of this Act and of the amending legislation that we are now debating. He was found out by the

honourable member for Riverstone, who accused him of preparing a few press releases for local consumption. We understand that sometimes members of all sides of the House have to perform this kind of exercise for that purpose.

As the honourable member for Riverstone said in a very bland fashion, this is a social problem that should be addressed in a socially responsible way and it behoves all members of this Parliament to approach this piece of legislation and others in the package in that way. The honourable member for Lane Cove raised the question—and I shall not deal with it at any length because the honourable member for Illawarra has answered it—of the protection in section 8 of the legislation being widened to cover officers who fail in their duties under other sections of the Act. We believe, as the honourable member acknowledged, that the power in section 8 protecting these officers is already very wide and it is difficult to define what acting in good faith really means, but we interpret it to mean something done honestly, whether or not it is done negligently. This is a definition that has been adopted elsewhere and we believe it will afford adequate protection to the police officers under the Act. If they all exhibited the responsibility that was displayed this afternoon by the honourable member for Riverstone, we would have no difficulty with it.

Some mention has been made of the so-called taxi service allegation made in respect of this legislation. I believe it was only in passing that that accusation was made or that there was any real concentration on it on the part of the honourable member for Lane Cove and the honourable member for Cronulla. It came, I think, out of deliberate misrepresentation of something I said in my second reading speech and for the benefit of the House I shall quote again what I said at that time: "Even where such a place is not available, police must consider whether to take the person home to 'sleep it off' ". This could have implied a somewhat longbow construction that the police should go through all four conditions in the new section 5 (1A), one after another, until all are exhausted before they can hold an intoxicated person in a police station. This is not correct.

The honourable member for Riverstone in the course of his speech, explained the way in which it is not correct. The police may consider all of those four alternatives cumulatively, but the bill requires only one to be considered before a decision is taken to hold the offender in a police cell and before anyone would consider that detention to be justified. I shall work through those steps for the benefit of the House. If a person is picked up for public drunkenness and there is no other offence involved—which is another valid point made by the honourable member for Riverstone in correcting the honourable member for Cronulla—and if when the police find this person there is no civilian proclaimed place nearby, they have power to detain that person in a police station. If it is impracticable, by reason of the distance or lack of resources, to take that person to a civilian proclaimed place, there is again power to hold. If there is a refusal on the part of the person to co-operate, there is power to hold. And if it is otherwise impracticable, there is also power to hold. The proposals incorporated in the bill take account of the demands of police work and were agreed to after extensive consultation with the Minister for Police.

It is important to understand what the bill requires. I have just indicated that there are the four steps. The only other matter to be considered is whether in all the circumstances it may be better to take the person home. The honourable member for Earlwood identified the rub on this point. The statistics indicate that more than 90 per cent of the people who are taken to civilian

proclaimed places are homeless. So, in the vast majority of cases such an intoxicated person will be taken to a civilian proclaimed place nearby. As an alternative the police may consider whether the person's home is close enough and whether there is available the required personnel, transport and so on to enable that person to be taken home. If these are not available, that person may properly be held at the police station.

Again, under proposed section 5 (1A) (c) if the police have made inquiries and found that the particular person has been refused entry into a proclaimed place, he may be held at the police station. Finally, in proposed section 5 (1A) (d), operational, logistical and distance problems which might prevent police from taking a person to a civilian proclaimed place are catered for as proper reasons for holding that person at a police station. Overall, this provision strikes a responsible balance between the desire that intoxicated persons should not be held in police cells and the legitimate difficulties police may encounter in finding or delivering such people to proclaimed places or to their home. I believe the measure to be entirely responsible and I commend it to the House.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by **Mr Sheahan.**

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL

Second Reading

Debate resumed (from 24th September, *vide* page 7013) on motion by **Mr Cox:**

That this bill be now read a second time.

Mr FISHER (Upper Hunter) [5.51]: Essentially this bill is complementary in nature and, at present, is academic as it has little relevance for New South Wales. As the Minister said in his second reading speech its object is threefold. First, it will allow the Minister to increase or reduce the rate of recovery of petroleum from petroleum pools. At this time there is no off-shore petroleum exploration taking place in New South Wales waters, so that provision has no relevance. The second relates to the protection of off-shore installations. Again, because there is no off-shore exploration in New South Wales waters this provision has no relevance but provides protection for such installations that may exist. The third provision will give power to certain officers to board, search and detain vessels that may intrude on prescribed distances from off-shore installations. None of the provisions is relevant to New South Wales but all complement Commonwealth legislation. The States have agreed to introduce similar bills to cover all situations that may exist from the three nautical mile zone off the coast and the area beyond, which is the responsibility of the Commonwealth. There is one current licence for off-shore exploration in New South Wales in the Sydney basin. It may be some time before it is ascertained whether such exploration is successful and only then would this legislation become relevant. The Opposition does not oppose the legislation.

Mr COX (Auburn), Minister for Mineral Resources and Energy [5.55], in reply: I thank the honourable member for Upper Hunter for his contribution. As has been said, the bill complements federal legislation and at present is not

directly relevant to New South Wales. However, I look forward to the time when it will be relevant and when oil exploration in New South Wales is speeded up. The bill will protect the interest of New South Wales and I am grateful for the support of the Opposition.

Motion agreed to.

Bill read a second time.

Third Reading

By leave, bill read a third time, on motion by **Mr Cox.**

VALUATION OF LAND (AMENDMENT) BILL
LAND TAX (AMENDMENT) BILL
LAND TAX MANAGEMENT (AMENDMENT)BILL
STRATA TITLES (LAND TAX) AMENDMENT BILL

Second Reading

Debate resumed (from 23rd October, *vide* page 8493) on motion by **Mrs Crosio:**

That these bills be now read a second time.

[*Mr Deputy-Speaker left the chair at 5.57 p.m. The House resumed at 7.30 p.m.*]

Mr BAIRD (Northcott) [7.30]: The Valuation of Land (Amendment) Bill and cognate bills have been introduced into this House under the guise that they are concerned with equity, fairness, reducing the large increases in land taxes and bringing valuations up to date for use in assessing water rate charges and land tax valuation. The truth is that the bills are concerned with taxation and increasing the level of taxation on the people of New South Wales, who already have the dubious honour of living in the highest taxed State in Australia. The bills are about slipping two extra valuations in between the normal three-year cycle of valuation, which will push landowners much more quickly into higher tax brackets. So let us not be fooled; these bills will result in a major tax rip-off of the people of New South Wales. By the end of next year people all over the State will be complaining about the impact of this legislation. How much longer do Government supporters believe that the residents of this State will tolerate the vast increases they have had to bear in taxes and charges? Since this Government came to office in 1976 taxes have increased by no less than 188 per cent on a *per capita* basis—from $245 to $648 for every man, woman and child living in New South Wales. New South Wales residents pay 52 per cent more in tax on a *per capita* basis than do people living in Queensland, and 62 per cent more than people living in Tasmania. The legislation is a further tax grab.

I should have thought that the Minister for Natural Resources, as one of the few Ministers with experience in running their own business, would understand the impact of these bills. Many rental agreements are structured so that any increases in land taxes are passed automatically on to the tenant. The direct effect of these bills will be to cause immense hardship not merely to landowners but also to shopkeepers and those who are renting factories and warehouses throughout this State. They will have to shoulder a significant part of the increases under existing leases. We all know that the left-wing Minister

for Finance and the honourable member for Blue Mountains has little interest in business and even less in his own portfolio. But I thought that he would be aware of some of the problems and implications of this legislation. This Government does not understand the implications of regressive taxation. In other words, the Government imposes a tax and that sounds fine. It is supposedly hitting the rich landowners. The reality is that the people who will be affected are far from rich.

The impact of this legislation is sending shock waves through the property development and property rental market of this city. The general conclusion is that the impact of the legislation will be disastrous, especially in those areas where values have increased dramatically. As an example of this impact, rental costs in the AMP Centre, as announced by the AMP Society, have already increased by a dollar per square foot in anticipation of the new taxes. During the budget debate the Minister for Finance said that it was rubbish that the new land tax scales would result in increases of up to 200 per cent. In fact, I have discovered that I was being conservative, because many increases range up to 300 per cent. In North Sydney the increases in land tax valuation in terms of the equalization factors are more than 400 per cent. So much for the claims of the Minister for Finance. Next year most landowners in the Sydney central business district will pay twice as much in land tax. This will result in huge increases for commerical tenants. The increases undoubtedly will result in soaring costs for a wide range of goods and services. The Government is attempting a thimble and pea trick in cutting the maximum land tax rate from 2.5c to 2c in the dollar and lifting the threshold from $55,000 to $95,000—saying what good fellows they are. At the same time the Government is introducing a complex equalization scheme to set land values. The impact of these changes can be seen in the examples I shall give of what is happening in the city. I invite the Minister to look at the examples to see just what is happening. In 1980 the land on which the Imperial Arcade stands was valued at $9.5 million. The valuation was revised in 1983 to $18 million. The $18 million will have to be multiplied by the Sydney central business district equalization factor of 1.27, which will give a valuation of $22.86 million.

Although the maximum marginal land tax rate has been reduced from 2.5c to 2c in the dollar, the change in land tax will be as follows: as at 1st January, 1985 the land tax due on the Imperial Arcade land will be $237,500; and on 1st January, 1986, $457,200, which is a 92.5 per cent increase. I am sure the Minister and members will be aware that the arcade is full of small shopkeepers, who will be required to pay the rent involved. In 1980 the land value of Stockland House, 175 Castlereagh Street, was $1.75 million, and in 1983, as part of the three-year cycle programme, it was $6.8 million, which multiplied again by 1.27, the equalization factor of the central business district area, gives a current land value of $8.636. On 1st January this year the land tax due was $43,750 and on 1st January next year it will be no less than $172,720, which is an increase of at least 295 per cent. So much for a government that says it is concerned about increases in land tax. The term equalization factor means a huge rip-off of property values in this State. The Government stands accountable for the very grave impact it will have on small businesses throughout New South Wales.

The legislation not only provides for land tax increases but also for water rate increases. The legislation will enable the Valuer-General to issue assessed annual values without the necessity to provide concurrent land values. Up until now the land values had to be established before the assessed values could be

determined. The moves contained in this legislation will enable properties to be taxed on current values, which will add greatly to the cost burden of business. The Metropolitan Water Sewerage and Drainage Board and the Hunter District Water Board use land values for residential property rating and assessed annual value for non-residential property rating. This, of course, is a total nonsense in that water rates are charged not according to the volume of water used by commercial properties but rather according to the rental value of a property, less 10 per cent, as members would be aware; but that is hardly worth talking about. For those already paying land tax this is a double slug and so often rental property returns are already inadequate. Therefore, a land tax is assessed on the value of the property and with water rates the same principle applies. The costs of maintaining a property and construction costs are not taken into account. It is merely a further cost on business.

When the Minister in her second reading speech referred to the need to have a valuation that reflects commercial viability of individual properties, it is a clear indication of what the Government is about—an attack on profits; as though companies did not have sufficient to cope with in land tax, payroll tax, workers' compensation payments, holiday loadings, sick leave, and superannuation. This legislation will add a further tax. Is it so terribly wrong to make a profit? Profit produces investment, and investment produces jobs. The bills will further erode, by taxation, the profitability of commercial property owners, who will be faced also with huge water rate increases.

I turn to the specific land tax provisions of the bill. The Government's stated intention is to provide smaller and more regular adjustments to land values for land tax purposes. That sounds nice, does it not? All honourable members can identify with that. However, it is sheer hypocrisy to say, as the Minister did in her second reading speech, that that intention resulted from concern over large increases in land values at infrequent intervals and their effect on the liability of property-owners for land tax. It is a strange way to show concern when the amount to be collected from land tax this year will increase by more than 19 per cent.

Mrs Crosio: That is not the fault of this legislation. It has not yet been proclaimed.

Mr BAIRD: That is all taken into account in terms of calculation of land tax. How else will it be achieved if not by the equalization factors? Is it showing concern, when many landholders will see a doubling and even quadrupling of their land tax liability? Is it expressing concern, when many tenants will face a 20 per cent increase in rentals? The only concern the Government had was its continuing embarrassment at the size of land tax increases across the state as shown on the front pages of newspapers. The *Sun* spoke of a 10 000 per cent increase in land tax valuation. This is what the Government's real concern was. Any suggestion that there was a genuine concern for those affected by land tax valuation increase is a total nonsense. Without any equalization, property-owners would pay land tax on values representing the value at either one-year or four-years earlier. One could say that values will be updated by an average of two and a half years—by one year for some and by four years for others. Any suggestion that the motivating factor in these changes is concern is a total nonsense.

The Minister is too modest when she talks about past increases of 100 per cent. In many cases, increases ranged into several thousand per cent, as I have instanced. Honourable members are aware of increases on the North Coast

and the South Coast which have been considerable—by as much as 10 000 per cent. Nobody is fooled by these high-minded principles of concern when honourable members know that the reality is that the purpose of this legislation is that the Minister requires a reduction in the quantum jump of land tax on the three-year revaluation cycle; and second, an overall increase in revenue received. The latter is achieved by more frequent valuations, which push the landowner into higher tax brackets. In order to soften the blow and develop the illusion, the Minister suggests that one of the advantages of the equalization factor is that it avoids the situation where values established in a buoyant market can be used for the first time during a recession. That sounds good, does it not? We can all look forward to a reduction in our land valuation. The only problem is that when we actually examine the factors and try to find the negative factors, there are none.

Some members in this House represent electorates in the Newcastle area. I understand that properties in Newcastle have actually experienced a valuation drop. The land tax equalization factor for that area is 1.00. Though the Minister might claim that one can have a negative impact in terms of a recession and gain the advantage of that, when one looks at a real example of a drop in property value, that is not reflected in the equalization factor at all. The Minister spoke of utilizing the concept of harmonious land price movements by bringing together all properties with similar zonings within each local government area. The only problem is that local government areas do not necessarily bring together a harmonious movement of prices. The problem with valuation by zoning is that there are pockets in each municipality where land values are higher than others, and in some areas there may have been declines in value. Undoubtedly this would result in significant valuation inequalities.

In the Minister's second reading speech she commented that when considering the system of equalization factors for use in land tax, the Government was conscious of the possibility of replacing existing inequities with new ones. The Government has done just that. It has replaced previous inequities and put in a brand new one. That will create all sorts of problems. Local Government groupings have been established which may or may not be appropriate in terms of the general property price trend in that area. In my area of Hornsby, suburbs such as Cherrybrook, Cheltenham and Beecroft have experienced large valuation increases. Other areas such as Thornleigh, Hornsby, Carlingford and North Rocks have not experienced the same degree of valuation increase. If there is a 50 per cent increase in valuation in an area such as Cherrybrook and very little increase in Thornleigh, the person who owns land in Thornleigh would be required to pay the land tax equalization factor on an averaging of the two areas. To paraphrase George Orwell, all will be equalized, but some will be more equalized than others.

The Minister commented in her second reading speech that changes of zoning may materially alter land tax liabilities, and said that new values made as a result of zoning changes carried with them objection and appeal rights. Inherent in those comments is an implication that being located in a particular group of suburbs may prejudicially affect land valuation. Yet, by grouping a suburb into a local government area, that will involve the same type of difficulty. There is no reason why a suburb should have any particular relationship with one group of suburbs on one side of the line as opposed to another group of suburbs the other side.

One area of considerable concern in the property market and among landowners is that there is no right of objection to the valuation that is made. I find this totally unacceptable, and very undemocratic. It gives unfair, unjust

and quite extraordinary powers to the Valuer-General, with no comeback to the applicability of values. The Opposition totally rejects this general type of approach. The Minister admitted in her second reading speech that it is possible that isolated examples of inequity in individual land valuations will come to light. If the Minister admits that inequities will occur, why on earth does she not allow a right of appeal? It defies absolute logic that the Government on the one hand acknowledges that errors might be made, and on the other hand provides no mechanism for allowing those objections to be heard.

We have seen examples of increased valuations right across the board. A large land tax equalization factor will apply in the electorate of the honourable member for Castle Hill. What right of appeal is there? Absolutely none. Residents in that area must sit back and enjoy it, because the Government says so. What a total nonsense. Details are not provided about how periodic valuations will relate to the value adjusted by the equalization factor. What happens, for example, if the new periodic revaluation of land is lower than the value obtained by the equalization factor? Will a refund be given? We have not been told. Or, are we to assume that the inflated figure arrived at by means of the equalization formula will form the base figure when the new periodic valuation is carried out? We are provided with no details as to how it will work. The Opposition fears that it will escalate by itself and that that will form the base figure rather than any reimbursement being given.

As I said, I believe this legislation will cause immense hardship not only to landowners but to their tenants as well. Those tenants will have to shoulder a significant part of the increase under existing leases. At a time of rapidly increased rents as a result of the combined effects of the proposed capital gains tax and the State land tax, this tax will present a crippling burden and result in even more landowners getting out of the rental market. Given this background, the Opposition believes that there is no case for a further land tax increase. Rather, there should be significant land tax cuts. The president of the Real Estate Institute, Mr Chris Scott, in the *Sun* on 25th September said:

> Tenants face a 20 per cent rent increase as a result of the land tax changes.

I find that quite extraordinary. He added:

> The rental market is already at boiling point. The extra land tax will send them through the roof.

That was not said by a member of the Liberal Party. That was said by the president of the Real Estate Institute. What is happening to renters throughout Sydney is described in the *Sydney Morning Herald* on Saturday, 2nd November. The article stated:

> Sydney last experienced a shortage of rental accommodation in 1978–79. It was not as severe as the current crisis: today, no Sydney suburb has anywhere near the 3 per cent vacancy rate considered desirable by the Real Estate Institute of New South Wales. According to figures released by the institute, vacancy rates across Sydney are fairly uniform at 0.5 per cent. Despite rents soaring by as much as 20 per cent, the amount of accommodation available in Sydney has remained at an all-time low for almost a year.
>
> Mr Stephen Francis, president of the rental chapter of the Real Estate Institute of New South Wales, could not offer much solace for those seeking rental housing. "The situation could not really get any worse, but I cannot see any rapid improvement occurring," he said.

Mr Ian Cassie of the *Sydney Morning Herald* in an editorial said:

> The main reason for this low construction rate has been the unwillingness of investors to put their capital into rental accommodation, due to the poor returns on their funds.

With the continuation of the capital gains tax and with enormous escalation of land tax rates throughout the city, people do not have the encouragement to invest. Without investment, a grave shortage of rental properties throughout the State will be faced. The Labor Government needs to understand the needs of investors. It thinks that if it keeps on turning the tap it will get more land tax but it forgets the realities. People put their money elsewhere. That is one of the facts of life. The president of the Property Owners Association of New South Wales, Mr Sid Renof, agreed that big rent rises were inevitable and homes would be harder to find. Mr Renof said:

> I predict the rental accommodation situation will become much worse. Coming on top of the federal Government's capital gains tax, this is a terrible blow. The trend for property owners to sell units to owner-dwellers will increase, and the Housing Commission queues will get longer.

This new tax is totally unfair on landowners in this State, and much of the increase will be borne by the business sector. The Government should urgently consider the impact of the equalization policy on land tax and act, before a major crisis occurs in the rental market. The Urban Development Institute of Australia has commented:

> The name "equalization" is nothing else but doublespeak to cover up a money grabbing exercise.

Valentine and Wallace in a report produced for the Minister for Finance in an independent review on taxation and financial transactions in New South Wales—not produced by the Liberal Party—said, when dealing with land tax:

> The incidence of tax is not clear although there is good reason to suspect that both horizontal and vertical inequities exist since the base makes virtually no acknowledgement of capacity to pay. The base is unimproved capital value and there appears to be no significant correlation between increase and wealth held in the form of unimproved capital values. Furthermore, the tax base is gross wealth rather than net wealth, in that liabilities directly related to the asset holding (for example, borrowings) are ignored. This tax is in fact a very imperfect form of wealth tax levied on only one form of wealth.

The report went on to say that the tax may well distort the pattern of land use. That is from the Government's own report. It acknowledges that there is no specific relationship between the valuation and its ability to produce wealth. The implicit assumption in these equalization factors is that it is a commercial undertaking and the land tax dollar can continue to be extracted. Yet the authors of that report say that there is no significant correlation between the actual value and the commercial returns that can be obtained from property. The land tax changes contained in these bills are nothing short of a disaster on an already troubled real estate scene. It is time that the Government became aware of the effect of its continual land tax grab on small business, tenants and landowners and moved to lift the threshold higher and to introduce a more equitable equalization formula. For example, the Government could have looked at the Queensland legislation on land tax that has avoided the problems of large land tax increases but has certainly not taken the tax con option of New South Wales.

The Queensland legislation allows for the phasing in of substantial land valuations over a maximum period of five years. Where the new value that would otherwise apply for land tax purposes is in excess of 150 per cent of the old value during the phasing in period it will increase each year by 50 per cent of the old value until the new value is reached. Where the total increase is greater than 250 per cent the increase in valuation each year will be one-fifth of the total valuation increase. If the Minister were really serious about the

concern that was expressed at the increases in valuation, that option would be much more favourable. It softens the blow in terms of the actual increases in land tax paid; it is a sensible option and it will not damage the thousands of tenants in New South Wales. It will not damage the thousands of people who rent warehouses. That option will not damage small business people throughout this State. It would have a positive effect and a stimulatory effect on the economy of New South Wales.

These bills pave the way for a tax that will produce major damage to this State. An increase of more than 400 per cent will take place at North Sydney in land tax valuation. What will that do to people who have offices in North Sydney? It is totally outrageous. The Opposition condemns the Government for the money-grabing exercise this legislation represents and remains totally opposed to it. The Opposition rejects it. In case the Minister is concerned about where the Opposition stands, we reject it totally, absolutely, uncategorically, and we suggest that if the Minister is aware of the major problems that are occurring she will rescind this unnecessary legislation and consider the more enlightened legislation of the government in the north.

Mr WALSH (Maitland) [7.56]: The honourable member for Northcott gave one of the dullest speeches I have heard since the Leader of the Opposition thrashed the Government with a feather earlier on in the day. The honourable member for Northcott attacks this Government, which has a fine record of achievement in assisting business and job generation in this State. He claimed that the Government was attacking business in the area of profits. The Government is said to be keen on ensuring that the business world does not make a profit. The historical fact is that this State is operating in an economic environment under the present federal Government in which private enterprise has achieved the best profits this nation has seen for two decades. That fact cannot be denied. The honourable member for Lachlan, who is undisputedly the best performer the National Party has in this House, has supported the view that the federal Labor Government has assisted private enterprise in profitmaking.

Not only are we operating in an environment of high profits, but also recent news media reports show that we have also had the lowest level of industrial disputations for the last sixteen years. When the honourable member for Northcott raises the question of profits, and the so-called Government attack on the area of profits, he is wrong, and the statistics are there to prove it. The honourable member for Lachlan certainly supports that proposition. I support the bills because they will allow land tax to be based on values that are adjusted annually to account for current movements in land prices. That means that all who are liable for land tax will be treated equally. Frequent revisions of values at a common date throughout the State are necessary in any responsible property taxing system, and this legislation will produce a responsible and proper taxing system.

Obviously, the Valuer-General cannot revalue 1.85 million properties each year. Current resources permit him to revise less than a third of that number annually. The present system leads to some taxpayers being advantaged because their properties are valued during recessions or times of moderate price change, whereas others are disadvantaged when values are made during times of rising or high property prices. I am sure that many of the North Shore property-owners to whom the honourable member for Northcott alluded would fit into that category. These bills will rectify such anomalies. At the same time,

they will even out the large adjustments that occur when the value base is revised only every three years or so.

The reforms contained in the bills are an achievement of significance in this State. Though there are similarities between the proposals and systems elsewhere in Australia and overseas, the difference between those schemes and this proposal is important. In New South Wales—and I know the honourable member for Northcott is particularly keen about this matter—equalization factors will be made for broad land use zonings in each local government area; elsewhere, a single factor applies to each council area. The Valuer-General has determined more than 700 factors, an average of just over four for each council. By using that number of factors, coupled with annual revisions, the proposals result in a system that is efficient, up-to-date and even-handed. They are factors that we would expect our Minister for Natural Resources to produce in legislation.

I turn now to the claim that landowners liable to pay land tax will be disadvantaged because they cannot object to the equalization factors applied to their property. Surely this is a mere quibble against the most significant rationalization of the land tax system that has yet been undertaken. I repeat, for the benefit of honourable members opposite, that the main purpose of the bills is to bring values of property liable for land tax to a uniform base so that the burden of land tax is distributed equitably. For the benefit of the honourable member for Northcott and the honourable member for Hawkesbury, I place emphasis on the word equitably. It is clearly impossible to revalue each such property individually. Consequently, the system of equalization factors has been developed. The system and its method of calculation were examined independently by both the Australian Bureau of Statistics—that fine body of bureaucrats that the former Prime Minister, Mr Fraser, tried to abolish—and a leading firm of management consultants. Both were satisfied that the scheme was reasonable and statistically valid. The factors are not individual valuations; they measure broad changes in property values for different land use types in each of the State's 175 local government areas. Consequently, they have a wider derivation and application than for individual properties, and it is not appropriate that individuals be able to object against such broad application.

By setting a lower limit of $94,000 adjusted value for land tax purposes, these reforms will substantially eliminate or reduce land tax payments by owners of modest investment properties, such as home units or holiday homes. Most owners of small business premises in suburbs and country towns will also have their tax liability reduced or eliminated. Apart from valuation and land tax amendments, the bills will amend also the Valuation of Land Act to permit the Valuer-General to make assessed annual values without the need to produce land values at the same time. This straightforward matter will result in greater rating fairness to owners of non-residential properties who pay water rates on assessed annual values. The change will allow the Valuer-General to make valuations more frequently when they are needed for water rating purposes. I support the bills for their sensible recognition of the commercial community's needs for responsive property value based land tax and water rating systems.

Mr ARMSTRONG (Lachlan), Deputy Leader of the National Party [8.5]: I should like to concentrate on the method of land valuation. As members on both sides of the House who have any knowledge of land valuation would be well aware, the basic precept of all valuation is a price determined between a not over-anxious vendor and a not over-anxious purchaser. That has always been the basic precept of arriving at valuations. Any other method is biased

and inaccurate. This precept has stood the test since the early 1900's. I guess that land valuations have caused more controversy for governments—local, State and federal—than any other single aspect of land ownership in the history of our country. Indeed, that controversy has led on many occasions to hardships and, in some cases, heartbreak.

To give an indication of the difficulties in determination of land values, I point out that land values have an effect in resumptions of homes for expressways, and resumptions of family farms for dams, such as the Split Rock Dam in the north. Honourable members on both sides of the House are well aware that it took some thirteen years for one family involved in the resumptions for that dam, the Yabsley family, to be paid what was considered to be a fair and reasonable valuation. They suffered thirteen years of heartbreak, anxiety and uncertainty. For some eight years of that period the Government kept the Yabsleys hanging by their teeth without giving that family a breath of hope. Land values have an effect in resumptions for defence purposes. I instance the land valuations under the army land grab, so bungled and mismanaged by the Government. Of course, that sordid saga continues today. On the introduction of the original legislation in 1915 the Minister of the day, Mr Griffith, said, in part, "The object of the bill is to provide that in future the values of properties in this State shall be arrived at by some kind of logical system". I am quite sure that honest members who take a genuine interest in this legislation would admit that the equalization proposals outlined will not achieve the objective espoused by Mr Griffith in 1915. Valuation methods have failed to achieve that objective in seventy years.

The amending legislation ignores the basic vagaries of land values and is designed purely to assist the Government to determine a value on land purely to prop up the coffers of the Government. As my colleague the honourable member for Northcott, who led for the Opposition, said, it is nothing but a blatant money grab. The Minister has failed to indicate what benefit the measures will be to the people of New South Wales. Any legislation is only good legislation when it benefits the people of the State. These measures will not have that effect. They will benefit a government intent upon spending more in furtherance of its socialist policies. This is purely a money grab to fund the socialist policies of the Government. The measures will in no way benefit the people of New South Wales. The equalization factor espoused by the Minister is a blatant money grabbing mechanism that has little to do with actual land values. The tragedy is that the measure is not relative to land values. As I said, the basic precept for land values is a value determined between a not over-anxious vendor and a not over-anxious purchaser.

The honourable member for Northcott said that this amending legislation will result in a massive 19 per cent increase in land tax revenue to the Government of New South Wales. He pointed out also that there is no provision for landholders to appeal against this new method of valuation when it is applied to their land. The legislation has been condemned by the Real Estate Institute of New South Wales, which says that it will discourage shop and factory proprietors from buying their premises. It was not a member of the Opposition or some other politician who said that. It was that responsible organization, the Real Estate Institute of New South Wales. The institute is really saying that this legislation will stop expansion and discourage people from investing, discourage them from growth and from creating jobs in factories, doing all the things that involve taking risks that have to be taken to make an economy expand. No wonder the economy has blown out by 50 per cent

nationally under a socialist federal government similar to the socialist government we have in New South Wales.

The real crunch of land tax is its effect on the rental market. The market supply of rental accommodation is critical. It is not the Opposition that is saying that. Virtually every real estate agent between Bondi and Penrith, between Bourke and Booligal, is saying that accommodation for rent is critically short in this State. What will this legislation do to assist Mary and Joe or Bill and Maisie to get rental accommodation at the sort of prices they can afford? Why should Bert, who would be the landlord of tomorrow, under this sort of legislation build new premises for rent, particularly flats and units, so that the average people—whom this Government purports to represent—may obtain rental accommodation at fair and reasonable prices. I do not suggest that renters should be subsidized, but I put forward the proposition that everyone is entitled to accommodation at fair and reasonable rentals and the investor is entitled to a fair and reasonable return on his investment. If he is going to take the risk, he is entitled to a fair and reasonable profit.

As a result of the actions of the federal Treasurer in axing negative gearing and the New South Wales Government's rip-off in land tax, people renting flats and units will face horrendous rents in future. Land tax is nothing more than a tax against investment. It discourages investment and risk-taking. The equalization provision in this amending legislation fails to take account of the differences in actual property values, particularly in rural areas in towns throughout this State. It fails to acknowledge seasonal influences. It fails to acknowledge that community management, for instance, has a local impact on rural values in local government zones, which are not necessarily uniform in price increases and decreases. The honourable member for Northcott covered this in his address. He said it is unrealistic to expect that there should be a uniform increase or decrease in local government zones on valuations. After all, valuation under the present practices is an opinion only.

The vagaries of valuation are highlighted in the current argument about rural land values. Members from both sides of the House would understand that in recent weeks considerable publicity has been given to the argument about whether land values have actually deteriorated by up to 25 or 30 per cent. I put it to the House that land values have not deteriorated, but there has been a total stagnation of land sales. Land transfers are not taking place. In the few transfers that are occurring land values have not only held but in some, such as one in the Riverina last week, they have increased. The large property Kiaora at Bendemeer was right spot on the value of eighteen months ago. The property Dunoon at Binalong was sold at a little over the best values of 1982–83. The science of land valuation is not one to be handled by a government the sole aim of which is to rip some money off the people who want to take the investment risks and to rip some money off the poor little battling tenant who is renting a unit in Paddington or Padstow. The effect of land tax on jobs, population, corporate investment and living standards cannot be overemphasized. Land tax does nothing but destroy the assets of New South Wales.

Mrs Crosio: They have turned the lights off.

Mr ARMSTRONG: Would the Minister put another penny in the slot, please.

Mrs Crosio: We cannot afford it.

Mr ARMSTRONG: The Minister says the Government cannot afford it. That is probably correct. The Government's approach in this legislation of charging for water, not on the basis of consumption but on the value of land, is totally erroneous. The honourable member for Northcott covered that also in his address. The point I wish to emphasize is that if we are to have any growth in New South Wales, if we are to encourage domestic and overseas investment in this State, we have to give people confidence. If the Government continues to introduce bills to amend legislation that will destroy business confidence in New South Wales, this State will not be merely the poor relation; it will be a total write-off. I appeal to the Minister and her Government to think positively for once. Why is it that week after week and day after day in this House members of the Opposition have to defend what we have in New South Wales when the Government is writing off the asset value of the State? This legislation is a classic example of a Government destroying what this State—the oldest State—has built up since it was first colonized.

Mr NEILLY (Cessnock) [8.17]: I support the bills, but I make the casual comment that so far the discussion that has taken place has been about the merits or otherwise of land tax, and not about the bills. This legislation is designed to introduce fairness and equity into the land tax system. The debate is not about whether the Government should be raising revenue by way of land tax. The first argument against the abolition of land tax is that we are not living in Utopia, a land where no one would pay any taxes whatever. Members of the Opposition have referred to Queensland and compared taxes in New South Wales and Queensland.

[*Interruption*]

Mr ACTING-SPEAKER (Mr Quinn): Order! The honourable member for Cessnock listened in silence to the honourable member for Northcott. I ask him to pay the honourable member for Cessnock the same courtesy.

Mr NEILLY: If New South Wales was given that couple of hundred dollars extra *per capita* that Queensland has received maybe we could teach the Government of Queensland a trick or two in how to reduce taxes and we could make New South Wales a far more competitive State in accommodation and attraction to industry than Queensland is at present. Comparisons with Queensland are unfair. The only comparisons that can properly be made are with alternatives within this State. I am a smoker of cigarettes and I have the choice whether to smoke or not. I was not very happy when the tax on cigarettes went up. I remind the House that the people who do not smoke are happy to participate in the expenditure of my contribution to the revenues of this State.

People who choose to speculate in land and investment make that choice freely. Members of the Opposition have spoken of people who invest in the sphere of accommodation and industry. As I said, those people make that choice freely. It is not a choice put on them by the Government. In making that choice they face the payment of certain taxes, one of which is land tax. I had not intended to speak in the debate but I was a little upset at a comment of the honourable member for Northcott about the rating mechanisms of the Hunter District Water Board as they apply to commercial users. The honourable member could not have been listening earlier this year when an amendment to the Hunter District Water Board Act was debated specifically to enable the Hunter District Water Board to introduce alternative rating mechanisms. Part of this alternative rating mechanism is that the Hunter District Water Board

can now charge for water used. Already the board has announced its intention, in fact its determination, during a period of five years to revert to a different form of rating for the commercial sector in its area.

During his contribution the honourable member for Northcott looked at the honourable member for Maitland and me and said that he was aware of reductions in values in the Newcastle area. He need not look at me when referring to that, because the area I represent suffered significant increases in values during the past two valuation periods in 1976 and 1981. The valuation increases were of the order of 150 per cent. The principal council that I represent, Cessnock city council, has almost 16 000 valuations and of those I doubt whether 10 per cent would relate to land tax. Land tax is based on fair valuations relative to where services are provided and to where people are determined to invest. During the past 20 to 30 years not many people have cared to invest large amounts in coalmining towns and villages that have fallen by the wayside. Those who want to invest capital and who want to develop industry naturally go to those areas where they will attract profits.

Reference has also been made to office and rental accommodation in North Sydney. Office and rental accommodation in North Sydney would command a far better price and far more attractive investment returns than similar accommodation in Cessnock and any of the municipalities I represent. A freedom of choice exists concerning those determinations. I do not know what the position is in Queensland but the honourable member for Northcott has said that in that State there is a phase stage concerning the application of new valuations for land tax purposes. This legislation deals with equalization factors. In Queensland local government areas and communities there can be land use changes and such changes can provide significant overnight profits. The changes can also affect considerably what may transpire within a particular area. An equitable basis should be designed to take into account any features that may occur along those lines. I hope that Queensland, with its phase stage, takes into account in any legislation that a person can profit significantly overnight because of changes in land use classifications. If Queensland is struck with the 20 per cent type scale arrangement, certain people in Queensland will profit handsomely by that legislation.

Land values and the question whether or not land tax should exist were dealt with specifically by the honourable member for Lachlan. Twenty years ago a Royal commission was conducted in this State to examine the fairest and most equitable means of striking local government ratings. The Royal commission was not satisfied that there should be a change and was of the opinion that the existing structure of local government ratings associated with property valuations was a reflection of affordability and the best means within the State for applying local government rates. It held similar views in relation to land tax. It concluded that it is a reflection on the services available at a particular venue, town, village or site. Last year I felt sorry for those who bought holiday cottages and were forced to meet hight land taxes in consequence of the expiration of years and the fact that they were desirous of holding on to the property. No one should have been forced out of those properties because of increased land values and land taxes that did not apply in earlier years. The Government has changed its direction with regard to its land tax policies and has, by and large, overcome the problem.

It is the Minister's responsibility to introduce the base mechanism, not a determination as to how much tax should be applied for a property. It has been statistically satisfied that the equalization factors to be utilized in

conjuction with this legislation are reasonable. There is little room for error within those factors. It has been confirmed from outside the Government that the equalization factors are fair and equitable. The application of the legislation will not be fool-proof; few pieces of legislaition of this nature are. As many people as possible should be treated in the fairest way and the legislation before the House will achieve that. I support the bills.

Mr ROZZOLI (Hawkesbury) [8.27]: I support the honourable member for Northcott and the honourable member for Lachlan in denouncing this legislation as being not in the interests of the people of New South Wales. I do not intend to dwell long on land tax, water rates and other taxes that may specifically be the ultimate goal of this legislation. I do, however, wish to address the legislation itself. The introduction of this legislation is a continuing admission of the failure of the present system that has been adopted not only by this State but by all States to use land values as a rating and taxing basis. Regardless of what political persuasion governments are, until they wake up to the fact that land value is no longer a valid basis for rates and taxes we will never come to a solution of the problem which, with possibly some good intent, this legislation is intended to address.

The historical reason for which land value was originally adopted as a rating and taxing basis, that is the equating of ownership of land with wealth, does not apply across the board as it used to. On many occasions I have spoken in this House at length about this and I do not intend to repeat what I said then, but a former Valuer-General, a good friend of mine and a helpful gentleman, Mr Frank Bird, at one stage highlighted the increasing problem of equating land value with capacity to pay and actual wealth, and therefore its value as a rating and taxing basis. Over the years there has been a reduction from a six-year cycle to various methods of bringing in finer adjustments to bring the practical date of valuation as close as possible to the year in which the valuation is applied as a rating and taxing basis. That is a reasonable assumption. In essence it is certainly fairer because the closer the two factors can be brought together, the more reliable is the base. But it falls down on one single and undisputed fact: the value that is placed on single allotments of land by the Valuer-General, with all the good intentions in the world, is not by any stretch of the imagination an accurate value of that parcel of land; nor can it be.

If one sat through the hearing of a few of the valuation cases heard in the Land and Environment Court, one would rapidly come to the conclusion that, at best, valuation is an inexact science. It is most successful when the valuer is able to use an accurate comparative base. If the valuer uses as a comparison half a dozen blocks of land of similar character, use and application, that have been sold within, say, the last three to six months, he will be able to determine accurately the value of the land. I give an example of the vagaries of the system. Many years ago a local farmer came to see me about a probate valuation. The land in question obviously was valued far too high, because it could not be sold at anywhere near the figure placed upon it. The beneficiaries of the estate, the persons for whom probate was assessed, would have had to find out of their pockets a considerable amount of the assessed probate duty. The land simply was not worth the Valuer-General's valuation.

For six years we wrangled with the Valuer-General to determine how the valuation was arrived at. Eventually I asked the Valuer-General for a list of all the properties used as a comparative basis for valuation of the land, and the Valuer-General promptly supplied it. I then realized that one parcel of rural

land on a flood plain near Windsor was valued with other parcels of land on similar flood plains at Windsor. On the surface the parcels of land appeared to be similar, but there was an essential difference. The properties used for comparison had a heavy underlay of sand and gravel, which had a long-term effect on their value. Many of those properties changed hands. They were bought by extractive industries on the assumption that they could not extract at that time but they would be able to extract at a future time. The family I mention had what appeared to be the same sort of land but it did not have the underlay of sand and gravel. As soon as I pointed out that fact to the Valuer-General he agreed with my assessment and drastically reduced the valuation, with the happy result that the family got something from the deceased's estate instead of having to pay money out of their own pocket. That is an illustration of the difficulty at any time of striking a fair and accurate value.

When the Valuer-General has to strike a valuation, no matter whether it is an assessed annual value or a land value specially struck for rating and taxing purposes, it is physically impossible for him, because of the multiplicity of blocks of land in New South Wales, to determine accurately the value of each parcel. Yet a value is put on each parcel. Therefore, if the basis for the tax in itself is inaccurate—though it might be accurate in the sense that every now and then the right value is fluked—it is impossible to assess a fair tax for that land. The two things cannot possibly go together. In a time of volatile land prices governments are continually struggling in the face of everincreasing anomalies in valuation and its effect on rates and taxes to adjust the values to bring some equity into the system. Though the Government has a love of land tax and likes the landowner to be ripped off as much as possible, I concede that the basic intent of this legislation is to bring some form of equity into the system. However, it will not do that, nor can it do it, nor can it ever be done while one clings to the archaic system of using land value as a rating and taxing basis. Future governments will have to devise different forms of taxation if they wish to levy tax fairly. Other taxes have had to be withdrawn because they were no longer equitable, and new taxes devised. The Government should face up to the challenge and abolish land tax. It could then do away with the necessity for this type of legislation and consider a fair and equitable substitute. No matter how much the Government tries to adjust it, the existing system will not work while social conditions remain as they are.

These are the most extraordinary bills one has read. They will provide a feast for the lawyers. It seems that much of our legislation is aimed at feathering the lawyers' nests. Proposed section 70B contains the phrase ". . . to produce the aggregate of those land values that would most likely result if a general valuation were to be made of the area or part as at the equalisation date". How vague or more subjective can one get? Those words sum up the most inexact formula that could be devised for striking a valuation factor. Although I do not suggest for a moment that the Valuer-General and his officers will do other than try to apply themselves to that formula with the utmost integrity, the very nature of the formula, and the wording of the legislation, give them no guidelines that are not subject to challenge and argument. No guidance is given to the landowner about what he is likely to expect. Proposed section 70B (2) provides:

> . . . an equalisation factor may be determined in respect of all land—
>
> (a) which is within a zone or reservation under a planning instrument. . .

That virtually applies to the majority of land in New South Wales on which this legislation will have an effect, which are the water board areas and land where land tax is applicable. Nearly all that land is under a planning instrument.

Proposed section 70 (B) (1) (2) (b) states, ". . . which is specified for use for one or more purposes under a planning instrument . . .". Every parcel of land linked into a planning instrument is specified as being used for one or more purposes. I should be delighted to have elucidation on that matter. One does not know what those qualifications are designed to establish. Paragraph (c) of the proposed section appears to be merely a repetition of the combined effect of the rest of the proposed section. The *pièce de résistance* is as follows:

> Brief particulars, in the form of a code or otherwise, shall be entered by the Valuer-General in the valuation roll . . . by reference to which the equalisation factor of each parcel of land or any stratum separately valued has been determined.

I come back to my original point. We all know that each of those parcels of land or stratum, though in theory separately valued, are not separately valued, they are done *en masse* and under general guidelines. Most extraordinary anomalies occur. Anyone who has ever attended a public meeting on valuations has heard a litany of the most extraordinary valuation anomalies.

This is an attempt to apply a vague factor to something specific, namely, a parcel of land or any stratum of land separately valued. The two are impossible to reconcile. By proposed section 70F the Valuer-General will make a new assessment of the value of any land in respect of which an equalization factor applies. He will do that where, as a consequence of an amendment to, the repeal, or the substitution of a planning instrument, the purposes for which the land may be developed are changed.

I am interested in land and environment matters. Every week I read the section of the *Government Gazette* dealing with planning and environment notices. Every week I see changes that amend, repeal or substitute sections of a planning instrument. There is a constant flow of these, ranging from small, single parcels of land to aggregations of parcels of land, to enormous changes in whole zoning areas. Each *Government Gazette* contains a new list of properties in which there has been some change in terms of the zoning instrument. The Valuer-General must send one of his overworked valuers rushing out to each of those parcels of land to determine what effect that zoning change will have on that parcel. I have much admiration for the work performed by those officers. However, they are being asked to meet a totally unrealistic requirement.

I continually return to the necessity for an accurate valuation, because no tax can be fair unless it is based on an accurate value, and an accurate valuation cannot be produced in those circumstances. There will be an increasing number of anomalies, an increasing pile-up of work. I am certain that far greater efficiency would be achieved if the work of the Valuer-General were restricted to matters more generally within his sphere, and that is, the valuation of specific parcels of land for specific purposes at a specific time. He should be involved less in making interminable adjustments and piecemeal attempts at making an archaic and inefficient system work.

There must be taxation. A government must have revenue to provide services. No tax is popular. Every government agonizes over the way in which it will raise its revenue. However, the easiest taxes to defend are always the fairest—those that the taxpayer can understand. If the taxpayer knows how a tax is determined, is aware of its purpose, and can afford to pay it, he will meet his commitment. That is what is so wrong with part of the federal tax package introduced by the clown prince of treasurers, Mr Keating. He would not understand the first thing about taxation or how business operates. It is that

complete lack of understanding of how business works and what must be done to generate productivity that is bringing this country to its knees. I do not care what amendments are introduced, so long as they are good. I want a fair system for taxpayers. So long as the Government adheres to this archaic and ridiculous system which we have had now for many years, there will never be equity. If the Minister talks about equitable principles in terms of this legislation, she is talking through her hat.

Mr PEACOCKE (Dubbo) [8.45]: I received in today's mail a copy of the address of the chairman of the Repco Corporation Limited, Mr Neil Walford.

Mr Amery: We all did.

Mr PEACOCKE: I know, and honourable members should take note of it. The gross sales of Repco increased by 18.3 per cent, but its operating profit decreased by 7.3 per cent. In the course of his address Mr Walford said some interesting things. Of the Australian economy he said:

> "It is difficult to be confident about the longer term. In the short term we may seem to be getting so called growth, but it is not coming in the right quarters and for the right reasons. We are faced with very serious problems on export prices and market, balance of payments on overseas debt and a high internal deficit.

He said also:

> Our rural industries are in crisis and manufacturing is in serious decline. Yet our policies on taxation, wages, welfare and social issues place ever growing burdens on business. It is not difficult to make a case for the existence of serious anti-business attitudes in key areas of our economy.

I preface my remarks with that extract because the House is now looking at what, on its face, would seem to be reasonable legislation trying to do reasonable things. I can well understand that the Government has had certain propositions put to it about the Valuation of Land Act over many years. It is a most unsatisfactory tax base, as the honourable member for Hawkesbury so rightly said. I can recall ten or fifteen years ago, when the Ratepayers Association of New South Wales was in operation, analysing with the help of economists the effect of this type of tax base on the wealth-producing sector of our economy, the businessmen and the farmers. It seems obvious to me that the science of valuation is at best an inexact one. However, as a tax base it bears no relationship to income, and no relationship to capacity to pay.

Both at a federal and State level Australians are facing a massive attack on capital creation, which will have long-term disastrous effects on this nation. This legislation fits into the jigsaw of the whole picture of what is happening to commerce and industry. At a federal level we are seeing a massive increase in taxation, no matter what way one looks at it. We are seeing a massive increase in the taxation on income. There is for the first time an imposition of a capital gains tax, which is interfering with the historic capacity of business, but particularly small business, to add to its capital base.

In Australia the usual way for a small business to create a capital base is to start with an amount of capital, borrow from the bank, pay off the bank out of income and thereby increase capital worth. If the small businessman has any sense, he will later add to his capital base by contributions from income over the years. That method of capital creation is being attacked extensively by extremely high levels of federal and State taxation.

I sympathize with the State Government to the extent that its avenues for taxation are limited. When the Opposition is returned to office in 1988 it will face the problem of finding ways to support legitimate activities out of State taxation. It will be limited in its methods. Obviously the coalition will stop spending on many areas. That brings me to these bills and their ramifications. As I have said, there is an ineffective tax base for the land valuation system. The Government would have been much better to have addressed itself with courage, skill and direction to establishing a different base for land tax.

By attacking the capital asset of business in this State, that is its land, its buildings, and so forth, the Government is not attacking capital creation by a tax on income at a federal level and a State level; it is attacking capital at a State level directly and converting that capital into income in the hands of the State. The Government to a large extent, is wasting that money on most unproductive things. That is the reason why Mr Walford in his speech said, "Because of these considerations, we feel naturally cautious about making forecasts of likely profit results for 1985–86." These bills were expressly introduced as a means of getting what the Government says is a fair basis for land tax, and will have the effect when translated into the land tax that will flow from them, of increasing the overall take of this Government from land tax by 19 per cent this year. Land tax has increased over the past seven years on an average by 16 per cent per annum. That is a massive increase in anyone's language over a long period of time. It is accelerating the increase. The problem with the proposal that is now before the House is that it is a blanket proposal. It provides a percentage increase, or equalization factor, over the whole of the industrial, commercial and business sectors, irrespective of the fact that in some cases land upon which the valuation is made in certain business areas may have reduced in value while the value of other land in the same area has gone up.

In my own electorate of Dubbo and I see that the equalization factor proposed through the *Government Gazette* for commercial and business premises is 1.82 per cent, and the industrial equalization factor is 1.52 per cent. That means by simple mathematics, if I am correct in my analysis of the bills, that there will be an 82 per cent increase in commercial and business valuations and a 52 per cent increase in industrial valuations, with consequent increases in land tax based on those valuations. Although Dubbo is prosperous and growing, and we are proud of its growth and its basic prosperity, the whole of its prosperity depends on the ability of the rural economy to sustain a lot of small businesses and a lot of larger businesses in that area. The recent figures issued by the Bureau of Agricultural Economics indicate that there is to be a downturn in rural incomes of about 26 per cent, which is beyond dispute. If that downturn in income from the rural community bites into the city of Dubbo in its commercial and industrial sector, which it undoubtedly will, that obviously will be reflected in land values.

I cannot see that any valuer can put an arbitrary figure of an increase of 1.85 per cent on commercial premises in the town if that is likely to happen, and I certainly cannot see the justification for a blanket increase in valuations, irrespective of the fact that some values go up in certain areas and others go down. That problem would not be so bad if there was some measure of appeal against the equalization factor; but there is no appeal against the equalization factor, except in the case of rezoning and a narrow band of land and the like. It means that an arbitrary increase in valuation, without any right of appeal, is imposed on people who now face a downturn in their income and, in reality, a downturn in real values of their property and who can do nothing at all to adjust

that situation so far as their own incomes are concerned. New South Wales is clearly slipping behind in the race for profitability of its industry and commerce. Clearly, it is not meeting the challenge of imports.

Having regard to the devaluation of the dollar, locally produced goods should have been making marked inroads into imported goods. They are not. There is a reason. The Government is creating a cost structure in our own industry that is more than offsetting the advantage given to us by the decrease in value of the dollar. The New South Wales Government has to give great consideration to the effect on profitability of commerce and industry in respect to these particular bills and in respect to the total economy. It is not stupid to say that a government that wants growth, that wants jobs for its people, that wants firmly-based prosperity, should consider ways and means of taking the burden off the wealth creators—that is, the business and commercial community, the industrial community of the State—because if it destroys the economic capacity to produce profits of our industry and commerce, then there is no way that those who need the help of the State can be given fair treatment. That base cannot be destroyed without disaster not only for the business people involved but for those who look to the State for their sustenance and support.

There is one other factor in these valuations, and it is that the valuation base relates to land owned by people who are not making any income from it at all. That is to say that someone who has a block of land that he hopes to develop later when he gets a bit of capital together will, if he is above the commercial limit, pay land tax upon it. The tax on the larger buildings, that is the commercial complexes created by Lend Lease and so forth, is passed on to the tenants, who are already paying very high rents. There is no part of the small business community that will escape the effects of the increase in land tax. I do not wish to go over the ground that had been covered by previous speakers, as there are other people who wish to speak, but let me put it again. There cannot be a blanket increase with justice. This Government, and any other government worth its salt, must be looking at alternative means to valuation on which to base its taxes. Though I have great respect for the Valuer-General's Department and the valuers employed by him, I have no respect for this method of equalization.

If the Government wanted fairness and equity, I might conclude by saying, the proper method is for valuations of land in each valuation district to be carried out in strict rotation so that, though one particular area might have its land tax based on a 1980 valuation in 1986, in the triennium when the valuation is completed it would be right up the top of the recent valuations. The other areas where valuations were made later then become earlier valuations. I am putting this in a tortuous way. If the rotation is kept up, those who suffer injustice this year because of recent valuations, as opposed to those who are on 1980 valuations, will be in a different position next year. So, over a six-year period, it will adjust itself out without too much trauma. I think the Minister will agree with that, or she might have an answer to it, but there must be a better way than this. I do not want to be unduly critical of the Government, but what I am saying is that this is the wrong way to go about it.

Mr CRUICKSHANK (Murrumbidgee) [8.59]: I commend the honourable member for Northcott for the way he put the Opposition's case in rejecting these bills totally. I do not propose to take a great deal of time in speaking to the measures for the honourable member for Northcott, the honourable member for Dubbo and the Deputy Leader of the National Party have put the Opposition's case very well. Their outlines of the provisions have

been far more illuminating than any of the propositions put by members on the Government side. I do not wish to repeat what has been said already, but I should like to make a point about the equalization factor. To me, this is nothing more than a provision that will allow the Government to get its hands on more money, and as quickly as possible. The proposal is nothing more than a revenue raiser, a tarted up tax. The Government asserts that it is doing the people of New South Wales a good turn. It has lifted the threshold for land tax from $55,000 to $94,000 and lowered the rate of tax from 2.5¢ to 2¢. Those measures, honourable members are told, will remove those unjust, traumatic, three-yearly sudden increases in land values. Yet all of those good turns will raise for the Government approximately $38 million in the first year. That is the sort of good turn that the Government is doing for the people of New South Wales.

I do not believe that the Government is deeply interested in the legislation. It is far more interested in trying to devise new ways to raise money. It needs all the money it can get. Unfortunately, as the honourable member for Dubbo outlined, the entrepreneur will be punished. This redistribution of income, the socialist tactic that is ideologically easy to follow, simple and straightforward, is dressed up in all kinds of language, but is still the same. Twice already tonight madam has been called a socialist. On previous occasions when so called she has stood and stamped her feet and said she is proud to be a socialist. It is a little like a government saying it has a mandate to raise taxes. I have never known a government to have such a mandate, but it continues to increase taxes. I should like the Minister to say at places like Hillston and at organizations like the Real Estate Institute how proud she is to be a socialist implementing this type of legislation.

The hidden truth—the truth that is so obvious to me—has been outlined by all honourable members from the Opposition side. The hidden truth, not hidden to members on this side but certainly to the Government, is that investment alone engenders profit. All members on the Government side benefit directly from that community ability to raise profits. Unfortunately, the sort of tax proposed in the bills has the manifestation of deliberately curbing investment. As long as we go along with this casino-type mentality, of speculation without real investment in this State, unfortunately the Government will have to seek more hidden and devious ways to hit the small person, the taxpayer and the investor, because the Government cannot afford to turn off the tap. The honourable member for Cessnock told us that all these taxes are needed. He is right; they are needed because the Government cannot turn off the tap. If the Canberra colleagues of members opposite had spent as much time on ways of cutting spending as they spent in the tax summit on ways of devising new sorts of taxation, Australia would be much better off.

If madam feels that I am just trying to nitpick her argument, then today's announcement about Australia's balance of payments was definite proof of the way this nation is going. Unfortunately, the New South Wales Government is doing nothing whatsoever to prevent that happening. The base mechanism, the honourable member for Cessnock told us, needed to be as broad as possible. I suggest that is merely another way of saying that the bill tries to catch as many people as possible within the tax framework. I join my colleagues in rejecting the whole of this proposed legislation because, as I have said, it is nothing more than a tax raising measure. It is designed to halt the decreasing Government money supply and is contributing to the downward spiral of the economy of this State.

Mr SINGLETON (Coffs Harbour) [9.3]: It gives me much pleasure to support my colleagues on this side of the House in their rejection of the bills. It is most noticeable to honourable members on this side of the House that Government members have absolutely no stomach for this legislation, which they will be forced to support. In fact, the honourable member for Cessnock made a weeping apology for the legislation throughout his speech and could not leave the Chamber quickly enough when he had concluded. The New South Wales Government is moving more and more to this type of taxation. It is service taxation, a tax on obvious wealth in the community. Those who are trying to do things are being taxed, slugged and left threadbare in their efforts to provide services in their industries. Other honourable members have emphasized the point that the Real Estate Institute of New South Wales is totally opposed to these measures, for they will do nothing for land values, development, industry and employment in New South Wales. In fact, investment in New South Wales is falling, and this type of legislation will continue to drive more and more people out of New South Wales and particularly into Queensland.

I represent Coffs Harbour, an electorate on the North Coast of New South Wales. People in that area are only too well aware that New South Wales industries, because of savage taxation by this Government, are unable to compete with industry over the border; so much so that the people of New South Wales consume mostly Queensland goods, including bread. Historically the bakeries of the North Coast of New South Wales have been large employers of those in towns and villages. But those businesses have almost all gone to Queensland. I refer particularly to Tip Top Bakeries and a number of other major suppliers who are now baking in Queensland, having taken over basically the whole trade. It concerns me that the bills will lead to savage increases in rents for, particularly, units. In my area there is considerable upset at the moment because strata title units are being caught up in council rates and will now be caught up in savage land tax increases. Though units are held in group ownership or by a developer, each unit has become rateable on an individual basis for shire or local government rates. The bill before the House will increase the Government take by 19 per cent on average. Of course, that will considerably increase the rental of those occupying units throughout New South Wales.

Members of the Opposition are seriously concerned that the next step this Government will take will be to widen the land tax net to include the farm sector. If that happens, I do not know what the results will be. I do not know how the farmers will pay. Small businesses generally are finding it almost impossible to meet the various rates and charges imposed on them by all levels of Government. I bring to the notice of the House the case of a small block of land that is just over an acre in old terms and 4 771 square metres in today's terms, on which a husband and wife have a small motel with eight units. The motel does not even return them a reasonable wage calculated on any of the standards set in this State, though it is a full-time job to look after it. They are now caught within the land tax net to the extent of $1,380 for the four years that are owing because they did not know that they were liable to pay land tax. When they became aware that they were liable, no one could tell them on what value it was assessed or how they could assess the value of the land on which their living quarters stood, which part of the 4 771 square metres.

The value of the area on which the living quarters stands has now been assessed at the grand total of $48.60. What a laugh. What a big joke. An area of 4 771 square metres is assessed under the land tax laws of this State as being

rateable. I shall be taking up with the Minister responsible the need to reconsider this case, particularly when the people concerned have been charged a late fee of $79, through no fault of their own. Mr and Mrs Vaughan of Urunga are most upset about the treatment they have received from the Land Tax Office in relation to the assessment of tax on their very small block where they barely get a living. They certainly do not get a wage commensurate with the work they have to do to manage the motel. Part of the explanatory note to the Valuation of Land (Amendment) Bill reads:

> The object of this Bill is to amend the Valuation of Land Act 1916—
>
> (a) to enable the Valuer-General to determine the assessed annual value of land without having to determine the land value of the land; and
>
> (b) to enable the Valuer-General to determine, for use by the Chief Commissioner of Land Tax in assessing a person's liability to pay land tax, equalisation factors for land, an equalisation factor being that factor, determined by the Valuer-General, by which, in the opinion of the Valuer-General, the aggregated land values of all land within a local government area or part of such an area should be multiplied in order to produce the aggregate of those land values that would most likely result if a new general valuation were to be made of the area or part.

What a lot of—a lot of—

Mrs Crosio: You are not allowed to say that.

Mr SINGLETON: I will not say it, but you find heaps of it around stockyards.

Mrs Crosio: You have been treading in it too long.

Mr SINGLETON: I know what it stands for. You need not worry about that. But I have still got my feet on the ground, which is a lot more than most members of this Government have got. All they have got is lackeys promoting ways of collecting more money from the people of this State and rapidly reducing living standards in this State and Australia until we are now about twenty-third on the world scale, whereas not long ago we were in the small figures—third or fourth. That is because of the direct attack by governments on wealth in our communities and on small business. I deplore this legislation, which will increase the Government's take by 19 per cent. The honourable member for Northcott established clearly that the land tax take in New South Wales this year will be the huge sum of $260 million, an increase of $36 million on last year's revenue. I condemn the Government for allowing 7.5 per cent of that to go to Aboriginal land councils in this State, where the money has been wasted unscrupulously on all sorts of funny little deals. The people of New South Wales are expected to wear this sort of legislation, which does things of that sort. That 19 per cent increase will produce $50 million more revenue next year, with another $3.5 million to Aboriginal land councils in this State. The deal in relation to land tax will be one of the great scandals of our time and certainly the greatest scandal of this Government when the full story comes out about how money collected through land tax is being wasted by the Aboriginal land councils of the State. This Government will stand condemned for ever to damnation for the way it has taken money from hard working people and handed it out to the drones of the damned community.

Mrs CROSIO (Fairfield), Minister for Natural Resources [9.17], in reply: Before dealing with what a number of members who have spoken in the debate had to say, particularly the honourable member for Northcott who led for the Opposition, I wish to remind the House of the provisions of these bills. I remind members of the Opposition that the main purpose of the bills is to bring the values of property liable for land tax to a uniform base so that the burden of

land tax is distributed equitably. That is basically what we are talking about. The formulation of an equalization scheme stemmed from the Treasurer's announcement in the 1984 Budget Speech that a new formula was to be designed to provide smaller and more regular adjustments to land values for land tax purposes. Equalization will provide a fresh and relevant land tax base each year. Currently land tax may by payable on the same value for a number of years. Then there is usually an unwelcome and dramatic increase which is a cumulation of from three to six years' movement in the real estate market. The city properties mentioned by the honourable member for Northcott as having massive increases are now receiving their first increase in three years. Equalization will moderate the very problems he described.

Instead of these people having large increases in values and land tax every three years, this legislation will provide for a moderate alteration each year. The very increases in land values he quoted were created by the commercial community. The Valuer-General does not create the property market. He merely interprets it, as the member for Maitland said. Before the Government looked at the decision to introduce an equalization factor an independent review was undertaken by Peat Marwick, whose report was considered by this Government. Having read the report of that independent review, the Government was satisfied that this new system will greatly improve equity.

The honourable member for Northcott, leading for the Opposition, quoted examples from the local government area in which he resides. I think he related it to Hornsby. I cannot equate what the honourable member said with residential properties. As the honourable member knows, if a person resides in a property that is his principal place of abode, the property is exempt from land tax. The problems that the honourable member was imagining were in these bills are exactly that: more imaginative than real. The values of rural properties were described in tear-jerking fashion by the Deputy Leader of the National Party. Rural properties, if individually owned and worked as the only means of income, have no land taxes applying to them.

I was appreciative of the contribution made by the honourable member for Cessnock. I understood when replying to the honourable member for Coffs Harbour that there were to be only two speakers for the Opposition on these bills. I did not wish to delay debate in the House as there is another important piece of legislation, for which I am also responsible, to follow these bills. That was the reason why I did not have additional speakers for the Government in the Chamber to speak to these bills. Other members on the Government side of the House did approach me to speak to these bills but thinking that we were going to go straight to the next legislation on the notice paper I asked them not to contribute to the debate.

The honourable member for Cessnock is an excellent representative of his electorate and has a true understanding of the bills. He is an accountant who has tremendous skills and ability. Few Opposition members would understand the meaning of such words. The honourable member for Hawkesbury said that tax on land is no longer relevant. Taxes on land are very relevant. These taxes form part of the recognized basket of taxes that recover from the community part of the public expenditure. Roads, schools and hospitals have to be built. The Government has to provide services for the State of New South Wales to promote growth and to provide a better life for the people within the State.

The value of land increases with added services. Land taxes recover part of this gain by individual landowners for redistribution throughout the community. Landowners have a right to object to land values and will still have the right to appeal to the Land and Environment Court concerning land values. The honourable member for Hawkesbury questioned that part of the legislation relating to acquisition of land specified with one or more purposes under the planning instrument. He referred to section 70B (2) (a). This section refers to land that is not specifically zoned. The Parliamentary Counsel, when drawing up this legislation understood that there were a number of these zones in the State and the Act covers them.

The system of rolling valuations proposed by the honourable member for Dubbo assumes that values all move in a uniform manner each year. That proposal is unreal and ignores the realities of the real estate market. The amendments will treat everyone in the same manner. All values are revised each year. The final speakers for the Opposition were tedious and repetitious. They are not deserving of reply, so I shall not do so. I thank the thoughtful supporters of the legislation who have given common sense and rationale to what this Government is trying to do about equalization factors and land taxes. I commend the bills to the House.

Question—That these bills be now read a second time—put.

The House divided.

Ayes, 53

Mr Akister
Mr Amery
Mr Anderson
Mr Aquilina
Mr Bannon
Mr Bedford
Mr K. G. Booth
Mr Bowman
Mr Brereton
Mr Carr
Mr Cavalier
Mr Christie
Mr Cleary
Mr R. J. Clough
Mr Cox
Mr Crawford
Mrs Crosio
Mr Davoren
Mr Debus
Mr Doyle
Mr Face
Mr Ferguson
Mr Gabb
Mr Hills
Mr Hunter
Mr Irwin
Mr Keane
Mr Knight
Mr Knott
Mr Knowles
Mr Langton
Mr McCarthy
Mr McGowan
Mr McIlwaine
Mr Mair
Mr Mochalski
Mr H. F. Moore
Mr J. H. Murray
Mr Neilly
Mr Paciullo
Mr Page
Mr Petersen
Mr Price
Mr Quinn
Dr Refshauge
Mr Rogan
Mr Sheahan
Mr Stewart
Mr Walsh
Mr Whelan
Mr Wilde

Tellers,
Mr Beckroge
Mr Wade

Noes, 36

Mr Arkell
Mr Armstrong
Mr Baird
Mr Beck
Mr J. D. Booth
Mr Caterson
Mr Causley
Mr J. A. Clough
Mr Collins
Mr Cruickshank
Mr Dowd
Mr Fahey
Mr Fisher
Mrs Foot
Mr Hatton
Mr Hay
Mr Jeffery
Mr Kerr
Miss Machin
Dr Metherell
Mr Park
Mr Peacocke
Mr Phillips
Mr Pickard
Mr Rozzoli
Mr Schipp
Mr Singleton
Mr Small
Mr Smiles
Mr Smith
Mr Webster
Mr Wotton
Mr Yeomans
Mr Zammit

Tellers,
Mr T. J. Moore
Mr West

Pairs

Mr Mulock	Mr Greiner
Mr Walker	Mr W. T. J. Murray
Mr Wran	Mr Yabsley

Question so resolved in the affirmative.

Motion agreed to.

Bills read a second time.

Mr SPEAKER: Order! It being 30 minutes after 9 o'clock p.m., pursuant to sessional orders the debate is interrupted.

Motion (by **Mr Sheahan**) agreed to:

That the sitting be extended to permit the House to complete consideration of Order of the Day No. 5 of Government Business.

VALUATION OF LAND (AMENDMENT) BILL

LAND TAX (AMENDMENT) BILL

LAND TAX MANAGEMENT (AMENDMENT) BILL

STRATA TITLES (LAND TAX) AMENDMENT BILL

Third Reading

By leave, bills read a third time, on motions by **Mrs Crosio.**

ADJOURNMENT

Woodsreef Asbestos Mine—Worker Co-operatives—Urban Transit Authority Bus Drivers—Leichhardt Municipal Council—Pacific Oysters.

Mr SHEAHAN (Burrinjuck), Attorney General [9.33]: I move:

That this House do now adjourn.

Mr PARK (Tamworth) [9.33]: I again wish to raise the subject of Woodsreef Asbestos Mine near Barraba. It is a matter of major concern to me and to the people of my electorate.

[*Interruption*]

Mr SPEAKER: Order! I ask honourable members leaving the Chamber to hold their conversations outside the Chamber.

Mr PARK: I spoke about this mine during the adjournment debate on 27th March and during the grievance debate on 17th October. The reason I want to speak again on the same subject is to seek reconsideration by Cabinet of a decision it made on 21st October, which the Minister for Mineral Resources sent by telex message to the mine operator of Chrysotile Corporation of Australia Pty Limited, a wholly owned subsidiary of Woodsreef Mines Limited. I consider that the Minister and Cabinet may not have been in possession of all the relevant technical information, and I believe the decision and the Minister's promulgation of it were most unfortunately timed. Early in 1983 Chrysotile Corporation of Australia asked the federal and State governments to

agree to a moratorium of a loan of $1.4 million each made to the company in 1979 to facilitate the carrying out of an environmental impact study and development of a new mill embodying a wet process perfected at Barraba. The enyironmental impact study was completed and made available to government departments, but has not been officially lodged because Chrysotile Corporation of Australia was waiting on a decision by the New South Wales Government to grant a loan freeze in line with a decision by the Commonwealth Government to agree to a freeze on their loan in September 1984.

On 9th October, 1985 the company chairman of directors, Mr David Barwick wrote to the Minister advising that the prototype wet mill was to be restarted on 29th October, and would operate until 15th November with funds provided from Canada. Mr Barwick repeated previous requests for technical experts to be sent to Barraba to fully assess the wet process from an industrial health and environment aspect and to report to the Minister and the Government. On 11th October I also wrote to the Minister enclosing a copy of Mr Barwick's letter. These documents were hand delivered to the Minister's office on Tuesday, 15th October. However, Cabinet apparently ignored the opportunity to assess the prototype wet mill in operation and on 21st October decided not to give any further help or concessions to the company. Further, I cannot understand why this decision was not made known to Chrysotile Corporation of Australia until a telex message was sent to it on 7th November, nine days after the company had committed itself to expending the $150,000 made available from Canada, and seventeen days after Cabinet's decision. The wet mill will continue to operate until Friday and I again ask the Minister to arrange for technical experts to go to Barraba to assess the mill's operation.

Yesterday Mr Barwick authorized me to advise the Minister that the wet mill will continue running for another three days after 15th November if that will help. During the current operation of the prototype wet mill dust monitors have been attached to the clothing of five employees working within the mill. These monitors have been checked daily and the results disclose an average dust level of 0.12 of fibre per cubic centimetre of air, as compared with the current maximum New South Wales gazetted level of one fibre per cubic centimetre. The level achieved is approximately one-eighth of the permitted limit or eight times better than the standard laid down. This standard was reduced from that which previously applied in early 1984, namely, two fibres per cubic centimetre. If the moratorium were agreed to and the proposed wet mill were allowed to develop, in the next ten years the whole 25 million tonne heap of tailings would be transferred to the adjacent hole in the ground and approximately 500 000 tonnes of asbestos fibre would be won from the tailings. This huge amount of material would be processed through the wet mill with a level of pollution similar to that monitored in recent days in the prototype mill simply by the use of water. The company proposes that all asbestos would be exported overseas. World demand for fibre at present is between three million and four million tonnes a year. If the company is not allowed to proceed, the Government will immediately become responsible for rehabilitation.

Mr SPEAKER: Order! The honourable member's time has expired.

Mr COX (Auburn), Minister for Mineral Resources and Energy [9.38]: The honourable member for Tamworth has raised this matter on a number of occasions. Cabinet gave careful consideration to the whole of this mine's operations. It took into account the record of the company over a long period, and the failure of the company to honour its agreements with both the State and the federal governments. The continuation of this mine's operations rests

on the investigations previously carried out by health officials on behalf of the Minister for Industrial Relations. The Hon. P. D. Hills advised me that his medical officers could not give a clean bill of health for the continuation of the operation of this new wet process. On the basis of advice from the medical officers I again presented the facts to Cabinet and Cabinet was unanimous that this operation should cease.

In giving details of the levels of pollution, it is obvious that the honourable member has accepted in its entirety the evidence given to him by the company. I have grave reservations about accepting that evidence because of the history of this company over a long period. There is a considerable anxiety about asbestos both in Australia and throughout the world. In Australia alone there have been 700 cases of asbestosis. In the United States of America, court cases are proceeding in relation to asbestos which highlight the fact that that process has caused much misery.

The honourable member has said that the company is operating the wet mill process and will continue to do so for another three days. He asked me to give consideration to making officers available to have a look at that operation. Those officers do not come within my jusrisdiction; they come within the jurisdiction of the Minister for Industrial Relations, who has responsibility for the health factors associated with that operation. However, I shall bring this matter to the Minister's attention again. It will be his decision and that of his health officers whether they believe they should visit this mill and have a further look at the operation. I reiterate, this company has a deplorable record in this matter. I mention that fact for the benefit of the honourable member.

Mr PAGE (Waverley) [9.41]: I shall talk briefly about an important new development that is gaining increasing attention throughout the world as a way of generating real economic growth. Worker co-operatives are business enterprises owned and controlled by their employees on a democratic basis. Their objective, as a business, is to create and maintain employment, without reducing living standards. Unlike conventional businesses, they are not created to gain a return on capital for their investors. In many countries throughout the world worker co-operatives, as a movement, have a long history of achievement. Of particular interest is the well-known co-operative sector in the northwest region of Spain. Mondragon, has, in twenty-five years, created 20 000 jobs in various manufacturing and service industries, including high-tech enterprises. The co-operative sector has totally transformed the industrial base of the region, and at the same time has created a large pool of socially owned wealth.

Worker co-operatives as an economic activity are a way in which governments, in association with trade unions and working people, can plan into existence enterprises that create real jobs through selling products in rationally identifiable markets. Worker co-operatives are relatively new in Australia. However, given that employment is the greatest issue of our time, they are an organizational and industrial form that deserve the merit and attention they are currently receiving. The few worker co-operatives in existence in our nation today show that working people have the capacity to engage in entrepreneurial activity and in the creation of economic wealth. They do so in the pursuit of aims quite different to the aims of traditional investors.

In attempting to solve the problem of the high level of unemployment, governments must adopt many strategies, such as short-term job creation schemes, training programmes and industry subsidies. Though undoubtedly

worth while, these strategies do nothing but hold the line. They maintain the *status quo.* Governments now must give much more attention to long-term job creation to create new jobs that are safe, satisfying and secure. I am very pleased that the New South Wales Government, through its well-established worker co-operative programme, has been a pioneer in this field of development.

In its three short years of operation, the worker co-operative programme, has assisted in the establishment of seventeen worker co-operatives in this State. Those co-operatives employ more than 250 workers in both new start and employee buy-out manufacuring and service businesses. They range in size from four to eighty-five employees, and hope to achieve a combined turnover of more than $15 million this financial year. So far, the programme has created jobs at a total cost of only $3,700 of State moneys, for each permanent job created. This is much less than other job creation schemes. The worker co-operative programme provides technical and limited financial assistance in the form of loans to any group of people wanting to set up an employee owned and controlled business venture. The programme assists with establishing viability, business planning and developing cases for finance both from the private sector and from the programme's revolving fund. The programme also undertakes longer-term management support and training functions until the co-operative enterprise can operate profitably and independently, in association with other co-operatives as part of the co-operative movement.

The results and ongoing work of the worker co-operative programme should be applauded. I recommend to all my parliamentary colleagues that they take a serious look at their electorates to see where worker co-operatives may be usefully established. The Australian College of English, which is in my electorate, is one of the most progressive and fastest growing worker co-operatives in this country. I am sure the New South Wales worker co-operative programme would be pleased to help establish many more such enterprises. The potential for the creation of jobs through viable enterprises, owned and managed by their employees, is enormous. I commend this scheme to the Minister for Employment and Minister for Finance, and suggest that the programme and its activities be widely promoted, both for those in this place and elsewhere.

Mr AKISTER (Monaro), Minister for Corrective Services [9.45]: The questions raised by the honourable member are of importance. Indeed, in the past, funds have been made available by the State and federal governments for workers' co-operatives. A great deal of experience has been gained by community groups about the worker co-operative movement. I shall certainly refer the remarks of the honourable member to the Minister for Employment and Finance. I am sure that the Minister will be interested and will take those matters into consideration when receiving applications in future for other worker co-operatives.

Mr J. D. BOOTH (Wakehurst) [9.46]: I raise the case of a constituent of mine and, flowing from the information in his case, the fact that it would appear that the Urban Transit Authority actively discriminates against people who have had any history of back problems when deciding to employ bus drivers. I refer to the case of Mr David Mullineaux of Narraweena. Some eighteen months ago Mr Mullineaux applied to rejoin the Urban Transit Authority, with which he had been employed previously as a bus driver. After he had queued from 3 a.m. in the morning to apply for the job—which was the custom at the time—he was accepted. He passed all the necessary tests, including an initial medical examination. However, when he appeared for his physical examination the doctor refused to examine him. The doctor showed

him an instruction from the Urban Transit Authority not to pass anyone with a history of back problems.

In 1979, while living in Gosford, Mr Mullineaux was the victim of a motor accident. As a result, in 1981 he had an operation to fuse his spine. After a period of treatment following that operation, he has had no further problems. In fact, Mr Mullineaux has medical certificates demonstrating the success of his recovery, and commenting on the strength of his back. Indeed, in the subsequent period he has worked successfully as a bus driver with a private company. As I say, the Urban Transit Authority simply rejected his application without even putting him through a medical examination in the first instance.

Mr Mullineax took his case to the Anti-Discrimination Board, and a representative of the board has sought a review of his application. Eventually, after some hesitancy by the UTA, agreement was reached that Mr Mullineaux would have a further medical examination in September of this year. That examination was conducted by a Dr Bryan of Royal Prince Alfred Hospital. Dr Bryan, in a quite detailed report to the UTA, made the following comments in relation to Mr Mullineaux:

> In giving a history of his case he mentioned that he moved to Sydney after the accident, ... worked as a bus driver for Chalmers Coaches. He was able to do this work without difficulty and did not lose time from work during his time there.

Dr Bryan concluded that although Mr Mullineaux had had a spinal fusion, he has made a satisfactory recovery. The doctor said that Mr Mullineaux certainly looks well, moves freely and there is little to suggest that he has any problem from the low back. He said that Mr Mullineaux shows no evidence of any continuing disability and it has been shown that he is able to carry out work as a bus driver for some time without any problems. Further, the doctor said that nothing on physical examination would suggest that Mr Mullineaux is incapable of working as a bus driver. Finally, the doctor concluded that there is no indication that Mr Mullineaux requires any treatment of any type. Nevertheless, having received that report, the UTA wrote to the Anti-Discrimination Board, saying that it still rejected Mr Mullineaux's application. Apparently it has based that opinion on the tenuous assertion that Dr Bryan found that Mr Mullineaux's back is certainly more vulnerable to injury than a person with a normal back.

The UTA continued its argument that there is a constant danger of stress to Mr Mullineaux's back, eventually possibly resulting in a new injury, perhaps even while he was driving a bus, were it to employ him. This expressed concern for fitness among UTA drivers might be plausible and commendable if there were any evidence at all that the UTA tests its drivers for general fitness. A casual glance at many drivers would show that the authority clearly does not do that. It would appear that the UTA has a simple policy that it will not employ anybody who has a history of back problems. It refuses to treat cases on merit. It simply deals with a safety-first measure aimed at some possible danger of workers' compensation claims at a later date. I urge the Government, as I urged the Minister in separate correspondence a month ago, to investigate this case and to ensure that the UTA does treat cases on their merits rather than operating under any one single rule.

Mr AKISTER (Monaro), Minister for Corrective Services [9.50]: The honourable member has raised a matter that is of continuing concern to all government departments—the re-employment of persons who have had injuries while at work. It is a fact that many workers seek to return to a familiar work

mode, to which in many cases they are not suited as a consequence of their injury. The Government is responsible to ensure that workers do not further injure themselves in their keenness, possibly because of economic circumstances, to return to a style of work that in the past they were proved to be incapable of continuing because of injuries sustained. I am concious of the honourable member's concern. I shall refer the matter to the Minister for Transport, and ask him to look at this matter to see whether there is merit in the argument that the honourable member has put this evening.

Mr CRAWFORD (Balmain) [9.51]: I draw attention to the cynical defamations of the Leichhardt council that were perpetrated several weeks ago by the honourable member for Gordon. The honourable member described the council as a pack of political pack-raping bikies—reminiscent of that disgraceful man, Billy Snedden, who in 1970 said the same of those who opposed the bloody, murderous Vietnam War. The honourable member for Gordon used the same phrase as Sir Billy Snedden. He described as cynical the concession of the waterfront land at Mort Bay to public housing. The Mort Bay foreshores are absolutely protected. Apart from the fact that that was a cynical lie on his part, and absolutely untrue, he chose a contempt for public housing. I draw attention to the fact that the Liberals have now organized a thorough-going campaign in my electorate to manipulate the great tradition of resident action in the area in their own cynical short-term interest, as if they were the party of environment. What a laugh. This is an ignoble campaign on their part to increase the Liberal vote from the 23 per cent that they gained in 1984 to a more respectable 27 per cent, by a process of gentrification, in 1988.

I do not mind honourable members of the Opposition trying these funny campaigns, but to do so at the expense of the 60 000 families sufficiently desperate to be on the Housing Commission waiting list—for a wealthy schoolboy from the North Shore, swimming in oceans of money, to come into the House and talk about the rights of 60 000 families sufficiently desperate to need the assistance of public housing, is indeed disgraceful and shameful. Those on the waiting list are suffering. Their lives are made miserable. They are paying overwhelming proportions of their income in rents, often 90 per cent. Of course there has not been an attack on the foreshores. As I have said, every campaign is a campaign against every instance of public housing in my electorate. The Opposition does not want to house the poor and those in need. Members of the Opposition talk about the pack-raping bikies of the Leichhardt caucus, a group of people who have introduced a greener and conservation conscious policy of planning for Leichhardt than any council in Sydney. Drive through the wretched areas and see contempt for the environment at all levels. Drive through the town and countryside and see areas that the National Party would have liked to rip up for commercial development. Then sit here and listen to this mob of geese pontificate about public housing being offensive to the environment.All they are concerned with is their own narrow, vote-catching schemes to try to increase the percentage of the vote from 20 per cent to 22 per cent or something of that sort.

Since 1980 the Leichhardt council has given Western Street, Fitzroy Avenue, Donnelly Street, Cameron Cove and soon Mort Bay foreshores as public parkland to enrich the public heritage of public parkland in the Balmain peninsula. It has also increased extensively and generally, wherever able and possible, financially and economically, the parklands of the Balmain area and the Leichhardt area. Not once has the Liberal Party and its lackeys in the press in the area conceded one point of congratulation to this effort. The great parks

of the area have extended out, often to the detriment of the operation of the Port of Sydney, and proceed apace. We see at Glebe recently a beautiful $1 million section of foreshore given very graciously by the Minister for Ports to the residents, despite the fact that there now has to be intensive use of what is left of the site.

Since the 1980 council election the Leichhardt council has reduced the residential densities of the area, so that the historic streetscapes and living area are preserved completely. There is no opposition from the rich and wealthy of Leichhardt. But surely the less well off and traditional residents have the right to live there. Only these ratbags on the other side would dare say that the great working class of the inner city do not have the right to live in the inner city. Look at the honourable member for Orange with his despicable, hyena-like laugh at the suffering of the pensioners and disadvantaged of the inner city. Thank God I represent the party I do. What a shameful lot they are in the Opposition.

Mr AKISTER (Monaro), Minister for Corrective Services [9.55]: I commend the honourable member for Balmain for his contribution. He is obviously most concerned with two matters that are hallmarks of the Government. The first is that the Government has proper care and regard for those who are less able to look after themselves. The honourable member's strong suport for the provision of public housing in his electorate demonstrates his concern. The second hallmark of the Government is that its public housing policy combines with that other great hope of the Government, that is, proper care for the environment. It is to the credit of the honourable member for Balmain that he can combine those two concerns in his electorate for the benefit of his constituents, those 77 per cent of the people within his electorate who vote for the party that has gained the confidence of the people of New South Wales in the past ten years because of those two great policies, that is, the welfare of the people of New South Wales, especially those less able to look after themselves, and the proper care and concern of the Government for the environment. I join the honourable member for Balmain in his condemnation of his opponents, who seek to destroy those two great principles of the Government. I commend the honourable member for the speech he made.

Mr JEFFERY (Oxley) [9.58]: I ask the Government to safeguard the rivers of eastern New South Wales from infestation by gigas, or Pacific oysters, and stop all oysters from Port Stephens being taken into our east coast river system. They take these oysters from Port Stephens into the Hastings River for growing out. Scientists say that Pacific oysters have the potential to take over our local variety, the Sydney rock oyster, placing at risk an $80 million per year industry. Hastings River oyster farmers ask: Why should our river, which at present is not infested with gigas, be allowed to become infested? Large numbers of Pacific oysters have been found at Port Stephens where most of the breeding stock for the Sydney rock oyster industry is grown. These stocks were culled, but there is no guarantee that they can be eliminated completely..

There is no proven method of eradicating the gigas and there is no blueprint for survival. As regards the inspection of oysters for gigas, there would be very few inspectors of the Department of Agriculture who are experienced cullers and they are only required to inspect about 10 per cent of the stock, or more at their discretion. Therefore the elimination of gigas is remote, if not impossible. The inspectors dip the infected stock in hot water for from three to five seconds at 180 degrees Fahrenheit, which will only get rid of the small gigas—about the size of one's thumb—those with a thin shell. So the risk of

the gigas being in the other oysters is great. Only yesterday 3 000 to 4 000 caught oyster sticks were put into the Hastings River and gigas were discovered. It is hoped that they culled them all out before the sticks went into the river. I ask the State Government to declare Pacific oysters, gigas, noxious and to stop the transportation of oysters and to stop the transportation of oysters from Port Stephens into the Hastings River.

I have here two oysters which I hand to the Minister for Corrective Services. If he can tell the difference between the Pacific oyster and the Sydney rock oyster, he is a better man than I am. It is very difficult to determine which is which. The Minister will notice that one of the oysters has a red texta mark which was put on it by a professional grower, not by me. The problem with gigas is that they reproduce quickly. They have the potential to expand their numbers rapidly at the expense of our local oysters. Oversea experience demonstrates clearly the ability of the gigas to infest foreshore areas in plague proportions and to preclude the use of foreshores for leisure activities.

Mr Crawford: What about the environment?

Mr JEFFERY: The honourable member for Balmain talks about the environment. The razor-sharp edges on the gigas can completely take over our rocky foreshore areas and create serious problems for estuary fishermen and the environment. The export markets for the Sydney rock oyster industry are under threat. We have built up a market, particularly in the United States of America. Pacific oysters are available all over the world but only in New South Wales have we the Sydney rock oyster. We had an established overseas market until this gigas balloon went up. The Sydney rock oyster is a unique species. It grows nowhere else in the world. It is native to the coast of New South Wales. It has, as we all know, exceptional flavour and good keeping qualities. If the gigas is not contained, it is possible that within a few years the whole coast of New South Wales will be infested and another of our native species will be facing extinction. The appearance of the Pacific oyster in epidemic proportions has thrown the industry into turmoil. The Sydney rock oyster—that flavoured delicacy of the seafood connoisseur—will become a creature of the past. In view of the real threat to the survival of the industry on the Hastings River, I ask the Government for a complete ban on the movement of any oysters to the Hastings River estuary system from Port Stephens and any other river suspected of having gigas infestation. Oyster farmers in the Hastings district consider it would be far better to have little or no income for one or two seasons than to infest the river with gigas and be out of business altogether. Hastings River farmers want——

Mr SPEAKER: Order! The honourable member has exhausted his time.

Mr AKISTER (Monaro), Minister for Corrective Services [10.3]: I thank the honourable member who informed me that he would be raising this matter this evening. I can say that the Government has anticipated the sort of concern he expressed this evening and action has been taken by the Minister for Agriculture in the other place to put into place legislation that will declare the Pacific oyster a noxious thing and will make it incumbent upon oyster farmers whose farms are infested by Pacific oysters to rid themselves of them. The Government has approved of the introduction of an amendment to the Fisheries and Oyster Farms Act that will permit the Minister to declare exotic fish and other sea creatures noxious, and the Pacific oyster will be one of those as soon as the—

Mr Jeffery: What about the movement from Port Stephens? Are you going to stop that?

Mr AKISTER: As soon as it is declared noxious it will be illegal to move the oysters around. Any oysters found will have to be destroyed. Should natural movement of these oysters be found to be occurring, action may be possible through the Department of Agriculture and Fisheries to contain the spread of these oysters, which we hope will eliminate them from our rock oyster beds. The honourable member can be assured that the Minister for Agriculture is aware of the problem and is taking the legislative steps necessary to police and eliminate this problem and the matter will be brought before the Parliament before Christmas.

Motion agreed to.

House adjourned at 10.6 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers* this day.

MIGRANT FAMILY REUNION

Mr SMITH asked the **Minister for Youth and Community Services and Minister for Housing—**

(1) Does he support an immigration policy of family reunion?

(2) What has he and the Government done to assist Mr Jordan Georgiev be reunited with his family, who have been held for 5 years against their will in Bulgaria?

(3) Will he make representations to the federal Government and the Bulgarian Government in the interests of human rights to have Mr Georgiev's wife and two sons released from Bulgaria?

Answer—

(1) Yes.

(2) and (3) These matters do not fall within my Ministerial responsibility.

ST GEORGE COMMUNITY TRANSPORT PROJECT

Mr YEOMANS asked the **Minister for Youth and Community Services and Minister for Housing—**

(1) What are the estimated costs of running the St George Community Transport Project for 1985?

(2) What allocation will this project receive for that year?

Answer—

(1) Estimated running costs for 1985.

In 1983–84 the St George Community Transport Project received a grant of $14,000 to cover the salary of part-time (20 hours per week) co-ordinator, adminstrative costs and $2,000 for transport subsidies.

To maintain the project in 1985 at current operating levels the project will require the same amount again, with a small increase to cover inflationary costs.

The project has applied to the Department for a grant of $66,387 for 1985 to enable a substantial expansion of the existing programme.

(2) Allocation for 1985.

The application for funding for the project for 1985 is currently under consideration within the Department which will then make a recommendation to me. An announcement on the Community Transport grants will be made in December. The funding year for the project is 1 January, 1985, to 31 December, 1985.

LANDCOM ACQUISITIONS

Mr BAIRD asked the **Minister for Youth and Community Services and Minister for Housing—**

(1) What specific area does Landcom plan to acquire in the West Pennant Hills valley?

(2) What is the planned schedule for the release of the land?

(3) What is the anticipated price range (in present value terms) of the land released?

Answer—

(1) For obvious commercial reasons Landcom does not publicise the plans for future purchases.

(2) and (3) See (1) above.

CROWN LAND HOMESITES TRANSFERS

Mr SCHIPP asked the **Minister for Youth and Community Services and Minister for Housing—**

(1) Have negotiations been finalized with the Minister for Natural Resources to facilitate the transfer of Crown land homesites to the Land Commission?

(2) Were the Commission's appropriation proposals accepted?

(3) What matters remain unresolved?

(4) What sites have been classified for appropriation, in what order and over what period?

(5) Is "en globo" appropriation agreed or will this happen on an individual project basis?

Answer—

(1) No.

(2), (3), (4) and (5) See (1) above.

BUSHFIRE INQUESTS

Mr SCHIPP asked the **Premier and Minister for the Arts and Minister for Ethnic Affairs—**

(1) Are inquests or inquiries held into each individual bush-fire and if so:

(a) Conducted by whom?

(b) Supported by what resources and Authorities?

(c) For what purpose?

(2) Have inquests or inquiries been held into each of the many bush-fires during the summer of 1984–85 and for each of those fires:

(a) Did they occur, naturally, through negligence or by deliberate action?

(b) What action has resulted or is intended in charging offenders?

(c) What convictions and penalties have resulted?

(d) How many:

(i) properties,

(ii) landholders were affected?

(e) What was the total extent of damage itemised as to fencing, stock, housing and other capital losses?

(f) How many applications for relief assistance have been received and of these how many have been successful by way of:

(i) loans,

(ii) grants and at what cost?

(g) What were the reasons for refusing applications?

(h) What percentage of applicants had fire risk insurance cover and were the levels of insurance considered adequate?

Answer—

As the matters raised in the question are more properly the responsibility of my colleagues, the Minister for Police and Emergency Services, Treasurer and Attorney General, I suggest that the honourable member direct his inquiries to them, as appropriate.

REDFERN HOUSING COMPANY

Mr SCHIPP asked the **Minister for Youth and Community Services and Minister for Housing—**

(1) Which authority or authorities holds title to properties tenanted by Aboriginal families at Eveleigh Street, Redfern?

(2) Have any arrangements been entered into or are proposed to dispose of or otherwise redevelop this location, and if so, with whom or by whom?

(3) Is it intended to re-locate the present tenants to Bankstown?

Answer—

(1) Title to the properties referred to is held by the Redfern Housing Company.

(2) Earlier this year, meetings, attended by representatives of the Department of Aboriginal Affairs, Aboriginal Development Commission, Housing Commission, Sydney City Council, Ministry of Aboriginal Affairs and the Redfern Housing Company, were held to discuss the social and community problems that had become evident in the area. These problems had been aggravated by quite severe overcrowding in many, if not most, of the houses.

As a result of these meetings it was agreed that action to alleviate the problems should be taken and that such action should take the form of both short and longer term solutions.

As to the short term solutions, it was suggested that the Housing Commission, as part of its 1985–86 Housing for Aborigines special programme, might provide up to 20 dwellings in various locations in the Inner City, Inner Western and Eastern Suburbs for the purpose of relieving the severe overcrowding in the Eveleigh Street properties. It was further suggested that, through the Sydney City Council, a review be undertaken to look at the possibility of demolishing and clearing derelict dwellings in the area and providing additional recreational and play areas, particularly for children.

These and several other longer term solutions that came out of the meetings are being considered by the relevant bodies involved.

(3) I am not aware of any such intention.

COMPUTER EDUCATION

Mr PICKARD asked the **Minister for Education—**

(1) How many curriculum packages relating to the use of computers in schools are currently being designed within the department's Computer Education Unit?

(2) What are the names of the packages and when is it anticipated each will be available to schools?

(3) How much money has been spent in the 1984–85 financial year on the development and production of the packages?

(4) Did the money come from State or other sources?

(5) If it came from both State and other sources, what amount came from non-State sources?

Answer—

(1) and (2) The Department of Education's Computer Education Unit's priority is to establish needs and review existing packages rather than develop new packages. However, a series of six needs identification workshops for five curriculum packages is currently under development. The five packages are:

(a) First Fleet Data Base

(b) Shipwreck Island support materials

(c) Venture Writer

(d) Fossils Alive

(e) Problem Solving

A professional development in-service module for developing software requirements is to be produced.

There are currently 50 reviews of software commercially available to schools.

The Secondary School Board's Computer Awareness course for years 7 to 10 comprises 9 CARM packages (Computer Awareness Resource Material). The first of these packages will be in schools early in 1986.

(3) and (4) In 1984–85, $156,984 was spent on the Department's computer education programme from Commonwealth sources. It is not possible to quantify the State's contribution as this comprises the provision of accommodation and approximately 25 per cent of salaries costs.

(5) $140,000 was allocated from the Commonwealth Recurrent Grants Fund for software programmes.

$16,984 was allocated from the Commonwealth Computer Education Programme.

SPECIAL EDUCATION

Mr PICKARD asked the **Minister for Education—**

(1) Does he agree with Mr P. Harrison-Matley's allegations (Illawarra Mercury, 29 March, 1985) concerning deficiencies in special education in New South Wales and in the South Coast Region?

(2) If not, how many pupils are in urgent need of specialized attention?

(3) What criteria have been used to arrive at the figure?

(4) How many of the pupils in need of specialized attention are there in each of the ten regions?

(5) What percentage of time is being spent in each region on remedial teaching?

(6) What percentage of teachers engaged in such teaching have no formal specialized qualifications in remedial teaching?

Answer—

(1) No. While the Government inherited in 1976 considerable shortfalls in the area of special education, it has moved since that time to more than double annual expenditure on special education, employing some 1 500 special education teachers many of whom work in special classes attached to regular schools; 780 Resource/Remedial teachers; nearly 200 itinerant teachers supporting children in their neighbourhood school; over 500 school counsellors; 25 teacher librarians in special schools and over 500 teachers' aides.

(2) There are 15 children throughout the State currently in urgent need of specialized attention.

Six of these children are severely or profoundly handicapped and are currently on the waiting list of a school for which the Department will assume responsibility in 1986 when they will be enrolled.

Six children are severely emotionally disturbed or behaviourally disordered, some of whom have been suspended from schools and alternative provisions are being investigated.

Two children are not enrolled because of their severe medical condition.

One child is moderately intellectually handicapped and will be enrolled in a regular school in a country town when she reaches the age of 6 years.

(3) The 15 children mentioned above were assessed as being in urgent need of specialised attention by senior officers in each Departmental region.

(4) The regional breakdown of figures is as follows:

Metropolitan West	.3
Metropolitan East	0
North Sydney	0
Liverpool	.6
North Coast	0
North West	0
Western	0
Hunter	.3
Riverina	0
South Coast	.3
	15

(5) All teachers carry out remedial education depending on the particular needs of their students. To assist teachers in this work there are a large number of Resource/Remedial teachers, itinerant teachers and school counsellors, all of whose functions are to provide additional support to classroom teachers.

(6) Some 60 per cent of remedial teachers have post-graduate training. Some 40 per cent of remedial teachers have no post-graduate training.

The Government is improving this proportion by offering 140 positions annually to undertake 1 year full-time post-graduate training in special education. 20 of these positions are devoted to remedial studies.

WOLLONGONG COLLEGE OF TECHNICAL AND FURTHER EDUCATION

Mr ARKELL asked the **Minister for Education**—

(1) By how many hours and in what areas of teaching have resources been reduced in colleges of TAFE in the Wollongong area this year?

(2) Were such cuts made as a result of the decision by the Government to reduce all expenditures by 3 per cent?

(3) What savings were achieved or are expected to be achieved in the area of TAFE colleges across the State as a result of such cuts?

(4) What does this represent as a proportion of the total TAFE budget for—

(a) the present college year;

(b) the next college year,

across New South Wales?

(5) What savings were achieved or are expected to be achieved in TAFE colleges in the Wollongong area as a result of cuts made this year?

(6) What proportion of the total TAFE budget in the Wollongong area for—

(a) the present college year;

(b) the next college year,

do such cuts represent?

Answer—

(1) During 1984–85, Wollongong exceeded its allocation by 27 000 hours which required special supplementation at the expense of other TAFE colleges. Courses conducted during 1985 are not affected. In 1986 it may be necessary to accept fewer enrolments in some courses.

(2) No. The 1985–86 State Budget allocation for TAFE provides for an increase of $28 million over the previous financial year. It will allow for expansion in some areas and for the opening of much-needed new or upgraded facilities in many parts of the State.

Because of the need to direct staff resources to major new colleges coming on stream during the current financial year it has been necessary to reduce establishment allocations to most colleges in the State and this will mean that the Illawarra Region will not have the use of bonus hours on top of the official allocation this financial year.

(3) and (4) As previously indicated, TAFE's allocation was not cut in the 1985–86 Budget. The 1985–86 recurrent allocation of $370.15 million for TAFE is some $28.2 million more than 1984–5. This represents an increase of 8.2 per cent.

(5) See answer to Question (1).

(6) See answer to Question (1).

HURSTVILLE PUBLIC SCHOOL AND BOYS HIGH SCHOOLS

Mr YEOMANS asked the **Minister for Education**—

(1) Is the amount of playground space available to both Hurstville Public and Hurstville Boys High schools well below the State average?

(2) Why was the site on the corner of Kenwyn Street and Forest Road not purchased in the middle of this year after the department was informed by the two schools that the site was available for purchase?

Answer—

(1) and (2) There are many schools within the State, acquired in the past, operating satisfactorily on smaller areas.

Over the period, 1973–78, the school site was significantly enlarged from 5.3 ha to 7.133 ha at a cost of $436,000.00, by the addition of lots 4–27 Kenwyn Street. The properties on the corner of Kenwyn Street and Forest Road never figured in that site expansion because of the nature of improvement thereon and the fact that they were zoned industrial.

The lots 1, 2 and 3 would have added a mere 1 300 m^2 to the school, at a cost in excess of $250,000.00, and for this reason their acquisition was declined.

EDUCATION COURSES FOR SENIOR CITIZENS

Mr McILWAINE asked the **Minister for Education**—

(1) What education courses are available in New South Wales for senior citizens?

(2) What action is being taken to promote the availability of these courses for senior citizens?

Answer—

(1) Courses available to senior citizens cover an expanding range of activities including academic subjects, creative arts, communication, social welfare, self-expression, languages, cultural studies, health, fitness, technical interests and computers.

The courses are available through universities, colleges of advanced education, colleges of TAFE, evening colleges, community-based adult education centres, senior citizen centres, organizations such as the Workers' Educational Association and, commencing this year, the Australian College for Seniors with courses co-ordinated through the University of Wollongong.

(2) The major institutions of learning promote their own courses as do the individual evening colleges and adult education centres.

The suburban press is used extensively for promotional purposes. Public libraries and community information centres have details of courses available in their areas, a booklet, "Age of Content", prepared in

consultation with the Board of Adult Education is distributed by the Australian Retirement Planning Foundation, and the newsletter, "Banyan Tree", is distributed from the Office of Aged Services of the Premier's Department.

The promotion of Senior Citizens' Week encourages use of a special phone-in service provided by the Board of Adult Education, which has as its role the promotion, encouragement, development and co-ordination of adult education in New South Wales.

YOUTH EMPLOYMENT TRAINEESHIP

Mr COLLINS asked the **Minister for Education**—

(1) To what extent will the youth employment traineeship package announced by the Premier depend on the training offered by TAFE?

(2) What additional resources, if any, will be allocated to TAFE to meet its responsibilities to the 1 000 additional trainees?

(3) Can he provide details of the off-the-job training to be provided by TAFE?

(4) In what areas of New South Wales will the promised TAFE facilities be available?

(5) To what extent will the trainees displace students who would otherwise be granted places in TAFE courses?

Answer—

(1) All traineeships will offer an integrated package of on- and off-the-job training. It is understood that some private sector traineeships being negotiated by the Commonwealth Government will be offered by non-TAFE providers to cover the off-the-job component.

However, TAFE is expected to be the major provider in aggregate terms. In the case of traineeships offered within the New South Wales public sector, the off-the-job component will be offered by TAFE in nearly all instances.

(2) An amount of $1,700 per trainee will be paid to TAFE to cover recurrent costs incurred in providing the thirteen weeks educational components of the scheme. In addition extra resources are being negotiated to meet costs incurred in developing the scheme. The longer term capital and equipment costs to be generated by the scheme are currently being considered by the Commonwealth Tertiary Education Commission. New South Wales TAFE has indicated that capital works of the order of $20 million would be required if the projected 26 000 places are created by 1988–89.

(3) The off-the-job component to be offered by TAFE will include broad-based vocational training, training in job specific skills, and personal effectiveness skills for work in general.

(4) At this stage final details have not been finalized by the Commerce and Industry Training Council.

(5) For its aims to be achieved the traineeship scheme should be regarded as an additional offering, and not as a substitute for other TAFE courses.

COMPETENCE OF TEACHERS

Mr PICKARD asked the **Minister for Education**—

(1) Did he make a public statement that incompetent or bad teachers should be sacked?

(2) In 1984 how many of the 47 000 teachers in New South Wales Government schools were dismissed for incompetence or unsuitability?

(3) How many teachers have been dismissed so far in 1985 for the same reasons?

Answer—

(1) Yes.

(2) During 1984, 51 teachers in New South Wales schools received unsatisfactory reports. Of these, 4 were dismissed from the teaching service, 27 either resigned or were medically retired and the remaining 20 have satisfactorily continued in the service following counselling and subsequent inspection.

(3) For 1985, there have been 6 dismissals so far which comprises 10–15 per cent of the total number of teachers who have left the service following unsatisfactory reports.

During 1984, the Department of Education laid charges against 7 teachers/principals. So far in 1985, some 20 charges have been made indicating an upward trend in the steps that are being taken towards teacher efficiency in State schools.

ALCOHOL AND DRUG ABUSE EDUCATION

Mr PICKARD asked the **Minister for Education**—

How many Department of Education regional consultants are engaged on a full-time basis to advise schools on education programmes concerning alcohol and drug use and abuse?

Answer—

A proposal to appoint consultants to each of the 10 Regional Offices of Education and a further 5 consultants to develop and report on in-service programmes is presently receiving consideration.

TAFE COLLEGE ENROLMENTS

Mr PICKARD asked the **Minister for Education**—

(1) Has he requested the Department of Technical and Further Education to report on the number of young people who had their applications for entrance to technical and further education courses denied at the beginning of this year and since?

(2) What number of applicants have been refused?

(3) Does he anticipate a similar position at the beginning of the 1986 academic year?

Answer—

(1) Yes.

(2) Total unmet demand was 16 702 at 9 August, 1985, compared with 32 310 at 15 March, 1985, despite the addition of 72 643 student enrolment places in that time. Corresponding figures for 1984 were 11 519, 31 114 and 80 653.

Statistics in respect of unmet demand are not collected concerning the age of persons unable to be enrolled in particular courses.

(3) Yes. The success of TAFE will ensure that, despite ever increasing enrolment figures and ever increasing budget allocations.

SCHOOL DISCIPLINE

Mr PICKARD asked the **Minister for Education—**

(1) Are schools allowed to suspend indefinitely pupils who are a constant disruption to classes and whose very presence on the school grounds undermines the school's authority?

(2) If not, does this create frustration amongst staff in secondary schools?

(3) Is the Department of Youth and Community Services providing a back-up service to the schools on perpetual offenders?

(4) What action will he take to confer with the Minister for Youth and Community Services to ensure that a back-up service will be given to schools and that perpetual offenders will be dealt with?

(5) Will there be an accountability by Youth and Community Services Field Officers to schools which lodge complaints, and if so, to whom?

Answer—

(1) A principal may suspend students who disrupt the educational progress of other students and/or threaten the well being and motivation of teachers. In urgent circumstances, the principal may suspend the student immediately.

If, after a due process of review and counselling no recommendation is made to lift the suspension, the Director-General of Education may recommend to the Minister that the student be expelled.

(2) School staff welcome the support given by the procedures for the expeditious removal of seriously disruptive students.

(3) Yes.

(4) The relevant Ministers and officers of their departments will continue to confer to ensure support for schools in dealing with perpetual offenders.

(5) Officers of the Department of Youth and Community Services are accountable to their Director-General and, through him, to their Minister.

ALCOHOL AND DRUG ABUSE EDUCATION

Mr PICKARD asked the **Minister for Education**—

Will he make available to the Opposition information on all matters pertaining to alcohol and drug problems, and measures being taken or planned to alleviate them?

Answer—

The honourable member's question is extremely broad and non-specific. On 1st October, 1985, I made a long statement to the House on measures and initiatives adopted within the Education portfolio to counter drug abuse. If the honourable member requires information beyond that statement and he can be more specific I will be happy to respond to the Opposition to the extent that the information is available and appropriate for public release.

SCHOOL ORGANIZATION AND TIMETABLING

Mr PICKARD asked the **Minister for Education**—

(1) Is he aware of the claims made about alleged problems at The Entrance High School by Associate Professor David Cohen in his book entitled *Blocked at The Entrance*?

(2) Do "the problems" still exist? If not, what were the problems and how were they dealt with?

(3) Would information on the methods used be of benefit to other schools?

(4) If so, will he direct such information to be forwarded to all high schools?

(5) If the problems remain, what action has he taken to overcome them?

Answer—

(1) Yes.

(2) No. The school introduced, on a trial basis, a new form of organization and timetabling. The principal discontinued the experiment and reverted to a standard school organization when it became clear that, in this case, staff support could only be purchased with reduced working hours and disadvantage to students.

(3) The experiment and the circumstances were widely publicized at the time and well known to other schools. There is no sound reason why innovation cannot occur within the resources available to schools and normal industrial conditions. Since the 1940's schools have trialled and evaluated new types of timetabling, including the innovations introduced at The Entrance. A large number of schools today have innovative forms of organization to foster the development of new courses and new

approaches. A specific example is Sarah Redfern High School which, in 1986, will have a school organization similar to that trialled at The Entrance. All this has been done without the "problems" the Member for Hornsby cryptically refers to. Many schools have adopted the innovatory practices tried at The Entrance without depriving students of teaching time, without raising industrial problems, without reducing teaching loads and in full conformity with the rules of both study boards. This is not surprising. The Government supports responsible and educationally justifiable innovation.

(4) Not applicable.

(5) Not applicable.