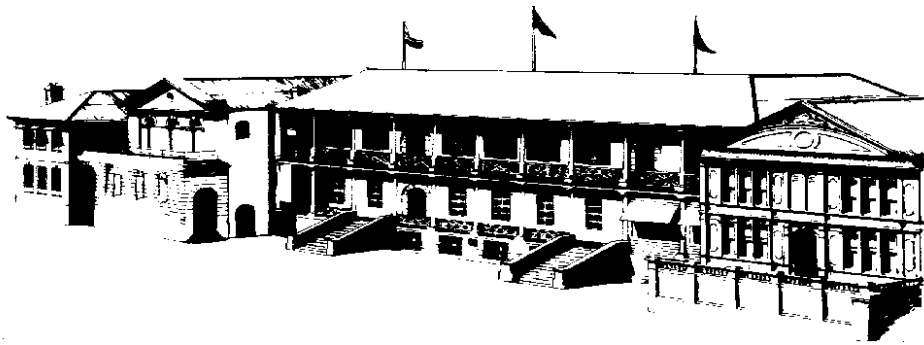




**NEW SOUTH WALES**



*Legislative Council*

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**FIFTY-FIRST PARLIAMENT  
THIRD SESSION**

**OFFICIAL HANSARD**

**Tuesday, 31 March 1998**

# LEGISLATIVE COUNCIL

Tuesday, 31 March 1998

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

**The President** offered the Prayers.

## ASSENT TO BILLS

Assent to the following bills reported:

Justices Amendment (Procedure) Bill  
 Appropriation (Refunds and Subsidies) Bill  
 Business Franchises Licences (Repeal) Bill  
 Contractors Debts Bill  
 Crown Lands and Irrigation Legislation Amendment (Removal of Transfer Restrictions) Bill  
 Petroleum Products Subsidy Bill  
 Road and Rail Transport (Dangerous Goods) Bill  
 South-west Tablelands Water Supply Administration (Repeal) Bill  
 Traffic Legislation Amendment Bill  
 University of Western Sydney Bill  
 Walker Trusts Amendment Bill  
 Road Transport (Heavy Vehicles Registration Charges) Amendment Bill  
 Road Transport (Vehicle Registration) Bill  
 Stock Diseases Amendment Bill  
 Fines Amendment Bill  
 Evidence Amendment (Confidential Communications) Bill  
 Duties Bill  
 Dried Fruits (Repeal) Bill  
 Marketing of Primary Products Amendment (Wine Grapes Marketing Board) Bill  
 Marketing of Primary Products Amendment (Marketing Orders) Bill  
 Education Reform Amendment Bill  
 Water Legislation Amendment Bill  
 Public Health Amendment (Tobacco Advertising) Bill  
 Coroners Amendment Bill  
 Royal Botanic Gardens and Domain Trust Amendment Bill  
 Traffic Amendment (Disqualification for Speeding) Bill  
 Native Vegetation Conservation Bill  
 WorkCover Legislation Amendment Bill  
 Crimes Legislation Further Amendment Bill  
 Law Enforcement (Controlled Operations) Bill  
 Casino Control Amendment Bill  
 Kooragang Coal Terminal (Special Provisions) Bill  
 Visy Mill Facilitation Bill  
 Contaminated Land Management Bill  
 Courts Legislation Further Amendment Bill  
 Crimes Amendment (Child Pornography) Bill  
 Evidence (Children) Bill  
 International Transfer of Prisoners (New South Wales) Bill  
 Local Government Amendment (Open Meetings) Bill  
 Pollution Control Amendment (Load-based Licensing) Bill  
 Statute Law (Miscellaneous Provisions) Bill (No. 2)  
 Summary Offences Amendment Bill  
 Superannuation Legislation Further Amendment Bill  
 Timber Plantations (Harvest Guarantee) Amendment Bill  
 Totalizator Legislation Amendment Bill

Environmental Planning and Assessment Amendment Bill  
 Fisheries Management Amendment Bill  
 Health Services Bill  
 Liquor and Registered Clubs Legislation Amendment Bill  
 Protection of the Environment Operations Bill  
 Security Industry Bill

## BILLS RETURNED

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

Marketing of Primary Products Amendment (Marketing Orders) Bill

Messages were received from the Legislative Assembly agreeing to the Legislative Council's amendments to the following bills:

Contaminated Land Management Bill  
 Courts Legislation Further Amendment Bill  
 Crimes Amendment (Child Pornography) Bill  
 Education Reform Amendment Bill  
 Evidence (Children) Bill  
 Fisheries Management Amendment Bill  
 Health Services Bill  
 International Transfer of Prisoners (New South Wales) Bill  
 Liquor and Registered Clubs Legislation Amendment Bill (No. 2)  
 Local Government Amendment (Open Meetings) Bill  
 Native Vegetation Conservation Bill  
 Pollution Control Amendment (Load-based Licensing) Bill  
 Protection of the Environment Operations Bill  
 Security Industry Bill  
 Statute Law (Miscellaneous Provisions) Bill (No. 2)  
 Summary Offences Amendment Bill  
 Superannuation Legislation Further Amendment Bill  
 Timber Plantations (Harvest Guarantee) Amendment Bill  
 Totalizator Legislation Amendment Bill  
 WorkCover Legislation Amendment Bill

## JOINT SELECT COMMITTEE INTO SAFE INJECTING ROOMS

### Message

**The PRESIDENT:** I report the receipt of the following message from the Legislative Assembly:

Mr PRESIDENT

The Legislative Assembly desires to acquaint the Legislative Council that it has this day agreed to the following resolution:

That the reporting date for the Joint Select Committee upon Injecting Rooms be extended from 23 December 1997 to 27 February 1998.

The Legislative Assembly requests that the Legislative Council pass a similar resolution.

Legislative Assembly  
8 December 1997

JOHN MURRAY  
Speaker

## OFFICE OF THE OMBUDSMAN

### Reports

**The President** tabled, in accordance with sections 27 and 31AA(1) of the Ombudsman Act 1974, the special report of the Ombudsman entitled "Prince Alfred Private Hospital Project", dated November 1977, received out of session.

**The President** tabled, in accordance with section 31AA(1) of the Ombudsman Act 1974, the special report of the Ombudsman entitled "The Savvas Report", dated December 1997, received out of session.

**The President** announced that, in accordance with section 31AA(2) of the Act, he had authorised that the reports be made public.

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Reports

**The President** announced, pursuant to section 74 of the Independent Commission Against Corruption Act 1988, receipt of the following reports, received out of session:

Investigation into the Department of Corrective Services—First Report: The Conduct of Prisoner Officer Toso Lila (Josh) Sua and matters related thereto, dated February 1998.

Investigation into the Glebe Morgue, dated March 1998.

**The President** announced that, in accordance with section 78(3) of the Act, he had authorised that the reports be made public.

## GENERAL PURPOSE STANDING COMMITTEE No. 1

### Membership

**The PRESIDENT:** I inform the House that on 23 February 1998 the Leader of the Government nominated the Hon. J. R. Johnson as a member of General Purpose Standing Committee No. 1 in place of the Hon. Franca Arena.

## JOINT SELECT COMMITTEE UPON THE THREATENED SPECIES CONSERVATION ACT 1995

### Report

**The Clerk** announced, in accordance with the resolution adopted by the House on 24 June 1997, receipt of the report of the Committee dated 3 December 1997, together with the minutes and evidence taken before the Committee.

## JOINT SELECT COMMITTEE ON VICTIMS COMPENSATION

### Report

**The Clerk** announced, in accordance with the resolution adopted by the House on 5 December 1996, receipt of a report entitled "Second Interim Report: The Long Term Financial Viability of the Victims Compensation Fund", dated December 1997.

## COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

### Report

**The Clerk** announced, in accordance with section 68A(1) of the Independent Commission Against Corruption Act 1988, receipt of a report entitled "Study Tour of Organisations and Oversight Bodies Comparable to the ICAC: London, Berlin, New York, Washington—February 1997", dated December 1997.

## COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE POLICE INTEGRITY COMMISSION

### Report

**The Clerk** announced, in accordance with section 95(3) of the Police Integrity Act 1996, the receipt out of session of a report entitled "First General Meeting with the Inspector of the Police Integrity Commission", dated December 1997.

## STANDING COMMITTEE ON LAW AND JUSTICE

### Reports

**The Clerk** announced, in accordance with the resolution adopted by the House on 24 May 1995,

the receipt out of session of report No. 7 entitled "Motor Accidents Scheme (Compulsory Third Party Insurance)—Second Interim Report", dated December 1997.

**The Hon. B. H. VAUGHAN** [2.41 p.m.]: I move:

That the House take note of the report.

**Debate adjourned on motion by the Hon. B. H. Vaughan.**

**The Clerk** announced, in accordance with the resolution adopted by the House on 24 May 1995, the receipt out of session of report No. 8 entitled "Workplace Safety—Interim Report", dated December 1997.

**The Hon. B. H. VAUGHAN** [2.42 p.m.]: I move:

That the House take note of the report.

**Debate adjourned on motion by the Hon. B. H. Vaughan.**

**The Clerk** announced, in accordance with the resolution adopted by the House on 24 May 1995, the receipt out of session of a paper entitled "Issues Paper on Workplace Safety, dated February 1998.

#### JOINT SELECT COMMITTEE INTO SAFE INJECTING ROOMS

##### Report

**The Clerk** announced, according to resolution adopted by the House on 19 June 1997, the receipt out of session of a report entitled "Report on the Establishment or Trial of Safe Injecting Rooms", dated February 1998.

#### STANDING COMMITTEE ON STATE DEVELOPMENT

##### Report

**The Hon. A. B. Kelly**, as Chairman, tabled report No. 18, entitled "Report on Operations of the Sydney Market Authority (Dissolution) Bill, from Commencement until 31 December 1997", dated March 1998, together with minutes of proceedings, statements and certain transcripts of evidence.

**Report ordered to be printed.**

**The Hon. A. B. KELLY** [2.43 p.m.]: I move:

That the House take note of the report.

**Debate adjourned on motion by the Hon. A. B. Kelly.**

#### PETITIONS

##### Cabramatta Drug Trade

Petition praying for the establishment of a royal commission to investigate the drug trade in Cabramatta, received from the **Hon. Elisabeth Kirkby**.

##### Animal Liberation

Petition praying that within one year of the presentation of the petition there be a ban on animal exploitation such as battery cages for hens, single stalls and farrowing crates for sows, feedlots for cattle and intensive housing for broilers, wildlife and other animals, received from the **Hon. R. S. L. Jones**.

##### Warragamba Dam

Petition praying for support for the Sydney Water Corporation project to increase the height of the Warragamba Dam to prevent flooding and provide flood protection for homes and local businesses, received from the **Hon. J. F. Ryan**.

#### SEXUAL OFFENCE DAMAGES BILL

##### Restoration

**Motion by the Hon. Elaine Nile agreed to:**

That pursuant to Standing Order 200 the Sexual Offence Damages Bill, interrupted by the close of the previous session, be restored to the stage it had reached in the previous session.

#### CLOTHING, TEXTILE AND FOOTWEAR INDUSTRIES FAIR WEAR CAMPAIGN

**The Hon. Dr MEREDITH BURGMANN** [2.54 p.m.]: I move:

That this House supports the fair wear campaign to assist homeworkers in the clothing, textile and footwear industries to achieve their rights to a living wage, to organise and to work in a safe and healthy environment.

In Australia and other countries women and their families work at sewing machines to produce the clothes that are sold in our shops and markets. Some women work in modern factories for award pay but,

more often, women work in small, cramped sweatshops or in a room or garage at home for low wages. In Australia it is estimated that there are more than 300,000 home-based outworkers in the textile, clothing and footwear industries—that is, there are 15 homeworkers for every factory worker. I should like to quote a number of Australian workers. Jenny, a homemaker in Australia, said:

I work 14 hours a day, every day of the week. Last week I earned \$1.70 an hour. That was with my husband and two children giving me a lot of help.

Mei, a homemaker in Australia, said:

I thought that if I kept working for my employer, I would eventually get the money owed to me. I worked hard for 3 months but never received any money.

Phan, a homemaker in Australia, said that he feels trapped. As he described his family and working life he wiped tears from his eyes. He said:

Our hearts are crying. We didn't come here to do nothing, but when I see other families going out together on a Sunday I feel I am failing.

I should also like to refer to what is being done overseas and in Australia to address this terrible problem. The United States of America is showing leadership in the campaign against the exploitation of workers in the clothing and textile industry, particularly in Asia. We have something to learn from President Clinton's strategies. Indeed, the New South Wales Government is moving in the same direction as President Clinton. In August 1996 President Clinton and his then secretary of labour, Mr Robert Reich, assembled representatives of the apparel and footwear industries. They also assembled relevant labour unions, a consumer federation, and religious and human rights organisations. Mr Clinton asked them to come up with a plan to promote humane working conditions both in the United States of America and overseas.

Using what might be described as American rhetoric, Mr Clinton advocated that there ought to be a kinder, gentler workplace at least as a first step. The idea was to create a voluntary institutional framework to try to encourage people making clothing and other garments to adopt reasonable labour standards. That is what the New South Wales Government is trying to do. The Australian fair wear campaign seeks to address the gross exploitation of workers who make clothing at home. It is an effective way for consumers to respond to injustice in this country. The campaign was launched in Melbourne in December 1996, and already thousands of letters have been written to retailers and politicians, there is consumer awareness, and

protest actions have been held. Retailers have felt the impact of this, but more action is needed. The campaign is moving into a new phase as more people participate. The statement of aims of the campaign reads:

- To eliminate the exploitation of home-based outworkers.
- To encourage retailers and manufacturers to support and adopt a code of practice for the Textile, Clothing and Footwear industry, that will guarantee the production of such goods free of exploitation in Australia.
- To lobby the Australian Government to ratify the International Labour Organisation (ILO) Convention and recommendations on home based workers.
- To urge the Australian government to develop initiatives which encourage home-based workers to move into the formal economy.
- To coordinate and resource supporting organisations in a way which fosters decentralised and autonomous activities. This campaign is to be a low-bureaucracy campaign coalition.
- To educate consumers about ethical shopping, to enable them to support industry initiatives which guarantee goods produced free of exploitation.
- To acknowledge the unique role of unions to be the main negotiators with retailers and manufacturers.
- To support the role of the union in involving workers in the campaign and in disseminating information to these home-based workers of their right to organise and to receive award wages and conditions.
- To urge the Australian government to implement industrial and social clauses in all economic and trade agreements.
- To work cooperatively with the International Clean Clothes Campaign and other international homemaker groups.
- To encourage Australian companies to incorporate a fair practice code of conduct in their production overseas.

In relation to the last point, honourable members may have seen in the newspapers a report of a campaign against a sporting shoe manufacturer whose shoes were made in Asian factories and who did not pay even vaguely humane wages. That campaign was so successful that the sporting shoe manufacturer has changed its practice. Organisations that have already endorsed the fair wear campaign are: the Church and Trade Unions Committee of Victoria; the Anglican Church Diocese of Sydney Social Issues Committee; the Anglican Diocese of Melbourne; the Asian Women at Work Incorporated; Australia Asia Worker Links; the Australian Catholic Social Justice Commission; the Australian Forum for Justice; the Australian National Committee on Refugee Women; the Baptist Union of New South Wales; the Baptist Church Social

Justice Group, Victoria; and the Brigidine Social Action and Awareness Group.

Other organisations which have given their support include the Catholic Social Justice Commission of Perth; Community Aid Abroad; the Community and Public Sector Union, New South Wales Branch; the Dale Street Women's Health Centre, Adelaide; the Dominican Committee for Justice and Peace, Sydney; the Dominican Sisters of North Adelaide; the Good Shepherd Provincialate; the Good Shepherd Youth and Family Service; the Institute of Sisters of Mercy of Australia; the Labor Council of New South Wales; the Left Women's Caucus; and Loreto College, Normanhurst. At the end of last year students from Loreto College spoke at the demonstration held in the Pitt Street Mall outside one of the shops which, until then, had not signed the fair wear campaign agreement.

Other organisations to endorse the campaign are the Loreto Sisters, Australia; the Melbourne Unitarian Peace Memorial Church; the Missionary Sisters of Service; the New South Wales Working Women's Centre; the Presentation Sisters and Christian Brothers for Justice; Ms Moira Rayner; the Sydney Forum of Religious for Justice; the Textile, Clothing and Footwear Union of Australia; the Mercy Foundation; the Redemptorist Community; the Social Justice Committee of Congregational Leaders of Religious Institutes of New South Wales; the Uniting Church in Australia, Synod of Victoria; the Uniting Church in Australia, Assembly Social Responsibility and Justice Committee; the Uniting Church in Australia, Board for Social Responsibility, New South Wales Synod; the Uniting Church in Australia, Northern Synod; the Victorian Trades Hall Council; Women in Industry and Community Health; the Women's Electoral Lobby; Women's Health in Industry New South Wales; and the Young Women's Christian Association, Melbourne. They are only some of the organisations that have endorsed the fair wear campaign.

The following time line summarises important events that have all contributed to a number of positive outcomes in the campaign to end exploitative labour in the textile, clothing and footwear industries. In 1994 the Textile, Clothing and Footwear Union of Australia launched the national outwork information campaign. Information in 12 languages was distributed to outworkers and employers. A multilingual outwork phone-in was conducted over two months, together with national outwork information seminars. This was done through extensive ethnic radio and press advertising, and by raising the profile of the issue in the mainstream media. This information was distributed

to the general community and within the TCF industry. In 1995 the TCFUA report entitled "The Hidden Cost of Fashion" was released documenting the work environment of home-based outworkers and the extent of outwork in the industry. A list of labels, based on outworkers' reports of sewing for below-award pay, was tabled in Federal Parliament. That was followed by a Senate inquiry into outwork in the garment industry, initiated by the Australian Democrats.

The Labor Federal budget announced new funding to assist outworkers through a TCFUA campaign. In September Target Australia signed an ethical agreement, called a deed of co-operation, with the TCFUA. The Target agreement was launched and the Federal Government announced a social security amnesty for outworkers to be conducted from December 1995 to April 1996. In November Ken Done signed a deed of co-operation with the TCFUA. The union approached all major retailers to enter into similar agreements, but received no response. There was continued media exposure of the issue. Greater emphasis was placed on the concept that Australian made means exploited labour, which ensured that the issue increased its profile and received greater community understanding and support. In 1996 the new TCFUA national outwork information campaign was launched, but the new coalition Government axed the outwork campaign and withdrew funds as one of its first acts against unions.

It is interesting that the Federal Government, which claims to be trying to break the power of big unions, began by attacking these women who belong to the Textile, Clothing and Footwear Union. The money that was to be spent on this campaign remains unspent to this day. The Senate inquiry into outwork began receiving hundreds of submissions. Senators visited outworkers' homes in Sydney and Melbourne. The Senate *Hansard* documented 146 clothing labels submitted to the inquiry, as well as extensive case studies of the outworker situation. For the first time submissions from the employer organisations acknowledged the outwork issue and made public their opinions and proposals to the Senate. In April 1996 *A Current Affair* reported on children working in the clothing industry. A detailed *Four Corners* report on outwork in the garment industry prompted companies to consider further whether it was worth getting bad publicity on the issue.

Australia Post and Country Road signed agreements with the TCFUA following media exposure linking their names with exploitation. The final Senate hearing conducted in June 1996, at

which the textile fashion industry of Australia proposed an outwork industry code of practice, was a highlight of what happened in this phase of the campaign. How many home-based outworkers are there? In Australia approximately 300,000 home-based outworkers are engaged in the textile, clothing and footwear industries. How much do these outworkers earn? Outworkers typically work 12 to 18 hour days, six or seven days a week for about one-third of the award rate of pay. It is not uncommon to find outworkers receiving \$2 an hour, and sometimes less. The legal minimum rate is \$10.20 an hour. Why do so many people work from home? A lot of them do it because they cannot get work elsewhere.

Many have not had the opportunity to learn adequate English, and some cannot get their overseas qualifications recognised. A great number cannot get or afford to get child care. The Federal Government's cutback on child-care operational subsidies will make child care impossible for those workers. Others choose to work at home because it enables them to meet family responsibilities. If home-based outworkers wages are improved, will fewer people get work? No, not necessarily. Some manufacturers already pay award rates, but that does not make the cost of garments prohibitive. The task of the campaign is to bring about a more even distribution of rewards. Demand for clothing remains fairly constant. If workers are not pushed to work 16 to 20 hours a day to survive, more jobs may be available.

Ideally, if all workers received their proper award wages some would be able to receive further training in language and skills. This would offer home-based outworkers the option to move into other vocational areas. So, would higher wages mean that more work went offshore? Garments made by home-based outworkers are strongly related to fashion trends. Research suggests that most women's fashion will continue to be made in Australia as imports do not reach our market quickly enough. This makes it unlikely that more production would go offshore. Anyone who has tried shopping for fashion garments made in other countries will realise not only that the fashion is not tailored to what Australian men and women want but that the sizes are always disastrously too small. How does one find out whether home-based outworkers are used in the production of a garment? One asks at company head offices or at the retail outlets.

If the manufacturer uses contractors, one asks if the company has signed the original homeworkers code of practice with the Textile, Clothing and Footwear Union. Retailers do not employ home-

based outworkers directly. Their suppliers, the companies that supply the goods, work through contractors who depend on home-based outworkers to produce the clothing at low rates. It is important that both retailers and manufacturers take responsibility for the rights of those involved in production. I have been surprised, when standing at the cash register of a clothing retail outlet, how many times very ordinary, off-the-street women have asked, "Where is this made? Is it made with exploited labour?" I have also heard the question asked in carpet shops from time to time, "Are you sure this is not made with child labour?". But it is interesting that the campaign is actually getting through to the men and women on the street.

Would it be better if companies ceased to use the products of home-based outworkers? Home-based outworkers have a legitimate role that deserves protection. We are not trying to wipe out this part of the industry; we are simply trying to establish humane and proper working conditions and wages in this area. Home work is not being opposed by the campaign. What must be opposed is the treatment of home-based outworkers as second-class workers. Many do not receive even the minimum wage. Our task is to ensure that they do. Would it be better if everyone worked in a factory? No. Working in a factory does not suit everyone. Again, many factories have closed and companies now depend on home-based sewing for the bulk of garment production in Australia. Some outworkers have said that they prefer to work at home. Some have said that they would prefer to work in a factory if they could. It is important for people to have regular work, good conditions and fair wages, and that does not mean that people have to pay more for their clothes. On occasions clothes made by workers at home for \$1 may retail for between \$50 and \$100. So the fact that garments do not cost much to be made at home does not affect the cost of those garments in the final retail outlet.

What is the homeworkers code of practice? The homeworkers code of practice, which is a process negotiated and agreed to by the clothing union—that is, the TCFUA—with manufacturers and retailers, is a regulatory process designed to make the contracting chain transparent and to enable home-based workers to receive an agreed wage rate, including loadings for holidays. It is hoped to include an accreditation process for manufacturers with an agreement by retailers to use those accredited manufacturers. This will make it possible to identify exploitation and remedy it. A labelling system allowing consumers to identify ethically produced clothing is a future possibility. How will the code of practice be policed? The TCFUA will

monitor manufacturers for compliance and inform home-based outworkers of their rights. The detection of exploitation of workers and non-compliance of contractors, manufacturers and retailers will depend upon record keeping and reporting at each level of the contracting chain. Education of home-based outworkers, manufacturers and consumers is central to the code's effectiveness.

Why is the fair wear campaign necessary? Retailers need to be encouraged to conduct their business more ethically, and only a campaign such as fair wear can do this. Many years of trying to find the best side of employers in the textile industry simply have not worked. It is important that more people in the community understand the exploitation involved in the production of clothes. As more people respond to this problem retailers will get a clear message that consumers do care. The fair wear campaign is a community response to a community problem. When the Federal Workplace Relations Act was passed it included outwork as one of 20 allowable processes. While the inclusion is significant, the Act as a whole considerably erodes awards, the union's ability to monitor award breaches and union access to workplaces to find out whether workers are receiving their legal wages and conditions.

The fair wear campaign further established networks in each State during 1997 and began joint actions with the TCFUA against targeted retailers as part of a campaign to get the code of practice in place. Media liaison highlighted issues that affected homeworkers. There was continuing involvement by community organisations along with individual support and action. After almost three years there has been no significant change in homeworkers' rates of pay. The challenge in 1998 is to translate the actions of the past into real change for homeworkers. What is the homeworkers code of practice? The code has two parts. Part one, which is relevant to retailers, is the statement of principles regarding homeworkers' wages and conditions. This includes:

- the acceptable work conditions and pay rates that homeworkers should receive;
- an agreement to promote the view that manufacturers must comply with these standards;
- a provision that retailers who purchase products not produced by exploited labour may use or identify these products with a logo or sign of compliance;
- a retailer commitment not to sell products produced by exploited labour—this may include terminating a relationship with a supplier.

The code will lead to a requirement that garments carry a sign that they have been manufactured ethically. Shops will display a logo if they stock such clothing. Retailers may promote the fact that they deal only with accredited manufacturers who do not exploit homeworkers. Part two of the code sets out the criteria for participating manufacturers. A code of practice committee will oversee the establishment and ongoing management of the code. It will involve a procedure whereby manufacturers who give work to contractors or directly to homeworkers seek accreditation. The accreditation process will ensure that from the retailer to the homemaker the chain is transparent. This will be achieved by the following steps:

- Retail signatories to the Principles will provide to the union lists of their suppliers.
- In their purchase contracts, retailers will require their suppliers to comply with all laws and regulations, including payment of the sewing garment rate relevant to homeworkers.

Accredited suppliers will provide documentation to the code of practice committee verifying that the contractors they use are keeping all appropriate documentation and paying their homeworkers according to the agreed garments sewing time manual standard. The code of practice committee will undertake an education and information program to inform manufacturers, homeworkers and consumers about the code. The signatories to the homeworkers code of practice were to be the Textile, Clothing and Footwear Union of Australia; the Australian Retailers Association; the Council of Textile and Fashion Industries; the Australian Chamber of Manufactures; and the Australian Business Chamber. All parties agreed to the code in September 1996. In November 1996 the retailers withdrew their support and the manufacturers consequently refused to sign. There are now two codes of practice. The homeworkers code of practice was negotiated over a four-month period in 1996 by the retailers, manufacturers and union. All parties were committed to the process.

As I said earlier, after agreeing to a final draft in September the parties and the individual retailers were to sign in November. At the point of signing the retailers withdrew their support and consequently the manufacturers refused to sign. Let me compare the two codes—the homeworkers code of practice, which I have talked about, and the new code called the Australian Retailers Association substitute code. When the Textile, Clothing and Footwear Union of Australia publicised the retailers' withdrawal from the code the ARA—the Australian Retailers Association—began publicising its own substitute

code as if it were a viable alternative. There were no negotiations involved in the development of this substitute ARA code. The ARA code eliminates the protections embodied in the original homeworkers code of practice. It is important that concerned individuals know the essential points in the original homeworkers code of practice. If they do not, they can easily be deceived by those retailers who have signed only the Australian Retailers Association code, which we all believe does not truly address the exploitation of outworkers

So what is the difference between the two codes? Whereas the original homeworkers code is transparent, openly showing links between homeworker, contractor, manufacturer and retailer, the ARA code is under cover, secretive and in-house. No links from homeworker to retailer are revealed and public scrutiny is avoided. In the original homeworkers code manufacturers and unions agreed to payment of the level three award rate. In the ARA code no specific rate is mentioned. Under the original homeworkers code the retailers supply the union with quarterly records of all suppliers they use. According to the ARA code only an annual alphabetical list is given to the union, but no identification of which suppliers are used by the various retailers. Clearly, exploitation remains confidential under that arrangement.

In the original homeworkers code the union is responsible for ensuring compliance. If a supplier is not acting according to the homeworkers code the retailer will no longer trade with that supplier. In the ARA code the union must merely give details to the ARA, which passes it on to the retailer. In this case the retailer promises investigation and the taking of measures, if necessary. In fact it may be that no action is taken. Finally, according to the homeworkers code of practice, retailers and manufacturers will contribute to a public campaign to inform the industry of the code. No mention of this is made in the ARA substitute code.

Finally, I will provide the most up-to-date list, as at 16 February 1998, of goodies and baddies in the fair wear campaign. Some of the companies that come under the heading of unfair wear, that is, companies that have not signed the agreement, are: Adidas, Alexanders, Blazer, Brown Sugar, Blooms Design, Bras 'n Things, Carla Zampatti, Daimaru Australia, Dotti, Elle Clothing, Esprit, Events, Fashion Stores, Fletcher Jones, Hiltons, Jeans West, Kelly Country, Man to Man, Marcs, Mensland, Mini Minor, Nike, Ojay Pty Ltd, Oshkosh B'Gosh, Portmans, Quicksilver, Radio Active Clothing Company, Rip Curl, R. M. Williams, Stussy, Supre, Syndicate Clothing, Trent Nathan and Yakka.

Companies that are doing the right thing by outworkers and have signed the fair wear agreement are: Australia Post, Anthea Crawford, Berlei, Best and Less, Big W, Bonds, Brian Rochford, Candy Footwear, Coles Supermarkets, Conarge, Cue Design, Country Road, Dara Star Fashions, David Jones, Depict Knits, Depict Distributors, Fashion Fair, Fosseys, GA Fashions, General Pants Company, Gowings, Holeproof, Hot Clothing Company, Hot Gossip, House of Stitches, Ivorie Australia, Jacqui E, Jag, Jockey-Red Robin, Just Jeans, Ken Done, Katies, King Gee, Kmart, LA Shirts, Liza T-Shirts, Lowes Manhattan, Maggie T, My Garment Company, Myer Grace Bros, Najee, Neater Fashions, Pacific Brands, Paddymade, Pelaco, Peter Weiss, Resort Report, Review, Rockmans, Roger David, Saba, Sara Lee Intimates, Sheridan Australia, Simona, Sport Fashion, Sportscraft, Sportsgirl, Stafford Group, S and R Fashions, Sunny Textile Industries, Sussan, Suzanne Grae, Target, Table Eight, The Clothing Company, Time Sportswear, Turning Point Australia, Westco Jeans, Witchery, Woolworths and Yaramovsky. Before entering a clothing retail store all honourable members should stop and think whether they want to contribute to the sort of exploitation to which I have referred.

**The Hon. PATRICIA FORSYTHE** [3.23 p.m.]: The Opposition supports this motion and wants the exploitation of homeworkers, of whom the overwhelming majority are women, to be eliminated. Opposition members are totally committed to improving and enhancing the status of women in this State. I do not doubt for one moment the sincerity of the Hon. Dr Meredith Burgmann in moving this motion: far from it. All honourable members would have noted that in her contributions to debate—from her first speech through to her contributions to debate on the budget—and questions in this House she has always taken the opportunity to speak up on such issues. But I am surprised that a member of the Government would seek to highlight the fair wear campaign, not because it is not an important campaign but because it represents a campaign of hollow rhetoric by the Carr Government.

During the past 18 months members have heard promises and answers to Dorothy Dix questions, but have not seen any action. The coalition has frequently sought to highlight this campaign and the attitude of the Premier in its colourful set of handouts entitled "Carr's Hollow Rhetoric". The subject of sweatshops gets its very own coloured brochure under that heading. When the Australian Labor Party was in opposition the present Premier promised that he would crack down

on sweatshops. He said that he would introduce legislation to allow unions the right of entry without notice into any workplace. There has been little action by the Government on this issue, or for that matter on almost any issue about which the Premier promised action before the last election.

From time to time the fair wear campaign has attracted the attention of the Carr Government—it is always about to do something. The Hon. Dr Meredith Burgmann said today that the Government was moving in the same way as the Clinton Government. I do not know at what pace it is moving but I suggest that it is unacceptably slow. In May 1997 questions, drafted by the Government, were asked in both Houses—to the Premier in the lower House and to the Minister for Industrial Relations in this House—so that the Government could put on the record its commitment to homeworkers. On 21 May 1997, in answer to a question about how he would address the matter of sweatshops in the textile industry, the Minister for Industrial Relations said:

The basic features of the package that the Government launched today are as follows: firstly, a government code of practice establishing a purchasing policy which commits the New South Wales Government to buying only goods produced by non-exploited labour—

Honourable members have heard the words but have seen little evidence of the establishment of a purchasing policy. The Minister further said:

—secondly, funding to help groups of outworkers establish cooperatives and then bid for contracts—an initiative that will give workers control over their conditions and will help to break the vicious economic cycle that sees workers dependent on sweat shops for a living.

Equally a good idea, but absolutely nothing has been said about whether the Government has established co-operatives, the ability of co-operatives to bid for contracts, or whether the initiative has gone beyond words. The Minister said:

In addition, \$250,000 will be allocated to help those cooperatives get off the ground.

Has that money been allocated? He then said:

Thirdly, there will be payroll tax relief to assist these cooperatives.

Outworkers have not even heard of payroll tax, let alone these provisions. To suggest that it is all part of a grand plan by the Carr Government is to misunderstand what the Government has done. I repeat: honourable members have heard words but

there has been no action. The Minister went on to say:

Fourthly, the Government will endorse the textile, clothing and footwear union's code of conduct whereby major retailers undertake not to sell products made by exploited labour.

That is a good approach. However, Opposition members do not agree with the harassment of shop assistants and other people doing their jobs, which happened in some demonstrations that took place outside of shops. There are other ways to do things. The Carr Government initiatives announced in May 1997 went further. An initiative that I am sure all members would recall was the application of a "Free of Exploited Labour" logo on clothing. The Hon. Dr Meredith Burgmann just read an extensive list of retailers and companies that have agreed not to use exploited labour. Many of us are familiar with the labels associated with those companies. I certainly have never seen attached to those labels a "Free of Exploited Labour" logo. The Carr Government proposal sounded good at the time but where was the action, the result of all the words?

At the time of the Government's grand initiative in May last year the Minister for Industrial Relations was critical of the coalition, particularly the Opposition spokesman, Chris Hartcher, the member for Gosford, who criticised some aspects of the package. The Minister said that the coalition focused on raids and prosecutions, a narrow policing approach to sweatshops. At least when the coalition was in government it had runs on the board. It did far more than merely announce initiatives; far more than talk up good ideas. The coalition Government did something positive and concrete about sweatshops. In answer to a question in March 1994 about what the Government was doing about sweatshops the coalition Minister for Industrial Relations, Kerry Chikarovski, stated:

Today I released the results of an investigation by a task force of inspectors into employment and occupational health and safety aspects of the New South Wales clothing industry. That investigation was carried out by 12 highly experienced investigators, six from the Department of Industrial Relations, Employment, Training and Further Education and six from the WorkCover Authority. I ordered the investigation last November following allegations raised in the media and after representations to me from the union movement.

In the space of two weeks, without publicity, the task force of inspectors visited almost 180 premises in the Fairfield, Cabramatta and Surry Hills districts, where much of the clothing industry is based. The task force found instances of workers not being paid the legal minimum wage . . . As a result, the task force issued more than 140 notices. Those employers who fail to rectify the breaches will be prosecuted and will face maximum penalties of \$5,000 for breaching minimum wage conditions and up to \$250,000 for failing to meet adequate safety standards.

That is an example of the coalition Government taking action. The Minister went on to refer to the establishment of a strategy group to go through the findings of the task force. She stated:

That strategy group will include representatives of my department, the WorkCover Authority, the Retail Traders Association, the Labor Council, the Ethnic Affairs Commission and the Ministry for the Status and Advancement of Women.

This was a clear demonstration of the strong support by the coalition Government for the clothing industry and its recognition of the necessity to stamp out exploited labour. The coalition is proud of its record in government. After Labor came to office the clothing workers task force established by the coalition in 1994 was abolished. Special funding of \$100,000 budgeted by the coalition to finance the task force was reallocated. There is a contrast between the action by the coalition Government and the mere words of the Carr Government. While I am sympathetic to the motion and the words of the Hon. Dr Meredith Burgmann, I am surprised that the Carr Government has allowed her to move the motion. Far from focusing on the exploitation of labour, the debate has highlighted the lack of effort by the Carr Government—a lot of words but very little action.

The Hon. Dr Meredith Burgmann referred to the activities of the Howard Government but it is the Labor Government, not the Howard Government, which can be accused of passivity and abandoning outworkers. In 13 long years Labor failed outworkers. In 1995 an edition of the Australian Council of Trade Unions *Workplace* magazine stated that the findings in a report by the Textile, Clothing and Footwear Union into the use of outworking in the garment industry were shameful for a country that has been governed by a supposedly worker-sympathetic Labor Government for the past 12 years. That statement is correct. In the same article Anna Booth, the national secretary of the Textile, Clothing and Footwear Union of Australia, admitted that for years the union had the wrong approach to outworkers, regarding them as scabs who undercut factory workers' rates and cost factory workers jobs. She went on to say that between the 1950s and the 1980s the union believed that outworkers were its enemies and said, "You don't actively reach out to your enemies." These were exploited workers whom we needed to protect. The Howard Government is taking steps, as the Fahey Government did before, to stamp out the appalling practices that have come to be associated with many outworkers.

I fully agree with the Hon. Dr Meredith Burgmann in stating that it is not a question of stamping out homeworkers, because the practice of

working from home suits many people; it is about getting it right so that the workers are paid award wages and able to work under acceptable conditions. I am pleased to support the motion but I am surprised that it was moved because it gave the Opposition the opportunity of pointing out the shameful record of the Carr Government in relation to taking action to assist homeworkers—big on words, big on rhetoric, short on action. That probably sums up the Carr Government in many areas but it is most applicable in relation to the fair wear campaign. This issue has been largely left to the union, which has had little support from its mates in Macquarie Street. I look forward to seeing "Free of Exploited Labour" logos on clothing if that will assist in drawing the issue to the attention of people deciding which clothing to buy. I would like to see a positive purchasing policy from the Government but I doubt that one will appear in the short time the Government has left. It is time the exploitation of workers in Australia and New South Wales in particular was ended. We support any positive campaign that highlights these issues. The coalition has a proud record. It demonstrated its commitment to workers by the actions it took, particularly in 1994 under Minister Kerry Chikarovski. The Fahey Government was committed to the issue. The Opposition supports the motion, having noted the mere rhetoric from the Carr Government on this issue.

**The Hon. JAN BURNSWOODS** [3.39 p.m.]: It is my pleasure to speak in support of the motion moved by the Hon. Dr Meredith Burgmann, which is:

That this House supports the fair wear Campaign to assist homeworkers in the clothing, textile and footwear industries to achieve their rights to a living wage, to organise and to work in a safe and healthy environment.

I was pleased to listen to the details provided by the Hon. Dr Meredith Burgmann about the origins of the campaign, its history, the way it has worked and the successes it has had. The Hon. Patricia Forsythe said that the Opposition supports the motion but, as so often happens with the Hon. Patricia Forsythe, after saying in her first sentence that the Opposition supported the motion, she devoted the rest of her speech to criticising the Government or explaining all the things that the Opposition thinks are wrong with the approach, though finally she stated again that the Opposition supports the motion. With friends like the Hon. Patricia Forsythe and the Opposition, the women outworkers of New South Wales hardly need enemies.

As I said, the Hon. Dr Meredith Burgmann went into considerable detail about the origins and

development of this campaign. I would like to say a little about the difficulty of tracking down outworkers and regulating and controlling the exploitation of women and children outworkers, not only in Australia but overseas. Historically, campaigns such as this have been necessary because it has been incredibly difficult for governments and regulatory bodies to locate, regulate and protect outworkers and pieceworkers in general. The problem that we face is that, by definition, these workers are not found in factories or at the registered address of a company, and therefore they are difficult to find. Because so many of them work in their own homes—another group, of course, works in sweatshops—it is very difficult to regulate for their welfare. That applies in Australia and particularly in New South Wales. Considering the enormous amount of clothing and footwear that is manufactured by outworkers overseas it is difficult for this Government or the Federal Government to do anything about regulating.

I would like to draw attention to the wrongly based and mean-spirited remarks by the Hon. Patricia Forsythe about the role of the New South Wales Government on this issue. The role of the Federal Government is overwhelmingly the most crucial, and it is difficult for governments to do a great deal. I remind the House that the whole basis of the fair wear campaign is that it is a community action. The campaign was started by a coalition of churches, community organisations and unions, specifically to assist homeworkers in the textile, clothing and footwear industry to achieve their rights. What we really need to focus on today is how a community campaign, with very strong support from a whole range of community organisations, churches and unions, is able to address this problem and investigate instances involving particular outworkers who are brought to the campaign's notice; but in particular how it can take direct action by targeting manufacturers and retailers.

In dealing with an issue such as this, it is wrong to focus specifically on government action, particularly State government action. We are talking here about a campaign by a group of community organisations to address the heart of the problem by putting community pressure on retailers to take action not to buy clothing, in particular, unless the manufacturers are prepared to state that they have abided by the code of practice and that they can assure the retailers that the products they are buying have not been produced under unfair conditions.

Going back a very long time, certainly to the 1890s, in all the Australian colonies, as they were

then, this problem was a major factor in the introduction of the original Factories and Shops Acts, which were a precursor to so much of our present protective industrial legislation. Indeed, one of the early and important strikes was the strike by tailoresses in Melbourne in the 1880s. There is a long history of people taking action, particularly by the sorts of coalition I am talking about, and of people of philanthropic bent and often quite wealthy and large companies, individual manufacturers and company owners combining with churches and community organisations because of their concern for the health, wellbeing and income of exploited outworkers. The reason it has taken so long to face this problem is the difficulty of tracking down the offenders and taking necessary action. I believe that the tactic adopted in the fair wear campaign of using community pressure to bring as much force as possible to bear on retailers to make them take action in regard to suppliers is particularly effective. For that reason I reject the rather churlish comments of the Hon. Patricia Forsythe.

I should like to refer to a list of companies that as at February this year deserve to be acknowledged because they have signed the agreement and are doing the right thing by outworkers, and a list of companies that have not. It is important that members of this House and others are aware of the companies that are doing the right thing. The companies that have signed the agreement are Australia Post, Anthea Crawford Australia Pty Ltd, Berlei (Intimate Apparel), Best and Less, Big W, Bonds, Brian Rochford Ltd, Candy Footwear, Coles Supermarkets, Carnage, Cue Design, Country Road, Dara Star Fashion, David Jones Ltd, Depict Knits Pty Ltd, Depict Distributors Pty Ltd, Fashion Fair Pty Ltd, Fosseys (Australia) Pty Ltd, G. A. Fashions Pty Ltd, General Pants Company Pty Ltd, Gowing Bros Limited, Holeproof, Hot Clothing Company Pty Ltd, Hot Gossip Clothing, House of Stitches, Ivory Australia, Jaqui E, Jag, Jockey Red Robin, Just Jeans Pty Ltd, Ken Done, Katies Fashions (Australia) Pty Ltd, King Gee Clothing, KMart, LA Shirts Australia Pty Ltd, Lisa T-shirts, Lowes-Manhattan Pty Ltd, Maggie T, My Garment Company Pty Ltd, Myer Grace Bros, Najee, Neater Fashions (Sales) Pty Ltd, Pacific Brands, Paddymade, Pelaco Pty Ltd, Peter Weiss Pty Ltd, Resort Report, Review, Rockmans Stores Pty Ltd, Roger David Stores Pty Ltd, Saba, Sara Lee Intimates, Sheridan Australia, Simona, Sport Fashions Group, Sportscraft, Sportsgirl, Stafford Group Pty Ltd, S and R Fashions, Sunny Textile Industries Pty Ltd, Sussan, Suzanne Grae Corporation Pty Ltd, Target, Table Eight, The Clothing Company, Time Sportswear Pty Ltd, Turning Point Australia, Westco Jeans (Australia)

Pty Ltd, Witchery Fashions Pty Ltd, Woolworths Ltd and Yarmovsky Pty Ltd.

Honourable members will note that the list includes some very large companies that account for the majority of clothing turnover, including department stores. I instance again David Jones, Myer-Grace Bros, Target and Woolworths, as well as a number of specialist clothing stores such as Just Jeans, Country Road, and so on. Their inclusion is an important achievement and shows that the fair wear campaign has been a soundly based and successful community campaign, which has been achieved in the space of a couple of years. With companies such as those signing the agreement—and therefore committing themselves to the aims of the campaign, and to being checked in future—I believe we are going a considerable way towards ending the exploitation of women and children outworkers. Some large companies are also to be found on the list of those that have not signed, but, happily, there are many fewer of them.

It is much harder to identify the companies that have not signed the agreement. Some are fly-by-nighters that come and go, and obviously many are only small. I shall just list those who have proved unresponsive to date: Adidas, Alexanders, Blazer, Brown Sugar, Bloomers Design, Bras 'n Things, Carla Zampatti, Daimaru Australia Pty Ltd, Dotti, Elle, Esprit Retail Pty Ltd, Events, Fletcher Jones Australia, Hiltons Stores, Jeanswest, Kelly Country Clothing, Man to Man, Marks, Mensland, Minnie Minor, Nike Australia Pty Ltd, Ojay Pty Ltd, Oshkosh B'Gosh, Portmans, Quiksilver, Radio Active Clothing Company, Rip Curl Pty Ltd, R. M. Williams Bushman's Outfitters, Stussy, Supre Pty Ltd, Syndicate Clothing Co. Pty Ltd, Trent Nathan Pty Ltd and Yakka Industrial Wear.

The list includes some large companies. It is astounding that Fletcher Jones, and the expensive brand names Trent Nathan and Carla Zampatti are also on the list. The only possible justification for producing cheap clothing by outworkers is that that clothing is for the lower end of the market. But given the prices that the expensive brand companies charge for their clothing, and the attention to the detail and quality of their clothing that they claim, it surprises me that they would use outworkers. I was particularly amazed that Carla Zampatti is on the list, because until recently she and I were fellow members on the board of the University of Western Sydney. It is shocking that someone occupying a public office should run a company that is not willing to agree to end the exploitation of women and children in the clothing industry. The same remarks apply to other people on the list.

It would be immediately clear to all honourable members that the companies that have signed the agreement and are doing the right thing are, on the whole, much larger, more profitable and more successful than the companies that have not signed the agreement. This grassroots campaign is important because the Federal Government is working hand over fist to remove protections from workers, and the campaign is going well. Apart from my obvious direct political opposition to that, it is important to involve community organisations and churches in a campaign that reveals this type of exploitation and builds opposition to the Howard agenda of reducing protection for workers. Although obviously the Hon. Patricia Forsythe missed it, late last year in the Jubilee Room the Government launched a labelling campaign. It is pleasing that the Government supports the campaign and is doing everything it can to stop this social evil.

**The Hon. ELISABETH KIRKBY** [3.53 p.m.]: On behalf of the Australian Democrats I support the motion. I do so with great pleasure because my colleague Senator Sid Spindler was the chair of the Senate economic reference committee which introduced the need for protection of outworkers. It is ironic that although Senator Spindler first moved the motion in the Senate on 24 August 1995, it was not carried, because a member of the Australian Labor Party was the deputy Chair and laid a complaint that Senator Spindler had not first put it through the committee. It was finally passed by the Senate on 31 August 1995.

It was interesting that in its newsletter dated 16 December 1997 fair wear said, "A happy birthday, fair wear. You are one year old." It took one year after the Senate committee deliberations before fair wear came into being. In 1996 only two retailers had signed the homeworkers code of practice and three others had signed the deed of agreement. However, just before Christmas last year 39 companies had signed, as well as the Australian Retail Traders Association on behalf of its members. It is proper that outworkers be protected. The Hon. Dr Meredith Burgmann and the Hon. Jan Burnswoods have already read onto the record the long list of companies that have signed the deed of co-operation, the homeworkers code of practice and the homeworkers code of practice through the Australian Retailers Association. There is little point in me reiterating them.

However, I am disturbed to discover that Berlei is on the list of so-called good guy label companies that have signed the homeworkers code of practice. As honourable members would be aware, Berlei has now gone totally offshore; it has

closed its factory in Lithgow and between 200 and 300 of its female employees have been put out of work. We need to go one step further and put in place a further code of practice to ensure that some of the big name manufacturers in the Australian fashion industry do not go offshore and deny employment to women in Australia, while exploiting workers in overseas countries that have low rates of pay and may be subject to conditions not approved of by the International Labour Organisation. I am sure that China, which is where Berlei has gone, is one of those countries. An article in today's media said that blouses were being manufactured in Myanmar, which used to be known as Burma.

I have bought goods quite innocently only to discover that they have been manufactured in Indonesia or Malaysia, but are being sold under the label of an Australian parent company. I call on the Textile, Clothing and Footwear Union of Australia to go one step further and monitor what is happening to homeworkers in Australia and to ensure that they are not exploited, that they receive holiday pay, adequate rates of pay and sickness benefits. People should be able to know whether they are buying a product that has been made in Australia by Australian labour, rather than one made for an Australian company overseas where labour is not protected.

Material I received from the Internet about the number of homeworkers in Australia makes interesting reading. It is estimated that there are 329,000 homeworkers in the textile, clothing and footwear industry Australiawide. Unfortunately some of them will earn as little as \$1 to \$2 an hour. It is also common for homeworkers not to be paid for the work that they do. They are often isolated and vulnerable to contractors, who take advantage of them. Over the past few years it has been said that it is not the manufacturing companies that stand over these workers but the contractors, the middle men between the home worker and the company. There have been many cases of abuse by the contractor. I do not know what is happening and I ask the Hon. Dr Meredith Burgmann to address that issue in reply.

**Pursuant to sessional orders business interrupted.**

#### QUESTIONS WITHOUT NOTICE

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#### INDEPENDENT COMMISSION AGAINST CORRUPTION PARLIAMENTARY TRAVEL ENTITLEMENTS INQUIRY

**The PRESIDENT:** Order! I draw to the attention of the House a letter I received today from

the Hon. Barry O'Keefe, Commissioner of the Independent Commission Against Corruption, which states:

Dear Mr President

On Friday, 27 March, 1998 the evidence and addresses in the public hearing into the use of Parliamentary travel entitlements and other matters concluded. I am now engaged in writing the report. Having regard to the nature of the matter, the procedures of the Commission directed towards ensuring accuracy and the time which will be taken in drafting the report, it will not be possible to publish the report before Parliament resumes tomorrow.

I am endeavouring to ensure that the report will be available as soon as possible. However, the short week preceding Easter may make it very difficult to publish the report before the Easter break.

I am concerned that during the time that the report is in course of preparation, the matters disclosed in the public hearings should not be a distraction for the Parliament or provide the basis for comments which may pre-judge or seek to influence the outcome. The most effective way of ensuring that this does not occur would be for Members to treat the matter in the same way as if it were sub judice.

I respectfully commend this suggestion to you for your attention when presiding over proceedings in the Legislative Council.

Yours sincerely,

The Hon. B S J O'Keefe AM QC

I bring this letter to the attention of honourable members and I commend the commissioner's request.

#### ENERGYAUSTRALIA SUPPLY CONTRACT

**The Hon. J. P. HANNAFORD:** My question without notice is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Is it a fact that the board of EnergyAustralia has announced that it is not proceeding with a supply contract with National Power and the Redbank power station? As a shareholding Minister, how will he ensure that New South Wales taxpayers do not have to foot a \$300 million bill for legal liabilities for this debacle?

**The Hon. M. R. EGAN:** EnergyAustralia and National Power entered a power purchase hedge agreement some two years ago. It was a term of that agreement that National Power assign the power purchase hedge agreement to a creditworthy joint venture by 1 February 1997. I am advised that National Power failed to do that by that date. National Power had until 28 March 1998 to complete the assignment and to achieve its financial close. The power purchase hedge agreement is a long-term agreement; it can potentially run for more

than 35 years. Therefore, it is important for EnergyAustralia that the project participants are companies of substance. Redbank Project Pty Ltd was established last year with \$2 capital. Redbank Operating Services is a joint venture between NP Operations Pty Ltd and LG&E Australia Pty Ltd. NP Operations Pty Ltd was formed this month with nominal capital. LG&E Australia Pty Ltd was formed last year with \$12 capital. In January major equity investors Axiom and Hastings Fund Management decided not to proceed with the project.

The power purchase hedge agreement can be terminated by EnergyAustralia if the conditions precedent have not been satisfied by National Power by 28 March 1998. The deadline for the assignment and financing to be completed has now passed. National Power has now commenced Supreme Court proceedings to try to stop EnergyAustralia from exercising its right to terminate the contract. EnergyAustralia intends to defend the proceedings and believes that it now has the right to terminate the contract.

#### DOMESTIC VIOLENCE COURT ASSISTANCE PROGRAM

**The Hon. ANN SYMONDS:** My question without notice is directed to the Attorney General, and Minister for Industrial Relations. Will the Attorney General describe the recent changes to the listing of apprehended violence matters and the resultant changes of court assistance schemes in the Blacktown, Mount Druitt and Penrith areas?

**The Hon. J. W. SHAW:** I know that the Hon. Ann Symonds is concerned about the administration of justice, particularly in relation to women, and, obviously, apprehended violence orders, which, overwhelmingly, protect women. The population growth in western Sydney has resulted in the need to increase the level of court services provided in that region, and this Government has done just that. The courts at Parramatta, Blacktown and Penrith have experienced delays that are significantly higher than in other areas of the State. Available courtroom accommodation in western Sydney is being used to capacity. In particular, Blacktown court is unable to handle its workload.

In response to those pressures the Government has constructed three additional courtrooms at Penrith. In an effort to reduce the unacceptable case load currently experienced at Blacktown Local Court, the co-ordinating magistrate for the Sydney west region, Mr Milson, with the support of the chief magistrate, Mr Landa, has determined that from 6 April all court cases emanating from the

Mount Druitt police station will be heard at Penrith Local Court instead of Blacktown Local Court. The listing change will take advantage of the three new courtrooms at Penrith. This change will include applications for apprehend violence orders sought by the police on behalf of Mount Druitt residents.

Decisions as to when and where a court sits are made by the judiciary and independent of the Executive Government. Section 12(2) of the Local Courts Act 1982 empowers the chief magistrate to determine the arrangement for the sittings of local courts. The chief magistrate has regard to the varying case loads at local courts and allocates sittings to ensure that judicial resources are best utilised. Until the change was made as to where Mount Druitt matters are listed there were two domestic violence court assistance schemes in the Blacktown-Mount Druitt-Penrith region. The schemes are part of the network of court assistance schemes funded by the Government and administered by the Legal Aid Commission.

One of the services, which was based in Mount Druitt, was for Blacktown, Mount Druitt and Quakers Hill, and it supported matters heard at Blacktown Local Court. The other service was based in Penrith and supported AVO matters heard at Penrith Local Court. After the court listing arrangements were changed the court assistance schemes had to adjust to the new arrangements. Both the Penrith and the Blacktown-Mount Druitt court assistance schemes put forward competing proposals to the Legal Aid Commission to support the changed court listing arrangements. The commission determined that Mount Druitt clients attending Penrith court should be supported by an expanded Penrith domestic violence court assistance scheme.

I shall outline the details of the new arrangements. Under the old scheme Blacktown residents shared a domestic violence court assistance co-ordinator with Mount Druitt residents. This person was based at Mount Druitt, despite the fact that the local matters were listed at Blacktown. Under the new arrangements Blacktown residents will receive a proportionately higher level of service. It is anticipated that a court assistance co-ordinator will be located at Blacktown to assist domestic violence applicants attending the Blacktown court. This co-ordinator will be dedicated to looking after Blacktown matters alone, rather than also having to support Mount Druitt matters.

Under the old scheme Mount Druitt applicants attended Blacktown court and were supported by a co-ordinator who was also responsible for Blacktown matters. Under the new arrangements

complainants from Mount Druitt will have their own list day at Penrith. There will be a domestic violence court assistance program co-ordinator for Mount Druitt matters. Whilst this program will be administered by the Penrith organisation, which auspices the current Penrith scheme, the co-ordinator will be based in Mount Druitt.

Apart from the list day at Penrith Court, the co-ordinator will spend two days per week at the Mount Druitt Polyclinic, which has the advantage of also being the location of the chamber magistrate in Mount Druitt. The co-ordinator will spend another one day per week working in the Mount Druitt area. In addition, an assistant co-ordinator will be available one or two days per week in Mount Druitt. Thirdly, Penrith residents will receive the same level of service at the same location as they received under the old arrangement. The Legal Aid Commission will monitor the operation of the court assistance schemes at Blacktown and Penrith courts. Greater resources will be available by way of the three new courts at Penrith, and a consultative arrangement which the department was engaged in very actively over recent weeks will result in an improved service for people. A satisfactory arrangement has ensued.

#### **GAMING VENUE AUTOMATIC TELLER MACHINES**

**The Hon. R. T. M. BULL:** I address my question without notice to the Minister for Public Works and Services, representing the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development. Following Judge Morrow's warning against the placement of automatic teller machines in the proximity of gaming venues, after the gaoling of a person who turned to crime to feed an obsession with poker machines, has the Carr Government made any attempt to address the availability of ATMs in New South Wales gaming venues?

**The Hon. R. D. DYER:** I shall be absolutely delighted to obtain a prompt and full response from my colleague the Minister for Gaming and Racing.

#### **SYDNEY COVE IMPROVEMENTS**

**The Hon. B. H. VAUGHAN:** I address my question without notice to the Minister for Public Works and Services. Will the Minister advise the House of the Government's recently announced plans to improve the image of Sydney Cove?

**The Hon. R. D. DYER:** I readily recognise the interest the member has always shown not only in the image of Sydney Cove, but in the amenity of

the city of Sydney generally. The Hon. B. H. Vaughan clearly has a personal and intimate knowledge of Sydney Cove and its environs. I have a great deal of pleasure in informing the House that the State Government has endorsed a strategic plan and a master plan for government-owned land at Circular Quay. Improved links between ferries, buses and trains, and a better mix of shops and restaurants are among benefits for the Circular Quay area. In recent times the pedestrian areas of Circular Quay have become clogged and cluttered. These improvements will unlock the Quay for commuters and visitors. The first stage of works, costing \$7.7 million, will include a reduction in the number of fast-food outlets and non-essential Sydney Ferries accommodation off the wharves to an adjacent new location.

This will greatly ease the growing congestion experienced on the wharves during peak hours and at weekends. Existing and new businesses will have the opportunity to be located in expanded retail premises under sections of the railway concourse, leaving the wharves free of major obstacles and improving the main pedestrian walkway. The changes will benefit retailers, who will be offered long-term leases in modern premises with better views and increased night-time patronage. Other beneficiaries will include the ferry and JetCat users, and visitors to Sydney Cove. The master plan co-ordinates the activities and interests of the 25 government and 20 non-government organisations involved in the Circular Quay precinct whilst enhancing public amenity. I am pleased to be able to inform the House that stage one of the works is scheduled to start mid-year, with completion to be finalised by the end of 1999.

#### **CHILD ABUSE PENALTIES**

**The Hon. PATRICIA FORSYTHE:** My question without notice is directed to the Attorney General. Is the Attorney General aware that yesterday a woman charged with neglect and abuse of her two-year-old boy was released without penalty by a court in Newcastle because it was her first offence, even though injuries to the boy included a 15-centimetre burn to the chest, fingernails ripped out, four fractured toes and cigarette burns to the back of his knees? Will the Attorney General emphasise the community's abhorrence of child abuse by lodging an appeal against this totally inadequate decision?

**The Hon. J. W. SHAW:** I am not aware of the case to which the honourable member has drawn attention and I would not make any comment on it until I knew all of the facts and the circumstances surrounding the matter. I am firmly of the belief that

difficult decisions of that kind are made by independent judges and not by politicians. I do not regard myself as having any role in appealing against such sentences, although I do have a role in having dialogue with the Director of Public Prosecutions in respect of a possible appeal. I will certainly undertake to have that matter examined urgently and I will report back to the honourable member about it.

### STAR CITY CASINO REPORT

**Reverend the Hon. F. J. NILE:** I ask the Minister for Public Works and Services, representing the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development a question without notice. Is it a fact that a report by Peter McClellan, QC, into the Star City Casino operating licence called for closer monitoring of illegal activities such as drug dealing, loan sharking, money laundering and prostitution in the casino and neighbouring communities of Pyrmont and Ultimo? Is it a fact that the Minister for Gaming and Racing agreed with all the recommendations of the report? In view of the recent murder of a New South Wales police officer in Ultimo over a drug-dealing transaction and the application for licensing of brothels for prostitution in Pyrmont and Ultimo, what action will the Government take to support the recommendations in Mr McClellan's report to the Government to curb these activities?

**The Hon. R. D. DYER:** Reverend the Hon. F. J. Nile has asked a comprehensive question concerning matters arising out of the McClellan report. I will refer the question to my colleague the Minister for Gaming and Racing to obtain a response for him.

### DEPARTMENT OF PUBLIC WORKS AND SERVICES RURAL CONTRACTS

**The Hon. A. B. KELLY:** My question without notice is to the Minister for Public Works and Services. Further to a question asked by the Hon. M. R. Kersten on 2 December 1997, will the Minister further explain the policy of the Department of Public Works and Services for awarding contracts to tradesmen in country New South Wales?

**The Hon. R. D. DYER:** The Department of Public Works and Services is concerned that small local building contractors should not be disadvantaged in securing government work and most certainly does give preference to local contractors and tradesmen on country-based jobs. The department achieves this in a number of ways.

When the volume of work makes it practical, registers of local trades and building contractors are maintained in country regions for contracts up to \$500,000. When a register is set up all work is allocated to those on the register. When such a register is not warranted tenders are advertised in local newspapers aimed at employing local resources.

For contracts over \$500,000 larger businesses will be involved and tenderers are chosen from a statewide list of registered builders. But again preference is given to local contractors. A number of recent initiatives have been taken by the Department of Public Works and Services in Broken Hill, the home town of the Hon. M. R. Kersten. For example, on some projects the department has reduced its requirements for tenderers to have a substantially implemented quality system in order to enable participation by local firms. This occurred for a current building project in Broken Hill—Corrindah Court—a building in the grounds of Broken Hill hospital.

Whilst tenders for this type of contract would normally be invited from large firms, possibly from Sydney, tenders will be advertised in Broken Hill, allowing any builder to submit a tender. Again, for the major construction of the new hospital complex at Broken Hill, senior departmental officers met with the local subcontractors and builders three months before tenders were due, to discuss how local tradesmen could maximise their involvement in the contract. It was recognised at that meeting that resources of a large non-local contractor would be needed to manage the contract due to its size and complexity, but that local tradesmen could be involved by working together to offer their services. Those who attended the meeting agreed that local tradesmen would benefit from working with a large non-local contractor by being exposed to more complex work practices, in line with the Government's industry development strategy for the construction industry.

### STATE BUDGET MANAGEMENT

**The Hon. J. M. SAMIOS:** I ask the Treasurer, Minister for State Development, and Vice-President of the Executive Council whether the half-yearly statement of the budget position for 1997-98 released on 27 February 1998 states that interest rates were some 2 to 3 per cent lower than budget forecasts. Does the report also state that this reduction had made a favourable impact on debt servicing costs but does not stipulate the actual amount? What are the actual savings that have accrued as a result of the reduced debt servicing

costs associated with this 2 per cent to 3 per cent reduction in official interest rates?

**The Hon. M. R. EGAN:** The Hon. J. M. Samios has given me an opportunity to draw attention to some ludicrous comments made by his colleague the Deputy Leader of the Opposition in the other place, who also happens to be the shadow treasurer. It is important on occasions to remind the public and the media of that fact because he makes very little impact in his own right. The Deputy Leader of the Opposition in the other place claimed that the reduction in interest rates over recent years would see many hundreds of millions of dollars saved from the New South Wales budget each and every year. Now, of course, that unfortunately is absolute nonsense. It would be the case if our interest rates were all at current market rates.

The fact of the matter is that the State's debt, which has built up over 200 years of our history, comprises loans of varying maturities. In other words, some of the loans might have been taken out for a month, but most of them are long-term loans—a year, two years, five years, 10 years, 20 years, and probably some as long as 30 years. Whilst interest rates in Australia are now very low—around 5 per cent or 6 per cent—unfortunately we are still paying 14 per cent and 15 per cent on loans which the former Government took out for very long terms indeed. So, whilst there will be a benefit to the budget as loans mature and are refinanced, there is certainly no way—

**The Hon. J. P. Hannaford:** But Treasury itself said that there was a significant saving.

**The Hon. M. R. EGAN:** There is, but it is nowhere near the hundreds of millions of dollars that Mr Phillips—

**The Hon. J. P. Hannaford:** Tell us how much.

**The Hon. M. R. EGAN:** That will be evident when the budget comes down in just a few months. I point out that it will mean that, over time, the interest bill for the State will decrease.

**The Hon. J. M. Samios:** Do you have any idea what the saving is at the moment?

**The Hon. M. R. EGAN:** Yes, I have, but I would prefer it if the honourable member read my budget to get that information. Provided that interest rates stay around their current level or not too far above it, a decade from now there will be significant cost savings for the taxpayers of New South Wales.

## WOMEN IN BUSINESS

**The Hon. DOROTHY ISAKSEN:** I direct my question without notice to the Treasurer and Minister for State Development. Will he inform the House what assistance is being given by the Government to provide help for women in business?

**The Hon. M. R. EGAN:** The Hon. M. R. Kersten obviously does not like the concept of women in business. But I assure him that the contribution that women are now making to business throughout Australia has never been more significant. Women now make up 40 per cent of the State's business community and they play a leading role in 60 per cent of our small businesses. It is estimated that by the year 2010 about 50 per cent of small businesses will be owned and operated by women. In light of these statistics the New South Wales—

**The Hon. D. J. Gay:** Most of those were bigger businesses before you became Treasurer.

**The Hon. M. R. EGAN:** The Hon. D. J. Gay is still making the same sorts of inane interjections as he was making before the House rose for the Christmas break.

**The Hon. R. T. M. Bull:** They are very good interjections.

**The Hon. M. R. EGAN:** They are inane interjections and they never improve. In light of these statistics the New South Wales Government is actively working to increase the number of women involved in the decision-making processes. I am pleased to advise that the Government has recently appointed a new manager, Ms Christine New, for its women in business mentor program. This program is primarily aimed at assisting women starting out in businesses and will also provide extra guidance to those who are already established. Ms New brings to the position an all-round perspective on the opportunities and the challenges facing today's businesswomen.

**The Hon. D. J. Gay:** Did you not remove a woman from a government department?

**The Hon. M. R. EGAN:** I have appointed quite a number of women to head government agencies, and I will give the honourable member a list of them tomorrow. It is sometimes difficult for me to remember all the agencies that come within my portfolios so I will get the list and I will give the honourable member the most up-to-date information. Ms New has had extensive management

experience in international businesses, property management, retailing and catering firms and the banking and finance industry. We are confident that her diverse commercial and public sector background will provide a sound basis for building and developing this program throughout New South Wales. Our research has shown that a mentoring program is the most effective way to enable women to develop new skills and experiences by learning from each other. Our pilot program in 1995 produced excellent results. The 18 businesses involved reported an annual turnover increase of more than \$2 million.

Over 70 per cent of participants increased their market share, nearly all of them reported an increase in their business skills and 31 totally new jobs were created. This success has prompted the expansion of the program into three streams: head start for women who have been in business for less than two years; step ahead for women in business for more than two years; and art start for visual and performing artists earning their livelihood from their art. I understand that over 200 women have now participated in the program. I am pleased to report that it is not just city-based women who will benefit from the program. This year we will be expanding our operations to meet the needs of regional businesswomen in the northern rivers, Illawarra, south-eastern and Orana regions. Through initiatives such as the businesswomen's mentor program the Government has been promoting and recognising the important role women play in the New South Wales business community.

#### BATHURST OFFICE FOR REGIONAL DEVELOPMENT

**The Hon. D. J. GAY:** My question without notice is directed to the Treasurer, and Minister for State Development, representing the Minister for Regional Development. Is it a coincidence that the failed Australian Labor Party candidate for Orange, Mr Glenn Taylor, started in his new position as the head of the Bathurst office for regional development almost one year to the day away from the 1999 State election? Is the Minister also aware that Mr Taylor has already publicly indicated that he will be a Labor candidate at the next State election? With this information as background will the Minister enlighten the Parliament on the length of Mr Taylor's contract? Is it to be 12 months and will it finish the night before the next election?

**The Hon. M. R. EGAN:** I am not aware of the appointment of Mr Glenn Taylor to any position. However, I am happy to obtain information from my colleague the Minister for Regional Development.

#### AUTOMOTIVE CAR PARTS MANUFACTURING INDUSTRY

**The Hon. E. M. OBEID:** My question is directed to the Treasurer, and Minister for State Development. What is the Government doing to assist the automotive car parts manufacturing industry to increase exports?

**The Hon. M. R. EGAN:** Just yesterday my Parliamentary Secretary, the honourable member for Port Jackson, drove what has become known as the concept car around the track at the Eastern Creek raceway. On previous occasions, as honourable members would recall, I have talked in this House about the concept car—a state-of-the-art car built from the ground up using Australian parts, design and technology. I am pleased to inform honourable members that the car is now demonstrating to the world how advanced our car component manufacturing industry is.

The car has just had star billing at the Society of Automotive Engineers International Expo in Detroit, which is, as honourable members would be aware, the world's largest car show. The vehicle's hi-tech features include a voice-activated computer control system, a security system that replaces the traditional key with a swipe card, and video monitors built into the backs of the seats. The car's technology also ensures low-energy consumption and minimal emissions. The car attracted international attention. It was featured on CNN, which has also featured me on the odd occasion that I have been to the United States of America, and on the television program *Good Morning America*. A photograph of the car was even published on the front page of the *Detroit News* in a city with a reputation for automotive expertise.

The New South Wales Government contributed approximately \$500,000 towards the construction of the vehicle with the intention that it should draw the world's attention to the quality of the work being done by the component industry in this State. We saw that this project had the potential to become the vehicle for an export development and marketing program to increase sales of components, technologies and services and to create new jobs. The Department of State and Regional Development has advised that after the Detroit expo one of the top Chrysler executives said that the car "demonstrated the Australian industry is a force in the Asia-Pacific". He was reported as saying also that as a consequence of this vehicle there could be enormous implications for the Australian automotive component industry's push to expand exports into Asia. That recognition will further develop an

industry that already employs 30,000 people in New South Wales and exports motor vehicle parts to 51 countries around the world. Those 51 countries import automotive parts that are produced here in New South Wales.

I have made the point before that the gearboxes used in Maserati cars are manufactured in New South Wales—not on the Continent, in Italy, Austria or Germany, or in the Asia-Pacific region. There were 18 New South Wales car component manufacturers who contributed to the construction of the concept car. Other New South Wales companies have contributed components, including the steering assembly, switching and light systems, various custom-built parts, as well as marketing and support expertise to the overall project. I congratulate all of those companies. The Hon. R. S. L. Jones has asked me whether the concept car is going to be exhibited around the world. I assure him that the car is now off to the first Automechanica show in Singapore at the end of April, where it will further reinforce the sophistication of the local componentry industry.

#### INTERNATIONAL GARDEN FESTIVAL

**The Hon. M. J. GALLACHER:** My question without notice is addressed to the Treasurer. Will he explain to the House why the Government has allocated funding of only \$15 million and land at Mount Penang with an estimated worth of \$17 million towards an annual floral festival rather than underwriting the \$240 million Planet Earth 2000 project? Why has only a \$50 million project been underwritten, which will be held in 2001, rather than the International Garden Festival planned for the year 2000? As the promised \$25 million from the Federal Government was from the Heritage Fund, how much does he expect the Federal Government to contribute to this considerably smaller project? Does he realise that because of his decision to deny the central coast the \$240 million festival the central coast will lose as many as 9,000 job opportunities and that New South Wales will miss out on approximately \$1.5 billion in economic activity? Instead of giving the central coast a royal Easter show, why has he given it a preschool fete?

**The Hon. M. R. EGAN:** As the Hon. M. J. Gallacher has pointed out, the New South Wales Government has been a very strong supporter of the International Garden Festival, as the Hon. Virginia Chadwick was when she was Minister for Tourism. The support that she gave to the International Garden Festival has been continued by this Government. The Government has made the land available for this important project, as my colleague the Minister for Public Works and Services will

attest. Of course, the Federal Government has always had responsibility for making application to the International Bureau of Expositions and one would have thought that the Federal Government would provide the necessary support for a national project of this importance. Unfortunately, the Federal Government will not have a bar of a potentially valuable project for the people of the central coast, New South Wales, Australia and, indeed, the world. It is a scandal that the Federal Government will not support this project. The New South Wales Government has put its money where its mouth is. It has put money up front and has made the land available. It is now up to the Federal Government to play its part.

#### NEW SOUTH WALES AUDIT OFFICE

**The Hon. ELISABETH KIRKBY:** My question without notice is directed to the Treasurer. Is the Treasurer aware that the Audit Office of New South Wales has been recently recognised as meeting the international quality standard ISO9001? Is it a fact that no other public sector audit office in the world is known to have been recognised as meeting that standard? Is the Treasurer reassured and proud to know that such a competent public sector watchdog is available to watch over the assets of this State as he steers the economy of New South Wales through stormy waters?

**The Hon. M. R. EGAN:** It is certainly great news and I congratulate the Audit Office on its fantastic achievement.

#### PART-TIME AGREEMENTS TEST CASE

**The Hon. Dr MEREDITH BURGMANN:** My question without notice is to the Attorney General, and Minister for Industrial Relations. Will the Minister inform the House of the outcome of the part-time agreements test case?

**The Hon. J. W. SHAW:** Part and parcel of the 1996 industrial relations legislation was to set in place safeguards for part-time workers. The 1991 legislation liberalised the use of part-time work agreements and made them more readily available for employers. The 1996 legislation kept that in place but also required the Industrial Relations Commission to set some guidelines, some basic standards for part-time work. Members will be aware that part-time work has developed very rapidly. Most part-time work is available in service industries, which tend to experience peaks and troughs in their trade, and in which labour costs account for a high proportion of operational costs. In

the hospitality industry, for example, 45.1 per cent of the work force is employed part-time, while 42.3 per cent of employees in the retail industry work on a part-time basis.

The growth of part-time work has been one of the big developments in the Australian labour market in the last decade or so. As part of the regulatory scheme the 1996 Act required the New South Wales Industrial Relations Commission to conduct a test case to set a safety net of minimum standards of employment for workers entering into part-time work agreements. The commission's decision was designed to provide a fair balance between competing needs. As a result of this landmark decision employers have the flexibility to tailor part-time work agreements to the needs of their businesses, and for the first time this growing and predominantly female segment of the New South Wales work force will have legal protection against exploitation.

The commission's decision provides for a number of safeguards. First, is a three-hour minimum shift except when a shorter shift accommodates the individual needs of a part-time employee. The commission rejected employer calls to allow broken or split shifts unless such shift arrangements are allowed under the relevant award. Second, the commission's decision provides for pro rata annual leave, sick leave and long service leave for part-time work agreement employees. Third, it provides for maximum weekly hours that are less than the full-time hours under the relevant industrial relations instrument. Where no provision is made for hours covering an employee the commission has set 37 hours as the maximum weekly hours a part-time employee must work. To prevent employers using part-time work agreements to circumvent award conditions the commission has decided that part-time work agreement employees working only one hour less than full-time hours will be entitled to the full range of benefits applying to full-time work.

Finally, the commission's decision provides for the payment of overtime rates to part-time work agreement employees where they work outside normal full-time hours. The Government has a commitment to promoting equitable workplaces. Members may be interested to learn that the Australian Bureau of Statistics has today released a survey of different types of part-time casual and temporary employment. The survey, undertaken at the request of the New South Wales Department of Industrial Relations Women's Equity Bureau, examined the relationship between part-time casual and temporary employment in the context of issues such as underemployment, family responsibilities

and other reasons for working part-time. The survey results also confirmed the need to protect the growing sector of employees in the work force who, without some type of government regulation, may suffer uncertain and irregular working patterns. By improving the data available on part-time casual and temporary work the survey will assist the New South Wales Government to continue to develop industrial relations policies that reflect the changing employment patterns in the State and ensure adequate protection for vulnerable or marginalised workers.

I commend the New South Wales Industrial Relations Commission for its part-time worker test case. I think it strikes a balance. Some reports say that it favours the employers and opens up further opportunities for part-time work. Other reports indicate that it provides a basic set of standards that will protect vulnerable people asked to enter into part-time work agreements. The basic protection is in the three-hour minimum start. So employers, subject to a number of exceptions, cannot require people to come in for little bits and pieces of time, as it were, and then go back home and so on. That is a reasonable protection. At the same time employers have scope to employ part-time employees for up to almost the full-time ordinary hours of work per week. That is a flexibility that the commission has granted. My perception is that the decision has been quite well received by the industrial relations community—part of the sensible, practical industrial relations that we are embarked upon in New South Wales.

#### **ACCOMMODATION OF Mr ERNEST EDWARD GREIG**

**The Hon. J. H. JOBLING:** My question is directed to the Minister for Public Works and Services, representing the Deputy Premier and Minister for Health. I remind the Minister of my question without notice on 11 December 1995 regarding the plight of Mr Ernest Edward Greig, an aged constituent from Newcastle who has Alzheimer's disease and is being held with dangerous criminals in Morisset's Kestrel forensic ward. At the time the Minister promised to raise the matter with the Attorney General and the Minister for Health to bring about a resolution to Mr Greig's deplorable accommodation arrangements and the inability of his family to obtain permission for leave entitlements. The Greig family is still waiting—more than 27 months later—for a transfer to more appropriate accommodation. Mr Greig has been assaulted twice by criminally insane inmates. When will the Minister act to alleviate the continuing suffering of Mr Greig?

**The Hon. R. D. DYER:** I well recall the matter being raised previously in the House. I am confident that the matter was referred to my colleague the Minister for Health. I will obtain a response from the Minister for Health at the earliest possible time.

#### NEWCASTLE INDUSTRIAL ACCIDENTS

**The Hon. JAN BURNSWOODS:** Is the Attorney General, and Minister for Industrial Relations aware of a spate of fatal work accidents over summer in the Newcastle region? What is the Government doing to address these and similar tragedies?

**The Hon. J. W. SHAW:** I have been concerned about a number of serious accidents in Newcastle since December last year and, indeed, a number of fatalities that occurred between December and March. The situation is alarming and the Government has called for an urgent WorkCover inquiry. I will not deal with all the tragic incidents but will refer to one as an example. In March a 60-year-old blast room operator was lying on his back on the ground when a 12-metre long, eight-millimetre-thick pipe weighing approximately 900 kilograms rolled off a trolley onto his chest. Work mates discovered the body and commenced first aid procedures but without success. All of the fatalities are being actively investigated.

WorkCover has responded to the Government's call for an urgent inquiry with the establishment of a special project team of safety inspectors who are conducting a blitz on selected workplaces in the region. The blitz involves random inspections of small to medium businesses that include light engineering companies, abrasive blasting companies and companies whose activities involve loading and unloading. They are the areas in which the recent accidents have occurred. There are two phases to the blitz. Phase one involves safety inspectors visiting workplaces and assessing them and their commitment to work safety management. Phase two involves follow-up visits and a report on the findings.

To date 62 workplaces have been visited by safety inspectors assigned to a special project team. The visiting inspectors detected a range of safety shortcomings and issued a large number of notices demanding remedial action as well as on-the-spot fines. One hundred and two improvement notices were issued, 25 prohibition notices were issued and eight on-the-spot fines were imposed. A range of shortcomings have been discovered but mostly included machine guarding, or lack thereof, portable

electric tools and equipment being in a poor state of repair. Members should be aware that the blitz in the Newcastle region is continuing. The preliminary report from WorkCover is to the effect that while some of the targeted employers possessed acceptable levels of awareness of occupational health and safety legislation and their obligations under the legislation, many others, especially smaller businesses, were found to have poor awareness. WorkCover is currently looking at strategies to best deal with small- to medium-size businesses so that they not only become aware of their obligations but also translate that awareness into action. The events in Newcastle have been regrettable but WorkCover has taken positive action in response to the sad difficulties.

#### BLACKTOWN HOSPITAL ORTHOPAEDIC WARD

**The Hon. J. F. RYAN:** My question without notice is directed to the Minister for Public Works and Services, representing the Minister for Health. Is it a fact that the 27-bed orthopaedic ward at Blacktown Hospital is to close permanently after Easter? What arrangements will the Government make to deal with the waiting list of up to 18 months for elective orthopaedic surgery at Western Sydney Area Health Service? Is the Minister aware that local doctors are concerned that the hospital will be unable to ensure the necessary sterile environment required by orthopaedic patients when they are placed in general surgical wards?

**The Hon. R. D. DYER:** I shall obtain a response to the honourable member's question from my colleague the Minister for Health.

#### WORKERS COMPENSATION RESOLUTION SERVICE

**The Hon. A. B. MANSON:** My question without notice is addressed to the Attorney General, and Minister for Industrial Relations. Will the Minister inform the House of the outcome of a recent report prepared by Adrienne Bailey which reviewed the pilot Workers Compensation Resolution Service?

**The Hon. J. W. SHAW:** Honourable members may recall that the Department of Industrial Relations has a pilot model of conciliation for disputed workers compensation claims along the lines recommended by Sir Laurence Street. Legislation underpinning that model commenced on 1 March 1997. The model was commenced in the belief that effective conciliation will help to address the situation in which, after a lengthy time delay and

the accumulation of substantial costs, parties reach agreement on the steps of the compensation court. Not only does effective conciliation reduce litigation, and therefore costs to the workers compensation scheme, but it also provides a fast and less stressful resolution of a dispute for the injured worker. To date, results of the pilot have been encouraging. As at the end of February 1998 the service has been responsible for resolving approximately 750 disputes. Those matters no longer need to go to court. That result has been achieved with a pilot staff of six conciliators and, initially, quite slow lodgment patterns.

I recently received a report of a review of the service by Ms Adrienne Bailey of the New South Wales Law Reform Commission. Ms Bailey assisted Sir Laurence Street in his review that led to the establishment of this service. Ms Bailey's report is very positive and confirms widespread acceptance of the service by stakeholders and the view that the service was meeting its objectives. Whilst the report contains numerous comments which I am sure would be of interest to honourable members, I would like to bring to the attention of the House three comments that I believe best reflect the direction or thrust of the report. Firstly, the report states:

The conciliation pilot has been successful. Most of the objectives of the Street Model have been achieved, although not in all cases. There is support for the process of conciliation, and stakeholders are largely satisfied with operations of the WCRS. I find no reason not to expand the pilot.

Secondly, Ms Bailey states in her report:

The Street Report indicated that conciliation's success would depend on the commitment of all parties, and that culture changes would be necessary. It is to the credit of everyone involved in workers compensation that within a very short time, so much change has occurred.

Thirdly, the report states:

Conventionally measured, the WCRS is effective in that just under 60% of matters it deals with are resolved. Parties report that intangible benefits are also achieved even if disputes are not resolved at conciliation.

Ms Bailey concluded that there is a great deal of support within the workers compensation community for conciliation and the operation of the Workers Compensation Resolution Service. Needless to say, not all comments and observations received by Ms Bailey during the course of her consultations were positive. There remains some opposition to the conciliation process and to the demands it places on participants. However, it seems that this criticism is

not widespread, and that is evidenced by the following comment:

However, the difficulties expressed rarely apply in situations universally, and resistance does not come strongly from any one quarter. It is important to avoid blowing out of proportion the criticisms and failings that have occurred, and also the responses thought appropriate to deal with them.

As I stated earlier, the report is positive and indicates acceptance and support of participants in the workers compensation industry. However, it highlighted matters that will need to be addressed in the event that the pilot develops into a fully resourced unit. In this regard, the report will provide an effective blueprint for the future operation of the WCRS. Whilst Ms Bailey indicated that she could see no reason for not expanding the pilot, I have decided to wait for the actuarial report prior to making any decisions in this regard. This will ensure not only stakeholder satisfaction with the service as indicated by Ms Bailey; it will also quantify whether anticipated savings are such as to warrant the establishment of a permanent service. I will keep the House informed of any developments.

#### MILLENNIUM COMPUTER BUG

**The Hon. Dr B. P. V. PEZZUTTI:** My question without notice is directed to the Minister for Public Works and Services, representing the Deputy Premier and Minister for Health. Is the Minister aware that many machines and equipment in the health industry will be seriously affected by the computer millennium bug, posing significant threats to safety and health? Is the Minister aware that half of all medical equipment is predicted to fail either completely or through inaccurate diagnosis because of the repercussions of the computer millennium bug? Is the Minister aware that much of the equipment is unable to be remedied and must be replaced? For example, it will cost over \$500,000 to replace equipment such as laser cameras and ultrasound machines, which will be rendered inoperable come the year 2000. Will the Minister indicate what steps are being taken to avoid such calamities; how will all the equipment be replaced before 2000; and from where will the money come to pay for such replacements? Will he indicate also what measures are being taken to solve problems already reported, such as medical companies being unable to extend batch expiry dates beyond 1999, critical-care patient monitoring systems failing, and CT scanners that have locked up when tested for 2000 operation?

**The Hon. R. D. DYER:** I assure the Hon. Dr B. P. V. Pezzutti that I am aware of the threat posed by the millennium bug. The Government is taking

this matter very seriously indeed, as does my department and, I am sure, the Department of Health. However, I shall refer the question to the Minister for Health so that he can prepare a considered response to the extent that the matters raised affect his department.

#### AERIAL CROP SPRAYING

**The Hon. I. COHEN:** I ask the Attorney General, representing the Minister for the Environment, a question without notice. Will the Minister explain why children on the north coast are being exposed to potentially harmful spray drift from aerial spraying whilst travelling to schools in the middle pocket Yelgun area in the Byron shire? What action has the Environment Protection Authority taken in regard to this matter? What were the outcomes of the middle pocket mediation process? What was the cost of the process? Will the Minister introduce amendments to the Pesticides Act to determine notification procedures for aerial spraying?

**The Hon. J. W. SHAW:** I do not have the relevant information presently available to me, but I will refer the question of the Hon. I. Cohen immediately to the Minister for the Environment and obtain a response.

#### INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS INDUSTRY

**The Hon P. T. PRIMROSE:** My question without notice is directed to the Treasurer, and Minister for State Development. What role is the Government playing in developing the information technology and telecommunications industry in New South Wales?

**The Hon. M. R. EGAN:** As most honourable members would be aware, over the last five years the global information technology and telecommunications industry has been growing at an annual rate of up to 18 per cent. Today, the market in Australia is worth more than \$33 billion per annum. Australia is home to more than 7,500 ITT companies, with almost half of that number based in New South Wales. The ITT industry is very important to New South Wales as it exports around \$2 billion worth of such products and services each year.

The Government aims to attract some of the world's top ITT companies to New South Wales. Already more than three-quarters of the world's top 100 ITT companies have subsidiaries here, with New South Wales being second only to the United

States in the number of computers and Internet hook-ups per 1,000 people. According to the 1997 world competitiveness report, Australia is also well ahead of the three major economies of the United States, the United Kingdom and Japan with regard to mobile communications.

I am pleased to announce that in March the telecommunications giant, Nippon Telegraph and Telephone Corporation—NTT—will open its Australia and Oceania head office in Sydney. NTT is the world's fourteenth largest company and one of the largest in Asia. It has a worldwide revenue of \$78 billion a year. NTT will initially invest \$4.5 million in its Sydney-based headquarters. It plans to operate as a service provider to both domestic and international customers. It will be joining the more than 300 Japanese companies already based in Sydney that collectively employ more than 100,000 people around the State. The choice of Sydney highlights our growing stature in the information technology industry. NTT, along with other top international companies like AT&T, ADC Telecommunications, CISCO and Vodafone—

**The Hon. B. P. V. Pezzutti:** BT.

**The Hon. M. R. EGAN:** I would love to hear the former Government tell us all about BT. Those companies have realised the advantages of using Sydney as headquarters for information technology and telecommunications. We have a skilled multilingual and multicultural work force with skills in the IT&T industries and our educational strengths are acknowledged around the world. The commitment of the Nippon Telegraph and Telecommunications organisation to New South Wales once again confirms our role as a major IT&T player in the Asia-Pacific region. I congratulate the company on its decision to choose Sydney as its Australia and Oceania headquarters and I wish it well.

#### DEPARTMENT OF COMMUNITY SERVICES STAFF

**The Hon. PATRICIA FORSYTHE:** My question without notice is directed to the Attorney General, and Minister for Industrial Relations, representing the Minister for Community Services, Minister for Ageing and Minister for Disability Services. Will the Minister tell the House how many hours of Department of Community Services staff time have been spent on the filming of the television show *Little Aussie Battlers*? How does the Minister justify Department of Community Services staff being present during the taping of the television show in view of the now well-documented

underresourcing of the department and the lack of staff able to deal with case backlogs at almost every departmental office?

**The Hon. J. W. SHAW:** That is a classic question to be placed on notice, and I asked that it be so placed.

#### BATHURST OFFICE FOR REGIONAL DEVELOPMENT MANAGER

**The Hon. D. J. GAY:** My question is directed to the Treasurer and Minister for State Development, representing the Minister for Regional Development. Was the position of your new head of the Bathurst office for regional development—filled by failed Labor candidate Mr Glenn Taylor—advertised? If so, will the Treasurer provide details of the advertising process? Who were the other contenders, if any, for this position? What was the selection criteria other than ALP membership? Given that the new representative for regional development is a concreter by profession, was an ALP candidate for Orange and a Labor loser, what credentials does he bring to this most important role?

**The Hon. M. R. EGAN:** I will refer the honourable member's question to my colleague the Minister for Regional Development and I will obtain a reply. However, I make the point that the fact that an applicant for a job has political views or a political affiliation should not prevent that applicant being considered. Recently, in conjunction with the Victorian Treasurer and the Federal Minister for Primary Industries and Energy, I appointed Mr Robert Webster to undertake the water inquiry for the Snowy corporatisation. The Hon. Robert Webster is a well-known member of the National Party—

**The Hon. R. D. Dyer:** He is now a Liberal Party member.

**The Hon. M. R. EGAN:** He is now a Liberal Party member, I am told. I recommended him to my interstate and Commonwealth ministerial colleagues because I thought he was superbly qualified for that role. I do not exclude anyone because of political affiliations they might have had or do have.

#### HIGH COURT CHIEF JUSTICE

**The Hon. JANELLE SAFFIN:** My question without notice is directed to the Attorney General, and Minister for Industrial Relations. Will the Attorney inform the House about today's announcement of the appointment of the new Chief Justice of the High Court of Australia?

**The Hon. J. W. SHAW:** I commend the Federal Government's appointment of Justice Murray Gleeson, the Chief Justice of New South Wales, to the position of Chief Justice of the High Court of Australia. Justice Gleeson has been an outstanding Chief Justice of New South Wales since his appointment from the bar in 1989. His service to our legal system in New South Wales will be missed, but the New South Wales legal community and the wider community are proud of his appointment to the High Court. Justice Gleeson was a practising barrister since his admission to the bar in 1963 and was President of the New South Wales Bar Association between 1984 and 1986.

A. M. Gleeson was a formidable advocate in the courts prior to his judicial appointment. He was thought of with great affection by his clients, was feared by his opponents and was the greatest barrister I have seen in court. I was glad that on most occasions when I appeared opposite him I had M. H. McHugh, Ken Handley or someone similar leading me. It was a great experience to see Murray Gleeson in court; he was truly brilliant, whether cross-examining witnesses or engaging in appellate advocacy, and his appointment as Chief Justice of New South Wales in 1989 was broadly commended. I do not recall any criticism of that appointment and I do not believe there will be any criticism of his appointment as Chief Justice of the High Court of Australia.

#### INTERNET SECURITY

**The Hon. Dr B. P. V. PEZZUTTI:** My question is directed to the Attorney General, and Minister for Industrial Relations. On many occasions I have raised problems of the Internet complying with censorship laws in this State. After almost two years, is the Attorney General now in a position to indicate when the Government will fulfil the commitment by Premier Carr to legislate in New South Wales to control the distribution of pornographic and other banned material on the Internet?

**The Hon. J. W. SHAW:** Some years ago there was a proposal that New South Wales ought to develop legislation of this nature but the Commonwealth has announced that it intends to legislate to regulate on-line service providers, that is, the suppliers of carriage services that make on-line content accessible on demand. This matter is ongoing. It is the subject of consideration by the Standing Committee of Attorneys-General and will no doubt be on the agenda again when that august committee meets in Perth next month. There is a

question of the utility of independent State legislation and, whether under the former Federal Labor Government or the current Federal coalition Government, there is great scepticism as to whether individual State legislation contributes anything positive. As is often the case, New South Wales and the Commonwealth are working co-operatively towards a national approach on this topic.

**The Hon. J. P. Hannaford:** But you are not getting much help from the Federal communications Minister.

**The Hon. J. W. SHAW:** One of the problems raised, more by my Liberal colleagues on that committee, is the absence from those meetings of the Minister for Communications, Senator Alston. Some acerbic remarks have been made by the Attorneys-General from other States about Senator Alston's absence from those meetings, but that is a side issue. It is recognised that this matter has to be dealt with on a national basis. I assure honourable members that the New South Wales Government will take an active interest in the development of appropriate codes and safeguards in relation to material that goes onto the Internet.

**The Hon. Dr B. P. V. PEZZUTTI:** I ask a supplementary question. Given the commitment of the Premier and given my conversation with the advisers to the Federal Attorney-General—during which the Attorney General was not present—it is perfectly clear that we need State legislation that mirrors the Commonwealth legislation. Will the Attorney General indicate when that legislation will come forward and what form it will take to fulfil the requirements of the Premier's deep commitment to the people of New South Wales barely 18 months ago to fine and imprison people who are responsible for transmitting banned material on the Internet?

**The Hon. J. W. SHAW:** I am fairly confident—I am open to correction—that there is no Commonwealth legislation on the statute book. That being so, it is difficult for State legislation to mirror Commonwealth legislation. I will be positive and co-operative about mirroring Commonwealth legislation. However, the States need a Federal template before they can engage in that process. Otherwise there will be a collection of disparate models and schemes, the very thing that Commonwealth Attorneys-General—whether it be Michael Lavarch or Daryl Williams—do not want.

#### LAND TAX

**The Hon. R. S. L. JONES:** My question without notice is directed to the Treasurer, Minister

for State Development, and Vice-President of the Executive Council. Is the Treasurer aware that an increase in the threshold for land tax from \$160,000 to \$200,000 would remove from more than 9,000 property owners the responsibility to pay land tax? Will he consider this increase in the threshold in his next budget?

**The Hon. M. R. EGAN:** The Hon. R. S. L. Jones will appreciate that matters relating to the budget will be announced when it is presented to the Parliament in either late May or early June.

#### BATHURST OFFICE FOR REGIONAL DEVELOPMENT MANAGER

**The Hon. D. J. GAY:** My question without notice is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council, representing the Minister for Regional Development, and Minister for Rural Affairs. What is the salary of the head of the Bathurst office for regional development, a position recently filled by an Orange concreter and failed Australian Labor Party candidate, Mr Glenn Taylor? Will Mr Taylor receive a mobile phone and a car as part of his package? What is the current status of the car that the Minister for Regional Development had been using but was not entitled to use? Will Mr Taylor assume use of that car? Will Mr Taylor be permitted to use any telephone or car given to him as part of his new position for political business or as a possible Labor Party candidate for the State seat of Orange?

**The Hon. M. R. EGAN:** It is quite apparent that the Opposition has run out of questions.

#### GAY AND LESBIAN MARDI GRAS FIREWORKS

**The Hon. ELAINE NILE:** My question without notice is directed to the Attorney General, and Minister for Industrial Relations. Is it a fact that under WorkCover legislation specific safety regulations regarding the discharge of fireworks require the use of standardised safety clothing, fully qualified personnel and the maintenance of safe distances from spectators? Is it a fact that any public display of fireworks can proceed only after the display organisers have gained the relevant WorkCover permits and delivered the required notices to police and fire brigades? Were such permits obtained and notices given by the organisers of the 1998 Gay and Lesbian Mardi Gras, at which fireworks were discharged within the confined and crowded spaces of the parade route? Furthermore, will the Minister ascertain who would be liable

should an injury result to either a participant or a spectator from any unregulated use of fireworks at the Gay and Lesbian Mardi Gras?

**The Hon. J. W. SHAW:** As to the first part of the question of the Hon. Elaine Nile, I believe that there are WorkCover regulations that govern the discharge of fireworks but I am unaware of the detail of that regulatory regime. As to the second part of her question, I am unaware whether any permits were granted to the Gay and Lesbian Mardi Gras for the use of fireworks but I shall ascertain the position and inform the honourable member in that regard. The third part of her question concerns liability, and the short answer is that anyone who acts negligently or is otherwise in breach of the law would be liable for any injury or damage caused by virtue of that act.

#### ELECTRICITY INDUSTRY PRIVATISATION

**The Hon. J. M. SAMIOS:** My question without notice is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Is it a fact that if the Government chooses to partially privatise the New South Wales electricity industry with three generators being sold first, more than \$2.3 billion would be wiped off the value of those assets? What are the latest Treasury estimates as to the loss in value associated with the partial privatisation of electricity assets?

**The Hon. M. R. EGAN:** That is a hypothetical question based on a silly premise.

#### NATURAL PLANT PRODUCTS

**The Hon. A. G. CORBETT:** My question without notice is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council, representing the Minister for Regional Development, and Minister for Rural Affairs. Is the Minister aware of the planned cellulose valley project in the northern rivers region, an initiative of Southern Cross University, Lismore? Is the Minister aware of claims that the project will ensure that the university specifically, and the northern rivers region generally, becomes an international centre for research, development and commercial production of natural plant products? Given the potential benefits for the people of New South Wales, particularly the northern rivers region, will the Government offer any assistance to this project? If so, what form will it take?

**The Hon. M. R. EGAN:** I am advised that the cellulose valley project is an initiative of the Lismore City Council, the Northern Rivers Regional

Organisation of Councils and the Southern Cross University, Lismore. I am also aware of the claims that the project will ensure that the university specifically, and the northern rivers region generally, becomes an international centre for research, development and commercial production of natural plant products. I am informed by my Department of State and Regional Development—

**The Hon. D. J. Gay:** It is not your department.

**The Hon. M. R. EGAN:** Yes, it is—the same as when the Department of Attorney General and Justice had two Ministers. I am informed by the Department of State and Regional Development that the market for medicinal herbs is worth \$200 million in Australia and that it is growing at a rate of 35 per cent. At present nearly all of that product is imported. The international technology park, which is the core of the cellulose valley concept, would position the north coast as the hub of this Australian medicinal plant products industry. It will provide alternative cash crops for the traditional agricultural industries, provide active production for small acreage farms and help increase their viability. The Government is aware of the potential benefits for the people of New South Wales, particularly those in the northern rivers region, that could flow from the cellulose valley project—

**The Hon. Dr B. P. V. Pezzutti:** Will flow.

**The Hon. M. R. EGAN:** Yes, will flow, as the Hon. Dr B. P. V. Pezzutti correctly points out. The Government is committed to the full realisation of those benefits. For this reason the Government has provided financial assistance through the department's resources for regional development programs to fund the development of a strategic plan that will ensure the most effective implementation concept. In assisting to fast-track development of the international technology park, the Government is helping the region to create more than 100 direct jobs on the north coast and to increase its potential to attract investment and generate domestic and export income, as well as provide opportunities for primary producers to diversify into this highly lucrative emerging industry. Clearly, this is an exciting development. I must admit, whilst I am aware of it I have not had the opportunity to go to the northern rivers to have a look for myself.

**The Hon. Dr B. P. V. Pezzutti:** Come and visit.

**The Hon. R. S. L. Jones:** Come and have a look.

**The Hon. M. R. EGAN:** By way of interjection the Hon. Dr B. P. V. Pezzutti and the Hon. R. S. L. Jones have both invited me to go up there to have a look. The Hon. Dr B. P. V. Pezzutti has even presented me with a Southern Cross University badge. I will take up the kind invitation of the Hon. R. S. L. Jones and the Hon. Dr B. P. V. Pezzutti.

**The Hon. A. G. Corbett:** I have already been there.

**The Hon. M. R. EGAN:** The Hon. A. G. Corbett has already been up there. I look forward to going up there with the two honourable members.

#### CHILD DEATH REVIEW TEAM ANNUAL REPORT

**The Hon. R. D. DYER:** I ask the Attorney General, representing the Minister for Community Services, Minister for Ageing, and Minister for Disability Services, a question without notice. Has the Minister received the annual report of the child death review team? If so, when will the Minister table this report? If not, will the Minister advise the House when the report will be available to be tabled?

**The Hon. J. W. SHAW:** I shall refer that question to the relevant Minister and obtain a response for the honourable member.

**The Hon. M. R. EGAN:** If honourable members have further questions I suggest they place them on notice.

#### DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk out of session:

##### ROYAL NORTH SHORE HOSPITAL SURGICAL FEE

On 4 December the Hon. Elisabeth Kirkby asked the Minister for Public Works and Services a question without notice regarding the introduction of a private patient scheme by Royal North Shore Hospital. The Minister for Health has provided the following response:

Self insurance has been available under Medicare and its precursor Medibank for over 20 years. In recent years it has been more frequently used by patients and increasing numbers of patients are enquiring about it.

In November 1997 Royal North Shore Hospital provided information about self insurance to doctors in response to those enquiries.

Self insurance does not allow queue jumping. All patients in public hospitals are admitted on the basis of clinical need, not insurance status.

##### BLACKMARKET NIGHTCLUB LICENCE

On 11 November the Deputy Leader of the Opposition asked the Minister for Community Services a question without notice regarding the Blackmarket Cafe in Chippendale. The Minister for Gaming and Racing has supplied the following response:

I am advised from the records kept by my department that since 1984 three complaints have been received by the department.

The acting Director of Compliance of my department has advised me that in October 1994 a group of concerned licensees made representations to the then Secretary of the Chief Secretary's Department. The representations included information relating to the conduct of the Hell Fire Club then operating at the hotel, which allegedly promoted whipping and debauched sex acts. It was also alleged that the premises promoted events such as all-day drinking and drug binges on Sundays. The then secretary of the department, I am advised, asked that representations be made to the appropriate police patrol commander for investigation and appropriate action and referral of the matters to the Licensing Enforcement Agency.

I am advised that these referrals took place and the police conducted investigations and observations of the premises culminating in the taking of disciplinary action in the Licensing Court against the licensee in late 1995. This resulted in a complaint of indecent conduct on the premises being established by the Licensing Court and the licensee being reprimanded and fined \$500.00.

Further to that first complaint, I have been informed that in July 1995 a local Residents' Action Group lodged a complaint by telephone to the Special Investigations Branch of my department and provided information, including copies of advertisements for the Hell Fire Club and copies of paperwork and records compiled by the group on their dealings with the South Sydney council in relation to noise complaints. A member of this group later that month provided further written material which was raised with the Licensing Enforcement Agency at their weekly meetings with the former director of compliance of my department. The material, I am advised, mainly related to the group's dealings with the South Sydney Council in regard to control of the premises.

Because of the special nature of the entertainment conducted at the premises, and the complaint about the use of drugs in and around the hotel, it was considered by my department that police officers, with their special knowledge and training in dealing with these often dangerous situations, would be the more appropriate officers to deal with the matters under complaint rather than officers of my department who are, in effect, public servants, with no training in self defence or armed with a power of arrest.

The matters were communicated to the police, who undertook to deal directly with the licensee and management of the premises to address the concerns and conducted a number of operations with, I am advised, specialist sections of the Police Service, including the Drug Enforcement Agency. As a result, officers of my department were involved only in the investigation of

persons connected with the premises as close associates and financially interested persons as part of the probity process conducted by the Director of Liquor and Gaming during licence transfer procedures for the premises.

In early March 1997 my department initiated an inquiry into the distribution in the Pitt Street Mall of some allegedly offensive advertising material to promote the activities of the Hell Fire Club at the hotel. Because of their involvement in the oversight of the premises, the Broadway police made inquiries of the licensee, establishing that the material had been distributed by a company independent of the hotel and without the authority of the licensee and, as a result, no further action was taken.

In so far as the recent slayings at the hotel are concerned, the Director of Liquor and Gaming brought an application before the Licensing Court of New South Wales for closure of the premises. Those proceedings were stood over generally, with liberty to relist on 24 hours notice should concerns arise. I am advised that additional, stringent conditions were imposed on the operation of the licence on 20 November 1997 by the Court. The Licensing Enforcement Agency brought an application for a 48-hour closure under the Liquor Act which was withdrawn and dismissed by the court on 20 November 1997.

The director has advised me that members of the Police Service have regularly visited the premises whilst it has been operating to ensure that the imposed conditions are being observed. Officers of my department are continuing to assist the local residents and the police in the control of the Black Market Hotel for the benefit of the community as a whole. The director is monitoring the situation and will be meeting further with the police in relation to the operation of the premises.

From the information reported to me, all complaints prior to the recent slayings have been acted upon before the murders occurred.

#### **STAR CITY CASINO SHARE PRICE**

On 20 November Reverend the Hon. F. J. Nile asked the Minister for Community Services a question without notice regarding the Star City casino. The Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development has provided the following response:

Government revenue is based on gross gaming revenue and not the markets sentiment at any particular point in time and therefore has no impact. The Government sees no need for a judicial inquiry. However, I am conscious of the social impacts of gaming and I am closely monitoring the adequacy of the programs currently delivered by existing service providers.

#### **ALCOHOLIC SACHETS**

On 27 November the Hon. Franca Arena asked the Minister for Community Services a question without notice regarding alcoholic sachets. The Minister for Gaming and Racing has provided the following response:

I can advise her that the sale of alcoholic sachets is legal at present.

Concerns raised by sections of the industry have led to me asking for advice concerning this product from both the

Liquor Industry Consultative Council and the NSW Committee on Underage Drinking.

I have also written to the National Alcohol Beverage Industries Council Incorporated (NABIC) which is a body set up to self regulate the liquor industry, having regard to packaging and the encouragement of immoderate, illegal or irresponsible consumption.

When I have the advice of all industry groups I will consider if any action is necessary.

#### **PASSIVE SMOKING**

On 25 November Reverend the Hon. F. J. Nile asked the Minister for Community Services a question without notice regarding passive smoking. The Minister for Health has provided the following response:

The Department of Health advises that the National Health and Medical Research Council Information Paper on passive smoking confirms that passive smoking in the home by non smokers and children who live with smokers is a health risk. Strategies are being developed by NSW Quit and health services to reduce exposure to passive smoking by educating parents and focusing on exposure in family settings such as the home and car. The strategies will build on the work that has occurred at the State and local level.

The Smoking Regulation Act, passed in May 1997, aims to protect the public from exposure to passive smoking through the development of an air quality standard defined by regulation. The Act provides a consistent approach across the entire hospitality industry to the reduction of exposure to environmental tobacco smoke. This approach has been supported by the hospitality industry.

The Act will come into effect five years after the standard is defined. During this period, NSW Health will be pursuing an active strategy of encouraging venues to become voluntarily smoke free, and will work to provide appropriate resources and support to the relevant industries. This work is currently in the planning stage and will involve councils, non government organisations, health services and the hospitality industry.

#### **HUMAN TISSUE ACT REVIEW**

On 25 November the Hon. A. G. Corbett asked the Minister for Community Services a question without notice regarding a review of the Human Tissue Act. The Minister for Health has provided the following response:

It is understood that there are concerns in the community regarding the retention of donor records by private fertility clinics. These concerns arise as a result of the needs of some children born through donor procedures and their parents to trace their genetic heritage via records kept by such clinics.

These issues have been addressed in a discussion paper produced by the Department of Health which considers whether there is a need for specific legislation in New South Wales regarding Assisted Reproductive Technologies. A chapter of that discussion paper is concerned with laws surrounding record keeping and discusses whether there is a need for laws which require the permanent keeping of donor records and for a central register of donor information.

The discussion paper clearly sets out the arguments for the permanent retention of records and the current

requirements of the Fertility Society of Australia's Code of Practice in relation to record keeping. The discussion paper has been distributed to all public and private clinics known to the Department of Health.

Accordingly, the discussion paper already serves to remind these clinics of the important issues regarding record keeping and the need of donor offspring to access information about their genetic heritage.

The National Health and Medical Research Council's Guidelines and the Fertility Society of Australia's Code of Practice are not legally enforceable. However, the Minister for Health would refer any alleged breaches of the guidelines which are notified to him to any relevant bodies for investigation. Depending on the circumstances of the alleged breach, those relevant bodies may be: the Fertility Society of Australia; the Health Care Complaints Commission; or the Medical Board.

Whether the current requirements of guidelines regarding record keeping should be enacted in legislation is clearly an issue upon which wide community consultation is necessary. Accordingly, the discussion paper seeks submissions from all interested groups in the community prior to the formulation of any legislative policy.

To highlight the importance of this issue, the Minister will write to all fertility clinics known to the Department of Health enclosing the Hansard record of this Parliamentary Question and Answer.

#### **M5 EAST EXTENSION**

On 5 December the Hon. Elaine Nile asked the Minister for Public Works and Services a question without notice regarding the extension of the M5 East. The Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs has provided the following response:

The Department of Health has advised that officers from the Department have been involved in earlier discussions with the Department of Urban Affairs and Planning in setting the assessment regime and criteria for the Environmental Impact Statement for the proposed East extension of the M5 motorway. The formal response to the EIS for the single stack at Turrella is currently being prepared and is to be completed by 1 February 1998.

#### **KANGAROO MEAT PARASITES**

On 20 November the Hon. R. S. L. Jones asked the Minister for Community Services a question without notice regarding kangaroo meat parasites. The Minister for Health has provided the following response:

The Department of Health is aware of the statements made on the safety of kangaroo meat by the two Tasmania academics, Professor John Goldsmid and Dr Erica Cox.

The Department advises that all game meat sold in NSW is controlled by Standard C1—Meat, Game Meat and Related Products, under the Australian Food Standards Code. Under this standard, kangaroos slaughtered for human consumption are subject to government approved post mortem inspection in conjunction with a government approved quality assurance program designed to ensure that the meat obtained is fit for human consumption.

Further, the Department advises that a direct link between the illnesses in the cases referred to and the consumption of wallaby or other game meat is not established and the origin of the parasites found in them remains unknown.

Also, there is a wide body of knowledge on the subject of parasites potentially found in kangaroo and wallaby meat from studies by the CSIRO Division of Wildlife and Ecology and other bodies.

#### **WHOOPIING COUGH IMMUNISATION**

On 18 November the Hon. Dr B. P. V. Pezzutti asked the Minister for Community Services a question without notice regarding whooping cough immunisation. The Minister for Health has supplied the following response:

The NSW Department of Health has advised that as of 24 November 1997, there have been 2,632 cases of whooping cough notified to the Department. Of these, 14% were less than five years old, 24% were aged five to nine, 18% were aged 10 to 14, 9% were aged 15 to 24, 21% were aged 25 to 44 and 14% were 45 or older.

Small children are at greatest risk of complications from whooping cough. Therefore very high immunisation rates among children are essential in preventing serious complications.

The National Health and Medical Research Council (NHMRC) recommends that children receive vaccinations against whooping cough in the form of the triple antigen vaccine which is against three diseases—whooping cough, diphtheria and tetanus. The primary course of triple antigen is given at two, four and six months of age, and booster doses at 18 months and just prior to school entry (four to five years of age).

Triple antigen vaccinations are not recommended for people eight years or older. Internationally, the effectiveness and safety of the triple antigen in adults has not been fully evaluated.

The Department of Immunisation Research, New Children's Hospital, Westmead, has just started a trial of the new triple antigen (DTPa) in adults. If the trial is favourable it may be available for adults and older children within a few years.

#### **HOME DIALYSIS TECHNOLOGY**

On 12 November the Hon. Elisabeth Kirkby asked the Minister for Community Services a question without notice regarding home dialysis technology. The Minister for Health has supplied the following response:

The Department of Health has advised that \$3.5M was allocated from the 1996/97 Health Technology Program for the upgrading of home dialysis machines throughout NSW. The aim is to ensure that patients choosing to dialyse in the home environment receive the highest quality of care through access to the latest technology.

Under the upgrade, some 140 people across NSW will be provided with new haemodialysis machines and a further 120 home patients will be able to treat themselves overnight by using a new type of peritoneal dialysis machine.

The Mid North Coast Health Service has advised that this initiative will not affect the respite haemodialysis services offered by Manning Base Hospital. Also, renal patients residing in Port Macquarie, Comboyne, Forster, Wingham and Taree districts will benefit from the establishment of a Limited Care Dialysis Unit in Taree early in 1998. This unit will provide maintenance dialysis for patients not suitable for home dialysis. It will be a joint project of the Mid North Coast Kidney Association, the Mid North Coast Health Service and Biripi Aboriginal Medical Service and will operate as an outreach of the Hunter Renal Dialysis Unit.

#### **DEPARTMENT OF HEALTH STAFF REVIEW**

On 11 November Reverend the Hon. F. J. Nile asked the Minister for Community Services a question without notice regarding staffing in the Department of Health. The Minister for Health has supplied the following response:

The Department of Health advises that to date two Community Health Service employees have been implicated in paedophile activity in Armidale. One of these employees has committed suicide.

The Department has implemented strict procedures for the recruitment and employment of staff and other persons aimed at ensuring that known abusers of children are not employed in health services. Under these provisions, criminal records checks have been conducted on all recommended applicants and current staff in the New England area.

#### **GREATER MURRAY AREA HEALTH SERVICE AGED SERVICES REVIEW**

On 19 November the Hon. Elisabeth Kirkby asked the Minister for Community Services a question regarding aged services in the Greater Murray Area Health Service. The Minister for Health has provided the following response:

The Greater Murray Health Service has advised that aged care is identified as a significant issue in its Health Services Plan. Consultants have been appointed to review aged service provision in the Greater Murray Health Service and to formulate a plan to meet the future needs of this section of the community. The consultants have been engaged in accordance with the Consultancy Engagement Policy and Procedures in the Department of Health's Purchasing and Supply Manual.

#### **FOOD IRRADIATION**

On 2 December 1997 the Hon Elisabeth Kirkby asked the Minister for Community Services a question without notice regarding meat irradiation. The Minister for Agriculture has provided the following response:

The Food and Drug Administration approved irradiation of meat products for controlling disease-causing micro-organisms on 2 December 1997.

The Clinton administration is trying to ensure that the United States of America has imports of safe food following a recent series of incidents caused by food from countries other than Australia. Currently, any food exported from Australia has to meet the US import requirements.

New South Wales authorities work closely with AQIS to ensure that exporters to the US are kept abreast of

changing requirements for export so that they will be able to comply with their requirements.

The US changes permit the importation of irradiated food. They do not make it compulsory for foods exported to the USA to be irradiated.

#### **FARM USE OF TOXIC CHEMICALS**

On 3 December 1997 the Hon. R. S. L. Jones asked the Minister for Community Services a question without notice regarding toxic chemicals. The Minister for Agriculture has provided the following response:

Yes. My Department continues to work closely with the wool industry on the management and control of external parasites of sheep. Major advisory programs are focused on minimising the use of chemicals where possible and reducing any exposure to the environment, or to workers applying the chemicals or handling the treated wool.

Questions 2 and 3 relating to the regulation and safety of agricultural chemicals should be directed to my colleague, the Hon. Pam Allan, Minister for the Environment, who has portfolio responsibility for these matters.

#### **DEPARTMENT OF AGRICULTURE COOMA STAFF APPOINTMENT**

On 19 November 1997 the Deputy Leader of the Opposition asked the Minister for Community Services a question without notice. The Minister for Agriculture has provided the following response:

The position of Clerical Officer Grade 1/2 (30 hours per week), Cooma, was advertised in the Public Service Notices of 22 October 1997 and Cooma-Monaro Express on 24 October 1997. As a result of these advertisements, a claim for the position was lodged by a Displaced Employee of the Department of Corrective Services, who was entitled to, and was granted, a priority interview before other applicants.

The displaced employee from the Department of Corrective Services was interviewed by a formally constituted selection panel and was assessed as having a high level of skill for the position of Clerical Officer Grade 1/2. It is advised that neither the essential or desirable criteria for this position required a rural knowledge. NSW Agriculture has no knowledge of what plans are being made to fill the appointee's previous position.

This procedure is completely consistent with the Public Sector Management Act 1988 and the Premier's Memorandum 96/5—Managing Displaced Employee.

#### **GAMBLING HELPLINE**

On 25 November 1997 the Deputy Leader of the Opposition asked the Minister for Community Services a question without notice regarding the gambling helpline. The Minister for Gaming and Racing has provided the following response:

The establishment of the gambling helpline commenced in August 1997 with the dedicated G-line number being 1800 633 635.

Advertisements have been placed in major newspapers since November 1997, and this will continue until

September 1998. Advertisements have also been placed within relevant ethnic newspapers. In addition, radio advertisements will be aired during 1998, while the contracted provider will be disseminating information into the club, hotel and casino industry through the year.

As part of the G-line contract, the trustees of the Casino Community Benefit Fund will undertake an independent evaluation of the service throughout April 1998 which will investigate the efficiency and effectiveness of the G-line service.

#### HUNTER ADVANTAGE FUND

On 19 November 1997 the Hon. D. J. Gay asked the Minister for Community Services a question about the Hunter Advantage Fund. The Minister Assisting the Premier on Hunter Development has provided the following response:

Jurox did not announce its decision to move to Rutherford in December 1996. The Maitland City Council made that announcement but it was premature.

The announcement of December 1996 should have indicated that Jurox was considering locating in Rutherford. The company was also considering an expansion in the western suburbs of Sydney.

The decision to locate the development at Rutherford was made by the principals of Jurox in June 1997 after negotiations with officers from the Premier's Department and the Department of State and Regional Development.

At that time the most likely decision was that the company would have expanded in Sydney and the financial support from the Hunter Advantage Fund was critical in influencing the company to establish in Rutherford.

If the Hon. D. J. Gay would like to check with his parliamentary colleague, the Member for Maitland, he will confirm this to be correct because he made a similar incorrect observation when the Premier announced the support to Jurox. The company principals rang the member for Maitland, pointing out the facts and threatened to reverse the decision to move to Rutherford if he continued to make these incorrect statements.

The Hunter Advantage Fund has been correctly used to entice an important industry that will employ 120 people to the lower Hunter.

This type of development is particularly important with the closure of steelmaking by BHP in 1999.

The Hunter Advantage Fund has now been the catalyst to attract Jurox and, more recently, ANI to the Hunter.

This Government has taken the initiative by providing funds to attract 2,500 jobs into the lower Hunter by the year 2000. The Government will not be distracted from that goal.

If the Hon. D. J. Gay continues to use newspapers as his reference material, then he will continue to make mistakes.

#### OLYMPIC GAMES RENTAL ACCOMMODATION

On 20 November 1997 the Hon. Dr Marlene Goldsmith asked the Minister for Community Services a question about

Olympic Games rental accommodation. The Minister for Fair Trading has provided the following response:

The Department of Fair Trading has developed a comprehensive fair trading and consumer protection strategy for the Sydney 2000 Olympic and Paralympic Games. The strategy aims to promote value and fairness in the marketplace as an essential element in the Government's activities to ensure the social and economic success of the Games.

Tenancy protection is identified in the strategy as an important area for attention in the lead-up to the Olympics. However, before any decision can be made in relation to tenancy protection, it is clearly important to properly research the nature and extent of any likely problems, and to consider the full range of options to deal with any identified problems.

In 1997 the department commissioned a special research project. The aim of the project was to examine the likely impacts of the Olympics on the private residential tenancy market and to develop options to address any negative impacts which were identified.

An important element of this project was consultation with stakeholders, both within and outside government. Discussions were held with community, industry and government representatives and landlords.

I believe this project will be a useful component in the development of an integrated approach by the Government to accommodation and housing issues in the lead-up to the Olympic Games.

#### OLYMPIC TRANSPORT FACILITIES

On 20 November 1997 the Hon. J. F. Ryan asked the Minister for Community Services a question about the arrangements the Ageing and Disability Department was making with private transport operators in western Sydney to ensure adequate access to transport during the Olympic and Paralympic Games in the year 2000. The Minister for the Olympics has provided the following response:

Access for people with disabilities will be a key part of planning for the 2000 Sydney Olympic and Paralympic Games. The Olympic Roads and Transport Authority (ORTA) is working in conjunction with representatives of the disability community, private sector transport operators and the relevant Government agencies, including the Department of Transport, the State Rail Authority and the Olympic Co-ordination Authority, to develop appropriate access strategies and arrangements.

All new public transport infrastructure is required to be accessible. This includes the Sydney light rail system, the new southern line, wharves such as Meadowbank (completed) and interchanges such as the Newcastle interchange (to be completed in March 1998).

CityRail's main initiatives occur under the "Easy Access" program. Stations are selected for inclusion in the program on the basis of factors such as patronage levels and proximity to community facilities, tourism destinations and interchanges. Special features are the provision of lifts or ramps, wheelchair accessible toilets, level surfaces, handrails, access paths, clear signs and improved lighting.

Fifteen easy access stations have been completed to date, including Sutherland, Circular Quay, Gosford, Wyong,

Hurstville, Pennant Hills, St Marys, Hornsby, Epping, Westmead, Blacktown, Parramatta, Kogarah, Campbelltown and Strathfield.

Stations included in the 1997/98 program for commencement of work are Bankstown, Ashfield and Bondi Junction. A further 17 are scheduled for completion by 2002/3.

Additionally, approximately 90 stations are able to be accessed where platforms are at ground level. Information about the accessibility of each station in the network is detailed in CityRail's recently updated "Accessing CityRail" brochure.

Countrylink has achieved a high level of accessibility for its stations and trains, with all XPTs and XPORERS being fully accessible.

State Transit's vehicle purchasing program is the focus of its efforts to achieve accessibility. It is committed to all new vehicles being fully accessible and has recently entered a contract for the purchase of 300 new fully accessible buses at a cost of \$114.9M of three years.

Seventeen low floor buses are in service, of which 12 have wheelchair access via a ramp and include spaces for two wheelchairs. The authority aims to have approximately 600 low floor buses in its fleet by the year 2000.

Six STA depots are using low floor buses. Wheelchair services are operating on several routes—routes 476/7/8 Rockdale-Miranda via Kogarah or Ramsgate. Wheelchair buses also operate on selected airport express services and will be progressively introduced to routes as State Transit takes delivery of new buses. A wheelchair accessible Sydney City Circle route (888) commenced on 16 November 1997.

State Transit does provide information on its services and timetables, including accessible services, on an Internet home page.

All Sydney ferries are accessible.

#### **AUSTRALIAN DEFENCE INDUSTRIES ST MARYS SITE**

On 11 November 1997 the Hon. J. F. Ryan asked the Treasurer a question without notice regarding the ADI Site at St Marys. The Minister for Urban Affairs and Planning has provided the following response:

The Section 22 Advisory Committee for the ADI Site at St Marys submitted its final report in August last year. Comments on the report have been sought from Blacktown and Penrith Councils, the Australian Heritage Commission and Lend Lease Development Pty Limited. The development of the site is likely to have significant environmental, social and economic impacts, as well as major funding implications for government, which need to be carefully considered.

A decision about the future of the site will be made in the near future, including whether or not to proceed with the preparation of a draft Regional Environmental Plan.

#### **STATE RAIL HOMEBUSH BAY LINK**

On 11 November 1997 the Hon. Elaine Nile asked the Treasurer a question without notice regarding the State Rail

Homebush Bay Link. The Minister for Transport has provided the following response:

The movement of passenger and freight traffic, including during periods of high network demand, is governed by a master timetable which is the responsibility of the Rail Access Corporation. Because the Royal Easter Show will be held at Homebush Bay from 1998, there is a need to re-work the existing master timetable. This is currently being done by the Rail Access Corporation in co-operation with the State Rail Authority. The needs of both passenger and freight traffic will be addressed during the course of re-working the timetable.

Both the State Rail Authority and the Rail Access Corporation are committed to ensuring the best possible outcome for all users of the network. The Government's Transport Administration Amendment (Rail Corporatisation and Restructuring) Act 1996 recognises the need to balance freight and passenger traffic and guarantees reasonable priority for passenger services.

It is within this framework that the State Rail Authority and Rail Access Corporation are conducting their discussions. The Minister for Transport has been assured by their chief executives that all issues associated with the master timetable will be resolved well in time for the 1998 Easter Show.

#### **RAIL CRIME**

On 11 November 1997 the Hon. Helen Sham-Ho asked the Treasurer a question without notice regarding rail crime. The Minister for Transport has provided the following response:

The safety of passengers is a primary objective of the Government which has taken a number of steps to prevent criminal acts, including the Safe Stations Program and installing better lighting and closed circuit television cameras at railway stations.

The statistics quoted by the honourable member are quite misleading. They are not supported by either police or State Rail official figures. The real situation, as reported by the Bureau of Crime Statistics for the period April 1994 to December 1996, is that overall crime levels on trains and stations remain relatively stable.

Changes to the Police "COPS" database in October 1996, requiring the identification of whether an offence is transit-related, will lead to improved reporting of crime in the future.

#### **AUSTINMER HOTEL REDEVELOPMENT**

On 11 November 1997 the Hon. I. Cohen asked the Treasurer a question without notice concerning a possible breach of the Environmental Planning and Assessment Act in relation to the Headlands Hotel redevelopment at Austinmer. The Minister for Urban Affairs and Planning has provided the following response:

The Department of Urban Affairs and Planning advises that Wollongong City Council has received a development application for the redevelopment of the Headlands site. Council has yet to determine the application pending further information from the applicant. Neither the department nor myself, at this point in time, has a role to play in the processing of this development application.

The Minister for Urban Affairs and Planning understands that the proposed redevelopment may encroach on adjacent Crown land. Section 77 of the Environmental Planning and Assessment Act requires the consent in writing of the owner of the land to which that development application relates. This would require the consent of the Minister for Land and Water Conservation. The Minister for Urban Affairs and Planning has been informed that, as at mid December 1997, the applicant has unsuccessfully sought to obtain this consent. These are matters for council to consider when determining the development application.

Under Section 91AB of the Environmental Planning and Assessment Act, council has the option to grant staged development consent to that part of the development not on Crown land with a condition that the remaining portion be the subject of a subsequent development consent.

#### **REDBANK POWER STATION**

On 12 November 1997 the Hon. I. Cohen asked the Treasurer a question without notice regarding green energy services. The answer from the Minister for State and Regional Development is as follows:

While the Government encourages projects which create jobs in NSW and which meet current environmental standards and planning requirements, it will not be providing a subsidy in any form to the Redbank power station.

Recent reports in the media have stated that the output of the Redbank power station would be sold to EnergyAustralia at a price higher than the current spot price. Although the Government owns EnergyAustralia, the previous Board of EnergyAustralia negotiated this contract with National Power. EnergyAustralia remains responsible for the contract, consistent with requirements of the State Owned Corporations Act.

Whether the price negotiated by EnergyAustralia is too high will only be able to be judged in the future. However, any difference between the contract price and the spot price does not constitute a government subsidy.

I have been advised by the Sustainable Energy Development Authority (SEDA) that the Redbank project does not meet its Green Power Accreditation Program criteria.

#### **INTEGRATED TRAM LINK TICKETS**

On 18 November 1997 the Hon. Elisabeth Kirkby asked the Treasurer a question without notice regarding the introduction of an integrated tram link ticket. The Minister for Transport has provided the following response:

The intermodal ticket has been available for purchase from CityRail stations since 9 November 1997.

Passengers can use the ticket to travel to or from Central Station by rail, and also on light rail services.

#### **MANLY BUS ROUTE 141**

On 19 November 1997 the Hon. Helen Sham-Ho asked the Treasurer a question without notice regarding the Manly bus route 141. The Minister for Transport has provided the following response:

The route 141 service has not been cancelled. In fact the timetable has not been altered since October 1995.

#### **CHILDREN'S COMMISSION ESTABLISHMENT**

On 20 November 1997 the Hon. Franca Arena asked the Treasurer a question without notice regarding a Children's Commission. The Premier has provided the following response:

The Government will be releasing a green paper on the Children's Commission to make sure that all those with an interest in the commission's role and functions are able to have their fair say, and to ensure that we as a community get the Children's Commission right.

The Government is committed to establishing an effective Children's Commission. Submissions arising from the green paper process and further consultation will help clarify the Commission's precise role and functions. Funding issues must obviously be considered in light of the commission's final structure and responsibilities, but the Premier assures this House that the Children's Commission shall be sufficiently resourced to meet those responsibilities.

The Premier, in an address to the Legislative Assembly on 17 September 1997, supported the establishment of a national sex offender register.

The Australasian Police Ministers' Council is now looking at the issue and has tasked the Australian Bureau of Criminal Intelligence with carrying out a feasibility study on how a national child sex offender database may be established.

#### **SOUTH DOWLING STREET CABBAGE TREE PALMS**

On 20 November 1997 the Hon. R. S. L. Jones asked the Treasurer a question without notice regarding cabbage tree palms in South Dowling Street. The Minister for Transport, and Minister for Roads has provided the following response:

The cabbage tree palms along the median of South Dowling Street will be transplanted to locations which are yet to be finalised. However, it is currently proposed that the palms will be relocated elsewhere along the South Dowling Street corridor.

#### **YOUTH SUICIDE FORUM RECOMMENDATIONS**

On 20 November 1997 the Hon. M. J. Gallacher asked the Treasurer a question without notice regarding a youth forum on suicide. The Premier has provided the following response:

The Government is committed to preventing suicide. The Premier has had a number of meetings with members of the Central Coast community on approaches to suicide prevention and has accepted the position of Patron of the Central Coast Suicide Prevention Network.

In August 1997 the Premier launched the Central Coast Suicide Safety Network and announced an allocation of \$150,000 to suicide prevention initiatives on the Central Coast.

In October 1997 the Premier announced a \$15 million statewide program to tackle suicide, particularly youth

suicide. This program will employ up to 80 new child and adolescent mental health workers.

New South Wales now spends more than the Commonwealth Government and all other Australian States or Territories on suicide prevention programs.

The Premier has received a copy of the report on Wyong Shire Council's Youth Forum on Suicide. He is examining the recommendations developed by the Wyong Shire Council officers and the steering committee which ran the forum.

The Government is working closely with Wyong Shire Council, the Central Coast Suicide Prevention Network and the community on the Central Coast to ensure that every possible effort is made to tackle suicide. This includes ensuring the issues raised in the report are addressed.

#### **WOLLONGONG SHOWGROUND GRANT**

On 20 November 1997 the Hon. D. J. Gay asked the Treasurer a question without notice concerning funding assistance to the Newcastle and Wollongong showgrounds. The Minister for Agriculture, and Minister for Land and Water Conservation has provided the following response:

The Minister for Agriculture, and Minister for Land and Water Conservation has advised that the Government has committed \$17.6 million in the form of grants, government guarantees to Treasury Corporation loans and interest subsidies to the Newcastle Showground and Exhibition Centre Trust. Mr Amery also confirmed that the Newcastle Showground and Exhibition Trust has negotiated a commercial loan of \$1.3m towards the cost (\$2.9 million) required for additional seating and airconditioning.

In relation to Wollongong, Mr Amery has advised that the Government has committed \$17 million in grants to the Wollongong Sportsground Trust for developments on the showground. Current cost projections for the Wollongong development require the trust to obtain an additional \$1.5 million to meet project management fees. The trust is to seek both community support and naming rights income to meet this shortfall.

Mr Amery also advised that whilst the level of commitment to Newcastle exceeds the commitment to Wollongong, comparisons are difficult, due to the different nature of the sites, design of the buildings and cost fluctuations since the Newcastle development was completed. However, the outcome is the same from a government perspective, in that an entertainment-basketball complex has been established in Newcastle and will be established in Wollongong.

Mr Amery expects both centres to operate in a commercial environment and provide for post development investment requirements through normal commercial avenues. The \$1.3 million borrowed by the Newcastle trust is such an investment, aimed at increasing revenues. Mr Amery stated that it is appropriate that the trust demonstrate its confidence in the investment through contributing to the cost.

Mr Amery noted that the trust has obtained the required borrowings from the commercial sector, independently demonstrating that the trust's contribution to the project can be serviced through returns from the investment.

#### **ELECTRICITY GENERATOR BIDDING STRATEGIES**

On 25 November 1997 the Leader of the Opposition asked the Treasurer a question without notice regarding electricity generators. The answer is as follows:

Treasury has engaged London Economics to review the market behaviour of NSW electricity generators.

London Economics is currently finalising its reports and will only be paid once the report is completed. The cost of the review will be about \$28,000.

The review has not assessed the market power of individual generators.

Nevertheless, the results of this work will be highly confidential and its public release would undermine the competitive position of NSW generators in the national market.

#### **ELIZABETH STREET, SYDNEY, ABORIGINAL SACRED SITE**

On 25 November 1997 the Hon. Elisabeth Kirkby asked the Treasurer a question without notice regarding the Aboriginal Sacred Site in Elizabeth Street, Sydney. The Minister for Urban Affairs and Planning has provided the following response:

The Heritage Council called a special meeting on 30 October 1997 to consider the Permanent Conservation Order and accompanying exemptions applied in 1996. The Heritage Council has recommended to the Minister for Urban Affairs and Planning that the exemptions previously applied be lifted and that a new set of exemptions be applied.

This matter is extremely sensitive to both members of the Aboriginal community and the owners of the site. The Minister for Urban Affairs and Planning is very conscious of the need to provide an equitable outcome in this matter and has taken the recommendations of the Heritage Council very seriously. The Minister will make a decision when he is satisfied that the recommendations of the Heritage Council are the correct actions.

The National Aboriginal Heritage and History Committee has introduced proceedings in the Land and Environment Court. The Minister for Urban Affairs and Planning will not provide commentary on the actions that are currently before the court.

#### **CARBON MONOXIDE DETECTORS**

On 25 November 1997 the Hon. Michael Gallacher asked the Treasurer a question without notice regarding carbon monoxide detectors. The Minister for Transport, and Minister for Roads has provided the following response:

Vehicles registered for use in New South Wales are required to comply with relevant Australian Design Rules (ADRs), which are controlled by the National Road Transport Commission with the assistance of the Federal Office of Road Safety. Currently, ADRs do not require the installation of carbon monoxide detectors on vehicles or the inclusion of baffles in vehicle exhaust pipes to prevent hoses being inserted in the pipes.

Accordingly, it would be appropriate to approach the Federal Government for advice concerning proposals to

amend ADRs in respect of carbon monoxide detectors and exhaust pipe baffles.

**MOBILE PHONE TOWERS**

On 27 November 1997 the Hon. Marlene Goldsmith asked the Treasurer a question without notice regarding mobile phone towers. The Minister for Urban Affairs and Planning has provided the following response:

This is one of a number of issues resulting from the Commonwealth Government's unilateral decision to introduce the *Telecommunications Act 1997*, which took effect from 1 July 1997. The Government is considering how it will respond to the changes which have resulted from the introduction of this Act.

**IMMIGRATION MUSEUM**

On 27 November 1997 the Hon. Elisabeth Kirkby asked the Treasurer a question without notice regarding the Immigration Museum. The Premier has provided the following response:

Plans for the Museum of Immigration are in the developmental stage. Consideration is being given to the most appropriate form in which the agency can be established, so that it can assist in documenting and interpreting the contribution of migration to New South Wales. No decisions have yet been taken about individual sites for the museum

**MINISTER FOR COMMUNITY SERVICES  
OFFICE STAFF**

On 2 December 1997 the Leader of the Opposition asked the Treasurer a question without notice regarding the Minister for Community Services Office Staff. The Premier has provided the following response:

The Premier has no knowledge of any threats.

**MINISTER FOR COMMUNITY SERVICES  
OFFICE STAFF**

On 2 December 1997 the Hon. Patricia Forsythe asked the Treasurer a question without notice regarding the Minister for Community Services Office Staff. The Premier has provided the following response:

It is not the case that the two advisers have been given jobs in the Premier's Department.

**SYDNEY HARBOUR BRIDGE  
CYCLIST PROTEST**

On 2 December 1997 the Hon. J. S. Tingle asked the Treasurer a question without notice regarding the Sydney Harbour Bridge Cyclist Protest. The Minister for Transport, and Minister for Roads has provided the following response:

The protest by cyclists on Friday evening, 28 November 1997, was reported in the print media as protesting against the Federal Government's position on Greenhouse gas emission.

The action was reported as designed to persuade by not force motorists to change their travelling habits and to encourage commuting by bicycles as cycling produces no greenhouse gases.

The Critical Mass rides will still occur in the evening of the last Friday of every month and on the second Sunday of every month.

The action of some riders during the ride on the Sydney Harbour Bridge which caused delays to many motorists cannot be supported.

The registration of bicycles has been considered in the past, however, the high costs of establishing and administering such a scheme would mean that any registration fees collected as part of the scheme would be high. In 1991 the cost of establishing bicycle registration was estimated around \$20 million and the maintenance of the scheme was estimated at \$31 million per annum. About 650,000 bicycles are sold in NSW each year. If the registration fee were, say, \$40 per annum the revenue would be \$26 million, a considerable shortfall on the cost of running the scheme. Thus, many multi-bicycle families would find difficulty in meeting registration fees and the costs would dissuade many people, especially infrequent riders, from using a bicycle. The Government is committed to encouraging and supporting lawful bicycle riding, as it provides environmental and traffic management advantages, as well as health benefits to bicyclists.

Similarly, the licensing of bicycle riders is also impracticable as the majority of bicycle riders are people under licensing age and therefore cannot be dealt with satisfactorily through the process of law. A licensing scheme would also involve considerable administrative costs.

**MINISTER FOR COMMUNITY SERVICES  
OFFICE STAFF**

On 2 December 1997 the Hon. Virginia Chadwick asked the Treasurer a question without notice regarding Minister for Community Services Office Staff. The Premier has provided the following response:

The staff referred to will not be taking special leave for two weeks on full pay and without loss of holiday entitlements.

**EMPLOYMENT SCREENING IMPLEMENTATION UNIT**

On 2 December 1997 the Hon. A. G. Corbett asked the Treasurer a question without notice regarding an Employment Screening Implementation Unit. The Premier has provided the following response:

During October and November 1997 officers from the Cabinet Office met with over 25 community groups, unions, employer bodies and young people to discuss the recommended Children's Commission—including employment screening. Meetings were held with both the Chair of the Child Protection Council and the Community Services Commissioner as part of this process. They were not advised regarding the establishment of the Employment Screening Taskforce prior to its announcement.

The Employment Screening Taskforce reports to the Assistant Director-General of the Premier's Department.

The Government has just released a Green Paper on the Children's Commission which seeks community views about employment screening for people working with children. The Government would welcome the views of

the Community Services Commissioner and the Chair of the Child Protection Council in response to the issues raised in the Green Paper.

#### **DEPARTMENT OF HOUSING LAND CLEARING**

On 2 December 1997 the Hon. Patricia Forsythe asked the Treasurer a question without notice regarding Department of Housing land clearing. The Minister for Housing has provided the following response:

The Department has advised the Minister for Housing that it is very aware of this issue, and seeks to follow appropriate hazard reduction strategies. This is achieved through the engagement of contractors and local councils on a regular basis to slash undergrowth on undeveloped land under its control.

In view of the current increased fire danger, the Department has asked staff to exercise increasing awareness of potential fire hazards caused by heat and dryness of the undergrowth and, in some cases, the use of slashing equipment.

#### **HONOURABLE MEMBER FOR CLARENCE GOVERNMENT CAR USE**

On 3 December 1997 the Leader of the Opposition asked the Treasurer a question without notice regarding government car use by the honourable member for Clarence. The Premier has provided the following response:

Mr Woods was provided with a self-drive vehicle in order to fulfill his executive duties as Parliamentary Secretary to the Premier on Rural and Regional Affairs.

#### **HONOURABLE MEMBER FOR CLARENCE GOVERNMENT CAR USE**

On 3 December 1997 the Hon. Patricia Forsythe asked the Treasurer a question without notice regarding government car use by the honourable member for Clarence. The Premier has provided the following response:

Mr Woods' vehicle, like Ministerial and other office holder's vehicles, including the Leaders of the Opposition and the National Party, does not require the completion of log books.

#### **BUSHFIRE CRISIS**

On 3 December 1997 the Hon. Elaine Nile asked the Treasurer a question without notice regarding the bushfire crisis. The Minister for Transport, and Minister for Roads has provided the following response:

On 5 December 1998 the Government announced that the \$30 million Woronora Bridge would be built. It is anticipated that the new structure will be completed by the end of 1999.

In addition, a regional traffic study will be undertaken to assess the broader traffic needs of the Menai-Woronora area.

#### **TAXI FLAG FALL CHARGE**

On 3 December 1997 the Hon. Elisabeth Kirkby asked the Treasurer a question without notice regarding taxi safety equipment. The Minister for Transport, and Minister for Roads has provided the following response:

The installation of global positioning systems and driver protection screens are only two of the improvement initiatives contained in the taxi industry reform package promulgated in May 1996. Other initiatives included the introduction of driver uniforms and a roadworthiness assurance system and the compulsory use of air-conditioned taxis by 1 July 1998. The package of reforms are still being implemented. The \$1 flag fall increase is to provide extra revenue to enable operators and taxi companies to meet the necessary capital and recurrent costs for implementing those improvements.

#### **M5 EAST EXTENSION**

On 3 December 1997 the Deputy Leader of the Opposition asked the Treasurer a question without notice regarding the M5 East expansion. The Minister for Transport, and Minister for Roads has provided the following response:

The Minister for Urban Affairs and Planning approved the proposed M5 East on 9 December 1997 subject to 150 conditions. The Chief Executive of the RTA made his determination to proceed with the proposed M5 East on 12 December 1997. Tenders for construction of the M5 East are currently being evaluated.

The Government is committed to building the M5 East, which the previous Liberal Government promised in 1988 but failed to deliver.

#### **MINISTER FOR COMMUNITY SERVICES OFFICE STAFF**

On 3 December 1997 the Hon. Virginia Chadwick asked the Treasurer a question without notice regarding the Minister for Community Services office staff. The Premier has provided the following response:

The two staff were paid salaries commensurate with their previous positions. They no longer occupy these positions.

The position is not outside the public service guidelines.

#### **Supplementary Question**

Ms Diplock will receive her full entitlements consistent with her conditions of employment.

#### **STANDING COMMITTEE ON SOCIAL ISSUES CHILDREN'S ADVOCACY REPORT**

On 3 December 1997 the Hon. A. G. Corbett asked me a question without notice regarding the Standing Committee on Social Issues report on children's advocacy. The Premier has provided the following response:

Of the 37 recommendations in the Standing Committee's report, 19 have now been implemented by the Government, or are in the process of implementation. Because of the Commonwealth's changes and cuts to Legal Aid funding, a further five of the recommendations can now not be implemented by the State. The remaining issues are subject to community consultation as part of the Children's Services Commission Green Paper, the review of the Children (Care and Protection) Act and the discussion paper on Assisted Reproductive Technologies. The issues will be reconsidered in 1998 when the reports of these three processes are received.

**FIREFIGHTING VEHICLES**

On 3 December 1997 the Hon. B. P. V. Pezzutti asked the Treasurer a question without notice regarding firefighting vehicles. The Minister for Emergency Services has provided the following response:

Yes. There are some firefighting tenders fitted with the self-dousing apparatus that have the pump switch on the outside of the vehicle.

This system has been found to be safe. However, the Minister for Emergency Services is advised that it may be the subject of scrutiny during the Coronial Inquiry into the Wingello Fires.

The NSW Rural Fire Service is currently evaluating an external spray system, electronically activated from within the cabin.

**HONOURABLE MEMBER FOR CLARENCE  
GOVERNMENT CAR USE**

On 3 December 1997 the Leader of the Opposition asked the Treasurer a question without notice regarding government car use by the honourable member for Clarence. The Premier has provided the following response:

Standard procedures for FBT calculations were applied as they are in relation to all Government vehicles.

**HONOURABLE MEMBER FOR CLARENCE  
GOVERNMENT CAR USE**

On 4 December 1997 the Deputy Leader of the Opposition asked the Treasurer a question without notice regarding government car use by the honourable member for Clarence. The Premier has provided the following response:

Standard procedures for FBT calculations were applied as they are in relation to all Government vehicles.

There were no agreements made between the Government and Mr Woods.

**HONOURABLE MEMBER FOR CLARENCE  
GOVERNMENT CAR USE**

On 4 December 1997 the Hon. Marlene Goldsmith asked the Treasurer a question without notice regarding government car use by the honourable member for Clarence. The Premier has provided the following response:

The vehicle was provided to Mr Woods in order to fulfil his duties as a parliamentary secretary which involved extensive travel throughout rural NSW.

**HONOURABLE MEMBER FOR CLARENCE  
GOVERNMENT CAR USE**

On 4 December 1997 the Hon. D. J. Gay asked the Treasurer a question without notice regarding government car use by the honourable member for Clarence. The Premier has provided the following response:

The Premier is advised that no such memo exists from the former Chief of Staff to the Assistant Director-General.

**HONOURABLE MEMBER FOR CLARENCE  
GOVERNMENT CAR USE**

On 4 December 1997 the Hon. J. M. Samios asked the Treasurer a question without notice regarding government car use by the honourable member for Clarence. The Premier has provided the following response:

The Premier is advised that no such correspondence between the State Government and the Australian Tax Office exists.

**STATUTORY AUTHORITY CHILD  
PROTECTION RESPONSIBILITIES**

On 4 December 1997 the Hon. A. G. Corbett asked the Treasurer a question without notice regarding child protection. The Premier has provided the following response:

The Premier has been advised that the Ombudsman and the Community Services Commissioner met on 3 December to discuss proposed changes to their respective responsibilities for handling complaints about services to children.

During October and November, officers of the Cabinet Office and the Premier's Department met with over 25 community groups, unions, employer bodies and young people to discuss key recommendations of the royal commission's paedophile inquiry. As part of this process, meetings were held with both the Ombudsman and the Community Services Commissioner to discuss their respective responsibilities for handling complaints about services to children.

The consultations were co-ordinated by Ms Gillian Calvert, Director of the Office of Children and Young People.

The Government recognises the community's interest in the key recommendations of the Wood royal commission paedophile inquiry, and the responsibilities of the Children's Commission in particular.

Accordingly, the Government has released a green paper on the establishment of a Children's Commission in New South Wales so that the community has the opportunity to comment on this important initiative. The Government welcomes submissions from interested members of the community by 31 March 1998.

**EARLWOOD RESERVOIR SITE REZONING**

On 4 December 1997 the Hon. I. Cohen asked the Treasurer a question without notice regarding the rezoning of the Earlwood Reservoir site. The Minister for Urban Affairs and Planning has provided the following response:

On 12 March 1998 the Minister for Urban Affairs and Planning understands that Canterbury City Council will be reconsidering the rezoning of the site from Special Uses 5(a) to medium density residential as part of the overall consideration of the Earlwood precinct plan.

The issue regarding the removal of any trees on the site is a matter for consideration by the council as the consent authority for the area.

There is no intention to enter into a special arrangement with Canterbury City Council to acquire the land for

community open space. On this point, however, the Minister for Urban Affairs and Planning is aware that a proposal has been submitted to Canterbury City Council which includes a reasonable dedication and licensing to council of 40 per cent of the site for open space or public purposes.

#### **EASTERN CREEK RACEWAY DANCE PARTIES**

On 4 December 1997 the Hon. J. F. Ryan asked the Treasurer a question without notice regarding a dance party held at Eastern Creek Raceway. The Minister for Urban Affairs and Planning has provided the following response:

The Minister for Urban Affairs and Planning gave his consent for the one-off all night dance party at Eastern Creek Raceway. The dance party was to be a test case to enable the impacts to be properly monitored and to determine if legal dance parties could be successfully held in accordance with the draft code for dance parties prepared by the Ministry for Police.

The Minister for Urban Affairs and Planning is aware that numerous complaints were received from residents about noise levels generated from the event and that there was a drug related arrest associated with the party. Accordingly, a review of the existing management plans for entertainment events at the Raceway prepared as required by the original consent conditions will be undertaken.

#### **MINISTER FOR COMMUNITY SERVICES OFFICE STAFF**

On 4 December 1997 the Hon. J. M. Samios asked the Treasurer a question without notice regarding the Estia Foundation at Gladsville. The Minister for Community Services has provided the following response:

The Estia Foundation was allocated recurrent funds of \$300,000 by the previous Minister for a respite service based in Gladsville. The Aging and Disability Department needs based planning process identified the Hornsby/Ryde area (which includes Gladsville) as a high priority for accommodation. This service was set up to provide respite services to people who are in need in the local community.

#### **CHILDREN'S COMMISSION ESTABLISHMENT**

On 4 December 1997 the Hon. A. G. Corbett asked the Treasurer a question without notice regarding the Children's Commission Establishment. The Premier has provided the following response:

The Green Paper on the proposed Children's Commission was released for public comment by the Acting Premier on 22 December 1997.

#### **RAILWAY STATION WHEELCHAIR ACCESS**

On 4 December 1997 the Hon. Patricia Forsythe asked the Treasurer a question without notice regarding wheelchair access at railway stations. The Minister for Transport, and Minister for Roads has provided the following response:

The platforms at Town Hall and Wynyard stations are not presently accessible by persons in wheelchairs.

The Government is committed to the continuation of the easy access program that has been implemented across much of the CityRail network to date.

Town Hall and Wynyard stations are considered priorities in future years for the provision of easy access lifts.

#### **ELIZABETH STREET, SYDNEY, ABORIGINAL SACRED SITE**

On 4 December 1997 the Hon. Franca Arena asked the Treasurer a question without notice regarding the Aboriginal Sacred Site located in Elizabeth Street, Sydney. The Minister for Urban Affairs and Planning has provided the following response:

A permanent conservation order was made over the site on 1 November 1996. The exemptions in the order relating to demolition were conditional on the reconstruction of the hall, reuse of original fabric and details, and the provision of public access to the hall.

There has been considerable public interest in the future of the building and a number of members of Parliament have passed on the views of constituents who have made representation to them on the matter.

With regard to the current court proceedings the Minister for Urban Affairs and Planning wishes to emphasise that he is not pursuing this matter in the Land and Environment Court. The court action has been undertaken by the Public Interest Advocacy Centre on behalf of the National Aboriginal History and Heritage Council in respect to the decisions taken on the building.

The Minister for Urban Affairs and Planning also advises that on 13 February 1998, a revocation of Schedule C of the order made under section 57(2) of the Heritage Act on 1 November 1996, relating to exemptions was published in the *Government Gazette*. On the same day a revised schedule of exemptions, which makes no reference to the demolition of the building, was published.

#### **GOVERNMENT HOUSE ASSETS**

On 4 December 1997 the Hon. Marlene Goldsmith asked the Treasurer a question without notice regarding Government House Assets. The Premier has provided the following response:

Prior to March 1996 there was no formal inventory of the contents of Government House. Since the decision to transfer responsibility for the management of Government House, the Historic Houses Trust has given high priority to completing a full museum quality catalogue that describes, photographs, records and values every piece. This significant task, involving some 10,000 items, is now almost complete.

It is not considered practical to publish such an enormous list but the Historic Houses Trust has expressed its willingness to arrange for any member of this House or member of the public, to view its computer database containing the inventory.

Neither the Government nor the trust has any intention of selling any of the historic items at Government House. On the contrary, the trust has purchased a number of significant objects which have a connection to the House. It has also brought out from storage and back rooms further important objects for public display and has been given memorabilia belonging to former Governors to further enhance the collection.

The honourable member is reminded that His Excellency the Governor continues to oversight all aspects of the management of Government House and the collections it houses.

**AUBURN TRAFFIC INFRASTRUCTURE**

On 4 December 1997 the Hon. Helen Sham-Ho asked the Treasurer a question without notice regarding the Traffic Infrastructure in Auburn. The Minister for Transport, and Minister for Roads has provided the following response:

The Rail Access Corporation is responsible for maintaining the existing capacity of the structures. However, Auburn Council is responsible for any enhancements to widen the bridges for road traffic purposes.

Rail Access will consider any proposal that Auburn Council would like to put forward for the upgrade of those facilities.

**HONOURABLE MEMBER FOR CLARENCE  
GOVERNMENT CAR USE**

On 5 December 1997 the Hon. J. H. Jobling asked the Treasurer a question without notice regarding government car use by the honourable member for Clarence. The Premier has provided the following response:

If the honourable member has any information which he believes should be referred to the Independent Commission Against Corruption then he should do so.

**GOVERNMENT FUNDING OF THE GREG NORMAN  
HOLDEN INTERNATIONAL GOLF CLASSIC**

On 5 December 1997 the Hon. B. P. V. Pezzutti asked the Treasurer a question without notice regarding Government funding for sporting events. The Minister for Tourism has provided the following response:

The details of Tourism New South Wales' support for this event are deemed commercial-in-confidence.

The New South Wales Government's sponsorship of the Greg Norman Holden International is a further step in our push to confirm Sydney as the events capital of Australia and the Asia Pacific region.

In fact, Sydney gained huge international exposure through the golf classic. The event was screened on television in countries around the world, opening each session with Greg Norman on the Sydney Harbour Bridge.

In tourism terms, the publicity gained for our State was invaluable.

New South Wales has succeeded in bringing a number of events to Sydney in recent months, including:

- the Grand Australia Sumo Tournament;
- the Telstra Smart Champions Tennis Tournament;
- the Whitbread Round the World Yacht Race Stopover;
- the Tallships Visit and Race; and
- the Greg Norman Holden International Golf Tournament.

These events not only give the people of Sydney and New South Wales access to some of the world's great spectacles

but they represent an investment by the Government in the New South Wales economy.

**ASIAN CRIME SYNDICATES**

On 13 November 1997 Reverend the Hon. F. J. Nile asked the Attorney General a question concerning an alleged Asian crime syndicate based in Sydney. The Minister for Police has provided the following response:

I am advised by the Commander, Crime Agencies, that the existence and history of the "Ah Kong" group and its presence in Australia has been known for some time, and that the statement that the group has been invisible for the past 10 years is incorrect. The Coordinator of the Joint Asian Crime Group has indicated that the term "Singma" is an umbrella term used to describe all Singaporean/Malaysian organised crime groups, which includes the "Ah Kong".

I share the honourable member's concerns at the use by organised crime groups of legitimate tourists or "runners" to import drugs into Australia. The Australian Customs Service regularly warns tourists not to carry luggage for anyone else. In addition, I am advised by the Police Service that the former Task Force 3, in consultation with the Australian Customs Service, has developed a target profile to detect suspected "Ah Kong" members and their "runners" attempting to enter Australia through the Customs barrier.

Between 1992 and 1995 operations by the NSW Police Service and the Australian Federal Police resulted in the arrest of 27 persons connected with the "Ah Kong" group and the seizure of approximately 151 kilograms of heroin.

In 1996, the former Task Force 3 of the New South Wales Drug Law Enforcement Agency arrested a senior member of the 'Ah Kong' group in Sydney who was involved in arranging significant shipments of heroin to Australia. The Asian Crime Strike Force, Crime Agencies, and the Joint Asian Crime Group, comprising members from the NSW Police Service, the Australian Federal Police, NSW Crime Commission, National Crime Authority and the Australian Customs Service, in cooperation with overseas law enforcement agencies, continue to conduct tactical operations against targeted members of the group and targeting 'runners' entering into Australia.

Investigation of drug trafficking offences and other criminal acts includes the investigation of money laundering activity. Pursuant to section 81 of the Casino Control Act, the Commissioner of Police is empowered to issue directions to the operator of the Sydney Harbour Casino to exclude persons from the Casino who are suspected of being engaged in criminal activities.

**POLICE PURSUITS**

On 12 November 1997 the Hon. Elaine Nile asked the Attorney General a question without notice regarding police pursuits. The Minister for Police has provided the following response:

Tragically, two young men have lost their lives recently in vehicle collisions. I am advised by the Police Service that both incidents are currently being investigated and will be examined by the Coroner.

I am advised that Police Service safe driving policy outlines the policy for driving under all conditions,

including pursuits. Every pursuit situation is reviewed by the State Pursuit Management Committee to ensure the policy was complied with. In addition, I am advised that this committee constantly reviews Police Service policy to ensure the service's policies, procedures, driver training and other pursuit-related issues continue to represent best practice. This includes the examination of new technology and techniques for aiding police in pursuit situations.

The use of tyre deflation devices, road blocks and car video equipment in pursuit situations is currently under examination by the Police Service. In addition, I am advised by the Ministry for Police that legal advice is currently being sought from the Crown Solicitor on the adequacy of legislation relating to the ability of police to prosecute persons who deliberately engage police in pursuits.

In relation to urgent duty driving, I am advised that police must ensure the vehicle is suitable for such driving and the police driver must hold the required driver response classification. Police involved in a pursuit must immediately notify Police Radio Communications where a senior officer will continually monitor the pursuit. That officer or the police involved in the pursuit can terminate the pursuit at any time having regard to matters such as the danger to the public or the pursuing police outweighing the need for the immediate apprehension of the alleged offender/s.

I am further advised that, if a collision occurs, the matter is fully investigated by police. If no collision occurs, the pursuit is documented and reviewed by the Local Area Commander or their representative as well as the State Pursuit Management Committee. If any shortcomings or anomalies are identified, then remedial action is taken.

#### **POLICE SERVICE ETHNIC RECRUITMENT**

On 13 November 1997 the Hon. Helen Sham-Ho asked the Attorney General a question without notice regarding the police recruitment program. The Minister for Police has provided the following response:

I am advised by the NSW Police Service Recruitment Branch that the following strategies have been implemented to recruit candidates from ethnic communities:

- specifically designed advertisements in various languages are placed in targeted publications, for example the "Australian Chinese News Weekly", "Chinese Post" and "Chieu Duong";
- liaison occurs with leaders of ethnic communities to assist the Police Service establish a permanent network for recruitment purposes;
- an Ethnic and Community Liaison Officers (ECLOs) network is being established to assist police relations with and recruitment from ethnic communities;
- staff from the Employment Services Section continually attend universities, technical colleges, schools, careers markets, cultural activities and religious festivals to recruit people from non-English speaking backgrounds.
- liaison occurs with learning institutions regarding the provision of English language courses which will

assist candidates to successfully gain employment in the NSW Police Service;

- recruitment information is produced in 20 different languages, including Vietnamese, Chinese, Korean and Laotian; and
- the best methods of increasing the recruitment of ethnic community members as volunteers in policing are being investigated.

Police officers are educated in cultural diversity issues through a variety of courses at the NSW Police Academy. In addition, I am advised by the Police Service that the new two-year constables education program which will begin in 1998 will contain a cross-cultural awareness training module developed by the National Police Ethnic Advisory Bureau (NPEAB) in accordance with the New South Wales Police Service ethnic affairs priorities statement, 1997-1998.

In consultation with the NPEAB, the NSW Police Service facilitated a National Cross-cultural Awareness Trainers Workshop in October 1996. The workshop involved police educators from all jurisdictions in Australia, and has resulted in the creation of a national training standard for the cultural diversity training of police, which has been accepted as a core competency by the National Police Education Standards Council.

#### **ADULT EDUCATION CENTRE FUNDING**

On 20 November 1997 the Hon D. F. Moppett asked a question without notice of the Attorney General and Minister for Industrial Relations, representing the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. The Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs has provided the following answer:

In 1996 the Board of Adult and Community Education undertook to consult on options for a revised resource allocation model in order to achieve the equity goals and strategies of the NSW Government policy on adult and community education (ACE) and to implement the statement in the board's strategic plan 1996-98 "that funding allocations more closely reflect demographic profiles of communities".

Following extensive consultation the Government is introducing a revised model which provides increases in the level of funding to adult and community organisations ranging from 2.5 per cent to 22 per cent. Particular attention has been paid in the revision of the resource allocation model to acknowledge the cost of servicing rural communities. More than 55 per cent of the additional funds allocated have been allocated to organisations in rural NSW.

The revised model will be piloted during 1998 and the impact of the new model on providers will be closely monitored during the evaluation of the pilot period.

#### **ATTORNEY GENERAL'S DEPARTMENT CHEQUE FRAUD**

On 20 November 1997 the Hon J. M. Samios asked the Attorney General a question concerning a cheque issued by the Attorney General's Department, which requires a response

in the Legislative Council by 25 December 1997. An appropriate response is provided below:

I am advised by the Commander of Investigations, Commercial Crime Agency, that officers from the Attorney General's Department reported the forgery to police on 8 August 1997. The forged cheque had been paid into a business account at the Hungarian Foreign Trade Bank in Budapest. The account has subsequently been frozen by the Hungarian police.

I am further advised that the cheque was a professional forgery made using lithographic plates and that inquiries are continuing between the NSW Police Service, Interpol, the Hungarian National Police and the ANZ Bank to identify and arrest the person/s responsible for the offence.

#### **TERTIARY EDUCATION FEES**

On 12 November 1997 Reverend the Hon F. J. Nile asked a Question Without Notice of the Attorney General and the Minister for Industrial Relations, representing the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. The Minister has provided the following response:

The Commonwealth Government's Higher Education Review Committee recently released its discussion paper *Learning For Life: Review of Higher Education Financing and Policy: A Policy Discussion Paper*. One of the options proposed was for a grant of around \$26,000 to be made available for all students, regardless of the type of tertiary education they were seeking.

The Commonwealth Government has since distanced itself from the discussion paper.

The NSW Government would have a number of concerns with regard to the introduction of a voucher system in either the school or tertiary sectors because of the planning, funding and access and equity issues which would result.

In relation to schools, I should indicate that the Commonwealth Government is currently reviewing the mechanism by which it funds non-government schools and systems throughout Australia. Two options it has put forward for funding are "flat rate" and "means tested" voucher systems.

Both of these systems would involve significant complexities to introduce and administer and raise planning issues both for capital works and teacher supply and demand, given that the voucher system approach implies that students are free to transfer between government and non-government school systems.

Department of School Education is responding to the options put forward in the review and will not support voucher system models.

For the reasons outlined above, the New South Wales Government clearly does not support introducing a voucher system in schools.

#### **SPECIALIST HIGH SCHOOLS**

On 20 November 1997 the Hon. Dr Marlene Goldsmith asked a question without notice of the Attorney General and Minister for Industrial Relations, representing the Minister for

Education and Training, and Minister Assisting the Premier on Youth Affairs. The Minister has provided the following response:

The Government is committed to comprehensive primary, central and high schools as the core of the NSW public education system. Comprehensive high schools provide stimulating and challenging programs to ensure that all students in NSW have access to a secondary education which offers breadth and diversity of subject choice and access to extra-curricular activities.

Specialist high schools are complementary to, and not a substitute for, comprehensive education. Specialist high schools offer a comprehensive curriculum to all students but are structured to offer additional opportunities in a particular speciality or talent. They are not academically selective. Rather, they remain the local, comprehensive school for the majority of students.

The government will only consider variations to the comprehensive model when special circumstances exist and expert educational advice indicates that an alternative to comprehensive education will provide better options for students in these circumstances. The Government recognises the need for specialist selective high schools to ensure that the special needs of academically gifted and talented children are met. There are 23 selective and agricultural high schools across NSW for this purpose. Entry is on academic merit, determined by entry test and school performance.

The local comprehensive high school will continue to be the local school for all students regardless of background and provide an education in all areas of the curriculum to all students.

#### **NATURAL HERITAGE TRUST**

On 25 November the Hon D. J. Gay asked a question of the Attorney General, and Minister for Industrial Relations, regarding distribution of Commonwealth funds under the Natural Heritage Trust (NHT). The following response has been provided by the Minister for Land and Water Conservation:

#### **BACKGROUND**

Commonwealth Ministers Hill and Anderson announced grants for NSW, totalling \$37.3 million, under a range of Natural Heritage Trust programs. These grants are to a wide range of community-based groups, non-government organisations and both State and local government agencies.

Mr Gay's question is based on a false premise: that NHT funds are going to "catchment management groups rather than to the councils".

#### **CURRENT SITUATION**

Grants have been announced for a wide range of groups and government agencies. Councils are encouraged to apply and a number of councils have gained grants.

Certainly the projects recommended by the previous Minister, the Hon. Kim Yeadon MP, following an agreed assessment process involving substantial input from community representatives and local government, included a number of proposals from local governments. Some of those have been rejected by the Commonwealth Ministers, for reasons which on many cases have not been made clear.

**RECOMMENDATION**

A draft response to the question from the Hon D. J. Gay is attached for the approval of the Minister.

The first part of the question is based on a false premise. Grants under the Federal Government's Natural Heritage Trust are going to councils, to community-based groups, to State Government agencies and to non-government organisations. While it is true that a number of project proposals from local government authorities were recommended for funding by my predecessor, the Hon. Kim Yeadon, but rejected by the Commonwealth Ministers, I am not able to say why. The reason I am unable to say why Ministers Anderson and Hill rejected the NSW recommendations is that they haven't favoured us with an explanation for their decisions which were, in many cases, apparently based on criteria which were and are known only to them. Their decisions certainly bear only a passing relationship to the program criteria which they published. The number of projects funded in NSW is significantly lower than it should be, on any fair criterion. In 1996-97 NSW groups received 27.4 per cent of the available Commonwealth funds under natural resource and environment management programs. This year we are to receive 23 per cent.

As far as the second part of the question goes, the funds are certainly not being spent on existing State Government programs. NSW Government funding for the existing State Government programs of TCM Enhancement, Rivercare and Salt Action has been maintained at past levels. Furthermore, substantial additional funds have been provided by this Government to support its major initiatives in water and vegetation reforms, as well as introducing the wetlands action program.

On the other hand, it is certainly true that a large proportion of the loudly-trumpeted Natural Heritage trust funding is a sham: it simply replaces existing programs such as the national landcare program and NRMS (Natural Resource Management Strategy) program.

The answer to the third part of the question—where is the money going that was to go to existing total catchment management programs?—is that it is going to existing total catchment management programs.

**INFRASTRUCTURE SUBSIDIES**

On 13 November 1997 the Hon. Elizabeth Kirkby directed a question without notice to the Attorney General, and Minister for Industrial Relations, representing the Minister for Land and Water Conservation. The following response has been provided:

It is Government policy to subsidise infrastructure "catch-up". However, the term used is "backlog". The subsidy is normally available towards the cost of the backlog components associated with the investigation, design and construction of approved capital works for water supply and sewerage services. These works, to be eligible for a grant, will need to be shown to be necessary to meet the requirements of the regulatory authorities, or to address limited reasonable operational levels of service for existing serviced dwellings and limited infill development within the existing serviced areas.

Such assistance is means tested subject to the assessed average residential water bill per property for the service in the years immediately after construction of the works

exceeding a qualifying charge. Grants are normally limited to the lesser of the amount necessary to reduce the average residential bill to the qualifying charge or 50 per cent of the cost of the backlog portion of the works.

The following factors are considered when determining the level of subsidy:

- I council's tariff structure and developer charges policy;
- II the standard of implementation of council's strategic business plan;
- III possible adjustments to council's financial plan to reduce short-term peaks in residential bills;
- IV the effectiveness of council's demand management program;
- V affordability;
- VI community acceptance;
- VII regional/State significance;
- VIII the state of preparedness of council to proceed; and
- IX the degree of deficiencies of the existing service with regard to public health, environmental impact, and agreed operational standards.

Lower Clarence County Council's water supply strategic business plan is still in the course of preparation. Provided all conditions are met, the Lower Clarence County Council would be eligible for subsidy.

**CATCHMENT MANAGEMENT REVIEW COMMITTEES**

On 13 November 1997 the Deputy Leader of the Opposition directed a question without notice on catchment management review committees to the Attorney General, representing the Minister for Land and Water Conservation. The following response has been provided:

Given the importance of total catchment management (TCM) to the success of natural resource management in NSW, the Minister for Land and Water Conservation considered it essential that its role, functions, structure and operations be reviewed so that actions needed to strengthen its effective operation could be identified.

The review has been conducted in two stages. The first stage was undertaken by an independent consultant, AACM International. The second stage included review of the consultant's report by the individual members (and hence their constituencies) of the State Catchment Management Coordinating Committee (SCMCC). This stage was vital in ensuring that the community had ample opportunity to contribute to and comment on the review process. The Department of Land and Water Conservation (DLWC) was then asked to prepare a report for the NSW Government on the TCM review, based on the consultant's report and the very large number of subsequent submissions, which covered an enormous range of views from the TCM community.

The Minister will be releasing the outcomes of the TCM review on the 16 December 1997.

In line with the review outcomes a process was commenced in October to ensure that all CMCs have full membership in place by 31 December 1997.

DLWC is assisting CMCs in this to ensure that this deadline is met. This process is on target.

#### **BOURKE CORRECTIONAL CENTRE**

On 13 November 1997 the Hon. M. R. Kersten asked the Attorney General a question without notice about the Bourke correctional centre. The following response has been provided by the Hon. Bob Debus, Minister for Corrective Services:

- (1) Yes, though it should be noted that the property is known as "Pattison".
- (2) "Pattison" does in fact have an all-weather access road. Although the black dirt road connecting Bourke and Louth is affected by wet weather, I am advised that there is an alternative road, known locally as the "flood road", which can be used during wet weather. This road runs from the property in a south easterly direction and joins the Cobar to Bourke road some 50 kilometres from Bourke.
- (3) There would be Corrective Services staff living on site at "Pattison". Additional stores would also be held in stock to cater for emergencies. Should staff need to leave the property, or non-resident staff require access, the alternative road could be used.
- (4) If an emergency were to arise during wet weather the property could be accessed by helicopter. Should routine access by tradespeople or non-resident staff be required, the alternative road could be used.
- (5) Corrective Services staff would not attempt to use any road which had been closed by a shire council. The alternative road or, in the event of an emergency, a helicopter would be used.

The Department of Corrective Services is accustomed to running correctional centres—such as Oberon Correctional Centre in snow season—which become inaccessible for short periods of time.

#### **MARIJUANA USE**

On 27 November 1997 the Hon. R. S. L. Jones directed a question without notice on marijuana use to the Attorney General, representing the Minister for Corrective Services. The Minister for Corrective Services has provided the following response:

The Department of Corrective Services does not have any information which would allow me either to confirm or contest the percentages quoted by the Hon. R. S. L. Jones in relation to the precise location within correctional centres in which young males imprisoned for marijuana offences are sexually assaulted. The source of the statistics quoted by the Hon. R. S. L. Jones is unknown to me, and the statistics do not appear in David Heilpern's research "Sexual Assault of New South Wales Prisoners" (1994).

In the past 11 years there have been some 83 suicides or suspected suicides in New South Wales correctional centres. Of these suicides, two were by inmates who were being held in custody for minor drug offences which may or may not have been marijuana related. Both of these

inmates were unconvicted, and were also on remand for other drug offences.

Over the past 11 years, 11 per cent of all suicides in New South Wales correctional centres were committed by inmates who identified themselves as being Aboriginal or Torres Strait Islander. As at 30 June 1996, 14 per cent of all inmates in full-time custody identified themselves as coming from an indigenous Australian background. The percentage of suicides committed by indigenous inmates and the current proportion of the full-time inmate population from an indigenous background is inadequate data on which to base conclusions about the respective suicide rates of indigenous and other inmates. To draw conclusions of this kind it would be necessary to conduct an extensive and detailed analysis of past suicides, including a comparison between the two inmate groups of factors such as age, time spent in custody, and psychological background.

The number of suicides, if any, that can be linked to sexual assaults is not known. The Department of Corrective Services has procedures in place to respond to reports of sexual assaults which include the provision of medical attention and access to counselling.

As noted previously, the department pursues a range of strategies to minimise sexual assaults, including the separation of young and vulnerable offenders from potential predators, the provision of single occupancy cells and in-cell showers and special programs targeting those inmates who use violence and intimidation within the prison system. However, policies such as the provision of single cell accommodation must be balanced against the need to prevent deaths in custody.

The department also has a range of strategies in place to minimise the incidence of self-harm and suicide, including a screening and induction program for new receptions, a protocol for the management of inmates at risk of self-harm or suicide and the provision of suicide awareness training to staff.

Again, however, as the Hon. R. S. L. Jones notes, it is far better to keep young, minor offenders out of full-time custody in the first place and every effort will continue to be made to do so.

#### **MARIJUANA USE**

On 26 November 1997 the Hon. R. S. L. Jones directed a question on marijuana use to the Attorney General, representing the Minister for Corrective Services. The Minister for Corrective Services has provided the following response:

The Department of Corrective Services was directly involved in the design of Mr Heilpern's study "Sexual Assault of New South Wales Prisoners" and assisted in its administration, under the previous Government. The research was first presented in 1994 at the tenth Annual Conference of the Australian and New Zealand Society of Criminology. To encourage full and frank responses to the questions in the survey, and to prevent the identification of inmates, the survey was designed not to allow a determination of when or where each sexual assault took place. It is therefore not possible, when interpreting the results of the survey, to attribute the incidence of sexual assault to one particular correctional centre or to one particular period of imprisonment. Moreover, the survey does not indicate the amount of time spent in custody by

each respondent, which is a major determinant of an inmate being the victim of an assault.

It should also be noted that the number and rate of reported sexual assaults on inmates in 1994, when Mr Heilpern conducted his survey, was approximately double that of subsequent years.

Mr Heilpern's survey found that approximately 24 per cent of the 18- to 25-year-old males who participated in the survey had been sexually assaulted at some time whilst in custody. The offences for which these inmates were imprisoned is not known. The source of the sexual assault rate specific to 18-year old inmates is not apparent. The survey did show that eight of 20 inmates at Parklea Correctional Centre at the time of the survey had been sexually assaulted. The survey, however, did not find that these assaults took place at Parklea.

It is not possible to comment on the claim that young inmates at Parklea are forced to team up with older inmates in order to exchange sexual favours for protection from gang rape. Corrective Services does not have any formal research to support or contest this claim. It should be noted, however, that Parklea is designated as a young offender correctional centre, specifically for the purpose of separating young offenders (ie. males aged 18 to 22 or, in the case of first-time male inmates, 18 to 25) from the older inmate population.

I am unsure as to how the Hon. R. S. L. Jones calculated the number of minor drug offenders who are at risk of sexual assault in gaol following the recent decision of this House in regards to the drug misuse and trafficking legislation. The Department of Corrective Services' records indicate that 32 inmates were received into correctional centres in 1996 for minor marijuana-specific offences which involved a sentence of six months or less. Five of these inmates were males aged less than 25 years.

The Department pursues a number of strategies to minimise sexual assaults in gaols.

Young and vulnerable offenders are separated from potential predators, where those predators are identifiable from the general prison population. Parklea and Oberon Correctional Centres are devoted exclusively to the operation of the Young Offenders Program, with only a carefully selected handful of older inmates as mentors.

The Department incorporates safety features into the design of all new gaols. For example, single occupancy cells and in-cell showers are now the norm. Old gaols, with multi-occupancy cells, shower blocks and countless nooks and crannies hidden from the view of prison officers, are being closed down or redeveloped. Of course, policies such as single cell accommodation have to be balanced against the need to prevent deaths in custody. For example, the Royal Commission into Aboriginal Deaths in Custody recommendations express a preference for holding Aboriginal inmates in double or multi-occupancy cells with other Aboriginals.

The Department has also established a Violence Prevention Program at Long Bay. This is an intensive three-month residential program, targeting those inmates who use violence and intimidation within the prison system.

It is of course preferable to keep young, minor offenders out of full-time custody and the Government will continue its efforts to do so.

#### DEPARTMENT OF SCHOOL EDUCATION HURLSTONE PARK LAND AUCTION

On 5 December 1997 the Hon. I. Cohen asked a question without notice of the Attorney General, and Minister for Industrial Relations, representing the Minister for Education and Training, to which the following answers have been provided:

- (1) The Department of Education and Training has disposed of 38 per cent of the former Hurlstone Park South Infants site at auctions. The land in question was surplus to requirements for the operational needs of Edgeware School.
- (2) The Department of Education and Training did not take special action to inform Canterbury Council of the decision to dispose of the land. The Department is under no particular obligation to inform local councils of decisions to dispose of Departmental land.
- (3) A search of Departmental files has found no record of such a commitment.
- (4) The land surplus to the operational needs of Edgeware School was sold under its current zoning of Residential 2(a).

#### FIRE SAFETY REGULATIONS

On 3 December 1997 the Hon. M. R. Kersten asked a question on fire safety regulations of the Attorney General, and Minister for Industrial Relations, representing the Minister for Local Government. The Minister has provided the following response:

Yes. I am aware of the fire in Thailand referred to in the question and the tragic loss of some 93 lives which reports apparently attributed to the locking of fire exits.

However, it is not true that in New South Wales owners of buildings may not be able to be charged with an offence if a similar occurrence happened here.

Apart from any criminal charges that would likely be involved, sections 655, 656 and 657 of the Local Government Act 1993 contain specific provisions which make it an offence to lock or interfere with exit and other doors, or obstruct doorways.

In addition, certain doors in fire exits are deemed to be essential fire or other safety measures by the regulations under the Act and offences are provided for in sections 653A and 653B for failure to maintain and certify the operation of those doors to prescribed standards. Substantial penalties apply.

It is also not true, therefore, that the only authority available to rectify locked doors on fire exits, etc., is the giving of an order under the Act.

Prosecution action under the offences provisions mentioned above is also available and the penalties specified should act as a deterrent.

Nevertheless, to avoid life threatening situations the vital issue is the early removal of the cause of the potential danger.

In this regard, the orders provisions of the Act, which are available for use by councils and authorised personnel of the New South Wales Fire Brigades, provide for orders to be given which require immediate compliance in circumstances which constitute a serious risk to health or safety or an emergency.

Apart from the offences mentioned earlier, failure to comply with an order is also an offence under the Act.

Court orders can also be sought from the Land and Environment Court under sections 673 and 674 of the Act to remedy or restrain a breach of the Act.

It is considered that the powers, authorities and provisions referred to above, constitute a satisfactory method of dealing with locking or interfering with fire exits.

#### **LOCAL GOVERNMENT COMPETITIVE TENDERING**

On 26 November 1997 the Hon. D. J. Gay asked the Attorney General a question without notice regarding local government competitive tendering. The Minister for Local Government has provided the following response:

I am informed that the Minister for Local Government has no detailed knowledge of the matters raised in the Honourable Member's question relating to the investigation of purchasing contracts apparently being conducted in France.

If the Honourable Member has detailed information of sufficient seriousness that would warrant prospective local government purchasers in New South Wales being alerted to it then he should make it available immediately to each local council concerned and the Minister.

#### **WASTE TIP ENVIRONMENTAL CRITERIA**

On 11 November 1997, the Hon. M. R. Kersten asked the Attorney General a question about waste tip environmental criteria. The Minister for the Environment has provided the following response:

The siting of new landfills is a planning issue under the Environmental Planning and Assessment Act 1979, which is administered by the Department of Urban Affairs and Planning, not the Environment Protection Authority.

A proponent of a new landfill must prepare an environmental impact statement in certain circumstances— notably if the landfill is expected to receive a large amount of waste or is to be sited in a sensitive location (for instance, near wetlands, rivers, coastal dune fields, drinking water catchments, floodplains or in certain soil type areas). The environmental impact statement must show that the proposed landfill will have a minimum impact on the community and the environment.

Through this process the community benefits by avoiding the siting of landfills in environmentally inappropriate areas.

Once planning consent is obtained, some landfills will need to be licensed under the Waste Minimisation and Management Act. The Environment Protection Authority is responsible for the issuing of these licences.

#### **CAMPBELLTOWN RAVE PARTIES**

On 13 November 1997 the Hon. C. J. S. Lynn asked the Attorney General a question about rave parties in the

Campbelltown area. The Minister for Police has provided the following response:

I am not aware of any such report. I am advised by the Deputy Commissioner, Field Operations, that there were no rave parties held within the Campbelltown Local Area Command in 1997. Of course, if the honourable member has evidence to the contrary, he should provide it to police for investigation.

Any events which are held are subject to the granting of a development application by the Campbelltown City Council, who work closely with police in reaching a determination. In addition, this Government is in the process of developing a Code of Practice for Dance Parties, which sets out clearly the requirements and standards for dance party promoters organising a dance party. The intended result is dance parties which are legal, professionally organised, problem free, held in suitable locations, conducted in a responsible manner, safe for patrons, and which do not disturb neighbouring properties.

#### **KANGAROO CULLING**

On 18 November 1997 the Hon. R. S. L. Jones asked the Attorney General a question about kangaroo culling. The Minister for the Environment has provided the following responses:

- (1) No.
- (2) The National Parks and Wildlife Service (NPWS) is not aware of the information on which Mr Jones is basing his questions. The NPWS is aware of approximately 10 intensive study sites in Australia examining the effect of RCD. This monitoring includes the effect of predators on large herbivores including kangaroos. No results are available from these studies at present. When available, the implications of any results for kangaroo management will be assessed.

The National Parks and Wildlife Service will continue direct monitoring of kangaroo populations.

#### **STATE KOALA STRATEGY**

On 19 November 1997 the Hon. R. S. L. Jones asked the Attorney General a question about the State Koala strategy. The Minister for the Environment has provided the following response:

An agreement was entered into by the National Parks and Wildlife Service (NPWS) and the Australian Koala Foundation (AKF) to combine the datasets collected for a community-based survey, conducted by the NPWS in 1992, and the AKF Koala Habitat Atlas in order to produce a combined Koala habitat map for Port Stephens Shire.

The combined koala habitat map for Port Stephens Shire (using both AKF and NPWS data) has been completed. This map, along with additional maps designed to assist in the planning process, have been supplied to Port Stephens Council for them to devise a planning strategy for koala habitat in Port Stephens Shire.

The NPWS and AKF are negotiating with Port Stephens Council with respect to finalising the Port Stephens

Comprehensive Koala Plan of Management. This work will contribute to the National Koala Conservation Strategy to which New South Wales is a signatory. It will also form part of the New South Wales Recovery Plan for the Koala, for which a recovery team is currently being formed.

#### HORNSBY SHIRE COUNCIL GENERAL MANAGER

On 19 November 1997 the Hon. C. J. S. Lynn asked the Attorney General a question about the Hornsby Shire Council General Manager. The Minister for Local Government has provided the following response:

I have seen comments by the General Manager of Hornsby Shire Council questioning the fairness of the Ombudsman's Report.

A copy of the Ombudsman's draft report was forwarded to me on 15 August 1997. This is in accordance with section 25 of the Ombudsman Act, which requires the Ombudsman to inform me that a report is to be issued. For practical purposes opportunity is given to me for comment and consultation prior to the issuing of the report to all parties. I did consult with the Ombudsman and the final report was issued on 3 October 1997 with some amendment.

My examination of the report focused primarily on those issues directed to the Department of Local Government and myself. Those issues are of a wider nature and arose because the Ombudsman considered that they might be common to other councils in New South Wales.

As the General Manager's employment is by way of a performance contract with the Council, the recommendation regarding his performance in handling the bioremediation proposal was appropriately directed to the Council. It would be inappropriate for me to comment further on this issue.

#### NATIONAL PARKS AND WILDLIFE SERVICE PROPERTY PURCHASES

On 20 November 1997 the Hon. M. R. Kersten asked the Attorney General a question about National Parks and Wildlife Service property purchases. The Minister for the Environment has provided the following response:

- (1) Four properties in Broken Hill electorate and five in Barwon.
- (2) Two houses have been purchased in Bourke for staff accommodation. The other two properties in the Broken Hill electorate were purchased to establish Culgoa National Park near Goodooga, a proposal approved by my predecessor in 1994 but not completed until after March, 1995. The park adjoins the Queensland Culgoa Floodplain National Park, creating a nationally significant reserved area.

Two of the properties acquired in Barwon electorate are to be part of the planned Kwiambal National Park, at the junction of the Macintyre and Severn Rivers. The proposal possesses scenery and recreation opportunities associated with the rivers and woodland areas.

A property Bim Bimble at Yallaroi has been acquired for Planchonella Nature Reserve to conserve

the largest remaining remnant in New South Wales and Queensland of *Microphyll vine thicket*, a dry rainforest community. It is planned to retain the area of conservation value but to dispose of the house block and grazed section of the Planchonella property by public auction.

The Kwiambal National Park and Planchonella Nature Reserve proposals were approved by my predecessor but not completed until after March, 1995.

A property Kirramingly at Gurley in the Barwon electorate has been purchased to preserve as a nature reserve an area of Mitchell Grass and other native grasses of high conservation value. The remaining acquisition is for addition to Brigalow Park Nature Reserve near Narrabri, an area of brigalow vegetation.

(3) Bourke houses	\$85,000 and \$70,000
Culgoa National Park	\$390,000 (Federal funding) and \$950,000
Kwiambal National Park	\$72,000 and \$85,000
Kirramingly Nature Reserve	\$870,000
Planchonella Nature Reserve	\$750,000
Brigalow Park Nature Reserve	\$17,000

It is not appropriate to provide details of acquisitions proceeding, given property owners' rights to confidentiality.

- (4) These properties have been acquired to preserve their natural values, not for "improvement". It is important that these areas are protected by reservation in order that the National Parks and Wildlife Service estate is representative of the biodiversity of the Western division of New South Wales, of which only 2.5 per cent is currently gazetted.

#### HORNSBY SHIRE COUNCIL GENERAL MANAGER

On 20 November 1997 the Hon. C. J. S. Lynn asked the Attorney General a question about the Hornsby Shire Council General Manager. The Minister for Local Government has provided the following response:

One of the findings of the Ombudsman's report regarding its investigation into Hornsby Council and the acquisition of capital equipment associated with the proposed bioremediation facility and related matters did relate to the General Manager. Accordingly the Ombudsman recommended that the Council review the performance of its General Manager in respect to his obligations under clause 15 of the Local Government (Financial Management) Regulation 1993.

In this respect it should be noted that the recommendation was quite specific, and did not extend to the General Manager's overall performance or his other obligations and responsibilities under other aspects of the Act. This point needs to be made in view of what appears to be some misconception on the matter.

I understand that the Council has agreed to adopt all the Ombudsman's recommendations including the above.

In relation to the remuneration issues, I understand that there are several issues involved. The issue of remuneration and its linkage to performance or other factors is a contractual issue and not one for me to

comment upon being as it is a matter agreed between Council and the General Manager.

I am aware that the Council has resolved to engage consultants to review the General Manager's performance. I understand that the consultants will make an assessment of the General Manager's performance and prepare a report to Council. Council will then make a decision whether to renew the General Manager's contract at the end of the contract period.

In this respect I must point out that councils have the statutory responsibility to appoint a General Manager under section 336 of the Local Government Act 1993. Such appointments are required to be by way of performance based contracts that can be renewed either at the expiration of the contract, or from time to time. The terms of the contract, including remuneration and performance, are contractual matters negotiated between Council and the General Manager.

#### COMMUNITY ACCESS TO NATIONAL PARKS

On 25 November 1997 the Hon. I. Cohen asked the Attorney General a question without notice about community access to national parks. The Minister for the Environment has provided the following response:

- (1) The Gondwana Program is the new supporters' program for national parks. It is a co-operative initiative of the National Parks and Wildlife Service and the Foundation for National Parks and Wildlife. Its objective is to educate and increase the awareness of the community to protect our unique national park system. The program aims to enhance community knowledge about national parks through providing information and facilitating experiences that are sensitive to the environment.

Funds raised through Gondwana membership and purchase of products such as the Annual Pass will help protect NSW national parks and provide better facilities for visitors by supporting the building and maintenance of tracks and paths, pest management and improved parking and picnic facilities.

- (2) Each national park has a Plan of Management that is developed in consultation with the community and key stakeholder groups. The Plan of Management protects the respective national park from "inappropriate use" and ensures that activities are sensitive to the natural environment.

The primary purpose for the reservation of areas as nature parks, namely to ensure their permanent protection and conservation for future generations, will always be paramount in any decisions taken concerning the management of these areas.

- (3) The *National Parks and Wildlife Act 1974* ensures the appropriate care, control and management of all areas reserved and dedicated as national parks.

#### CAPSICUM SPRAY USE BY POLICE

On 27 November 1997 the Hon. I. Cohen asked a question without notice of the Attorney General about capsicum spray use by police. The Minister for Police has provided the following response:

I have been advised by the Deputy Commissioner, Specialist Operations that careful consideration has been given to the introduction of capsicum spray as an additional means of non-lethal defence for officers.

The Deputy Commissioner informs me that all the ramifications of the use of capsicum spray, including the effects on the health of police and the public, have been examined. This examination included details of medical studies conducted in the United Kingdom, the United States, Canada and Australia, as well as empirical evidence from police agencies currently using capsicum spray.

I am informed that all these studies, which included one commissioned by the United Kingdom Home Office, concluded that there were few, if any, health problems identified as being attributable to capsicum spray. Further, in Victoria in 1996, a trial of capsicum spray saw 37 potentially violent situations resolved successfully without injury to police or alleged offenders.

#### NORTH COAST TOURIST REGION

On 3 December 1997 the Hon. I. Cohen asked the Attorney General a question without notice about the north coast tourist region. The Minister for Tourism has provided the following response:

"Tropical New South Wales" is a positioning statement chosen and used by the Northern Rivers Regional Tourism Organisation (RTO), not Tourism New South Wales. Regional Tourism Organisations are autonomous bodies, not subject to departmental or ministerial direction in such decisions.

I am advised that the Northern Rivers RTO decided on the name after a great deal of consultation and thought. The members of the RTO wished to differentiate the tourism experiences in the Northern Rivers region from those of other beach/rainforest destinations in New South Wales. It was also necessary to help consumers identify with the region, as research showed that most consumers did not identify with the name "Northern Rivers".

The RTO's research favoured the name "Tropical New South Wales" because it effectively located the region as northern and coastal. It is evocative of the lush vegetation, warmer climate, and produce of the region. From a marketing perspective, the word "tropical" would conjure up an image of the Northern Rivers area as a tourist destination that the word "subtropical" would not.

That is, the name was chosen on the basis of marketing considerations, not scientific or geographical ones. The RTO was designing a marketing campaign, not writing a geography textbook.

In the English language most words have more than one meaning and can be used perfectly correctly in a variety of ways. In addition to its scientific meaning, the adjective "tropical" in common usage can mean "suggestive of the Tropics". It would be pedantic to insist that tourism marketing statements be restricted to the scientific meaning of a word.

#### BORDER RANGES NATIONAL PARK WALKING TRACK

On 2 December 1997 the Hon. I. Cohen asked the Attorney General a question without notice about the Border Ranges National Park walking track. The Minister for the Environment has provided the following response:

- (1) (a) A part timber and steel raised walkway was constructed at the Pinnacle in Border Ranges National Park. The walkway was erected with the specific intention of protecting the *Euphrasia* species aff. *bella* location from the impact of high visitation in the area.
- (b) I understand that the Lismore District office consulted with the Northern Zone office. This included the preparation of a "Review of Environmental Factors" document in 1995 and construction was based on this document.
- (2) (a) The National Parks and Wildlife Service prepared and adopted the "Review of Environmental Factors" document in 1995. Planning for the activity preceded the enactment of the *Threatened Species Conservation Act 1995*.
- (b) The proposal was subject to a Review of Environmental Factors determined by Northern Zone office and therefore the *Threatened Species Conservation Act* transitional provisions apply to this activity.
- (c) I understand that the National Parks and Wildlife Service has met on site with local conservationists and has agreed to a strategy for short-term works to improve the structure and a longer term process for review of the decision to upgrade the track.

#### CONSERVATION PROTOCOLS FOR STATE FOREST LOGGING

On 4 December 1997 the Hon. I. Cohen asked the Minister for Public Works and Services a question without notice about conservation protocols for State Forest logging. The Minister for Forestry has provided the following response:

Up to 4 December 1997, State Forests identified eight compartments where logging has been conducted since 1 July 1997 and the Harvesting Plans were deficient in fully incorporating the new conservation protocols that applied to logging operations from that date. However, an extensive range of controls to ensure wildlife protection were already in place and these were fully applied. The new conservation protocols represent an incremental, rather than radical, change in the conservation prescriptions previously stipulated in the National Parks and Wildlife Service's (NPWS) licence issued to cover State Forests's harvesting operations. These protocols were in effect before 1 July 1997. Further, very few breaches relating to new conditions of the protocols have been detected during actual operations.

State Forests will conduct a Statewide audit to determine the extent of compliance in all native forests where the new conservation protocols applied. State Forests will continue to report omissions of conservation protocols to the NPWS, which will be checking sites that had incomplete Harvesting Plans for actual protocol breaches.

#### CRIME STATISTICS

On 3 December 1997 the Hon. Franca Arena asked the Attorney General about crime statistics. The Minister for Police has provided the following response:

In relation to property theft crimes, I can advise the honourable member that these offences are an unfortunate by-product of John Howard's failure to provide the resources to fight the drug problem. As heroin is an imported drug, John Howard must do all he can to stop drugs at the barrier.

The Australian Bureau of Criminal Intelligence has estimated that only 3 out of every 10,000 containers are inspected prior to entry into Australia. And, since the Prime Minister stated he would take action to address the flow of drugs into the country, it has been revealed that the Australian Federal Police are seriously understaffed. John Howard should take action to match his rhetoric and start getting serious about drugs. Until he does, property offences will be more difficult to counter.

In stark contrast, the Carr Government is committed to attacking the problem of property crime on all fronts. Burglary and other property crimes are being targeted by police at Local Area Commands as well as by specialist units such as Anti-Theft Squads.

Recent amendments to the Pawnbrokers and Second Hand Dealers Act will strengthen the laws concerning the sale of stolen goods and take away the profit motive for burglars. The amendments render it mandatory for pawnbrokers and second hand dealers to maintain computer records regarding all purchases and sales. Police will have on-line access to these records and will be able to cross reference them with databases of stolen property.

In addition, each Local Area Command has been equipped with property marking machines, so that local residents can mark their possessions. Marked property is more easily recoverable by police, and is much more difficult to sell or pawn as it links the item, the seller and the buyer to a crime.

#### DEPARTMENT FOR WOMEN DIRECTOR-GENERAL APPOINTMENT

On 4 December 1997 the Hon. Patricia Forsythe asked the Attorney General a question without notice about Director-General of the Department for Women. The Minister for Women has provided the following response:

- (1) On the 17 December 1997 His Excellency the Governor, with the advice of the Executive Council, pursuant to section 10A(1) of the Public Sector Management Act 1988, appointed Robyn Henderson to the position of Director-General, Department for Women for a period of four months effective on and from 5 January 1998 to 4 May 1998.
- (2) No.
- (3) No.

#### FIREARMS BUYBACK SCHEME

On 4 December 1997 the Hon. J. S. Tingle asked the Treasurer a question without notice about the firearms buyback scheme. The Minister for Police has provided the following response:

I am advised by the Police Service that Australian Defence Industries surrendered a number of prohibited firearms for compensation as required under the national firearms

control reforms. The Commonwealth Office of Law Enforcement Coordination was consulted in relation to this matter.

I am further advised that no prohibited firearms were surrendered by the New South Wales Police Service or the Department of Corrective Services. Firearms held by the National Parks and Wildlife Service have been licensed under the new legislation. Therefore, the payment of compensation is not an issue.

#### **TUGGERAH LAKES COAL EXTRACTION**

On 4 December 1997 the Hon. M. J. Gallacher asked the Attorney General a question without notice about coal removal from under the Tuggerah Lakes. The Minister for Energy has provided the following response:

The Minister for Energy does not have responsibility for this matter. The question should be referred to the Minister for Mineral Resources.

#### **NARELLAN RESPITE CARE CENTRE**

On 4 December 1997 the Hon. J. F. Ryan asked the Attorney General a question without notice about the Narellan respite care centre. The Minister for Community Services has provided the following response:

- (1) The Macarthur District Temporary Care Respite Cottage for children with high support needs is aware that police checks are available through the Ageing and Disability Department.
- (2) Police checks for potential staff were completed with the assistance of the Ageing and Disability Department and forwarded to the service at no cost to the service.

#### **COFFS HARBOUR CITY COUNCIL DIRECTOR OF PLANNING**

On 5 December 1997 the Hon. R. S. L. Jones asked the Attorney General a question without notice about the Director of Planning of Coffs Harbour City Council. The Minister for Local Government has provided the following response:

The Independent Commission Against Corruption has referred to the Department of Local Government information concerning the activities of the Director of Planning of Coffs Harbour City Council. The information does relate to the alleged acquisition of land by the Director of Planning from Thackerall Holdings while determining a development application for that company, and to his alleged alteration of the boundaries for his own property.

The Department of Local Government's enquiries into the matters alleged are continuing.

The department has not received any information in relation to the attendance by the Director of Planning at a planning convention in London or the details of the payment of any expenses incurred. The department will make enquiries into this matter also.

#### **SYDNEY OUTDOOR FURNITURE CONTRACT**

On 27 November 1997 the Hon. D. J. Gay asked the Attorney General a question without notice about the Sydney outdoor

furniture contract. The Minister for Local Government has provided the following response:

I am informed that the Minister for Local Government has no detailed knowledge of the matters raised in the honourable member's question relating to the investigation of purchasing contracts apparently being conducted in France.

If the honourable member has detailed information of sufficient seriousness that would warrant prospective local government purchasers in New South Wales being alerted to it then he should make it available immediately to each local council concerned and the Minister.

**Questions without notice concluded.**

### **STANDING COMMITTEE ON SOCIAL ISSUES**

#### **Reports**

**The Hon. M. R. Egan** tabled the Government's responses to the following reports, which were tabled on 17 September 1997:

Caring for the Aged: An Interim Report of the Inquiry into Aged Care and Nursing Homes in New South Wales, dated June 1997

A Report into Children of Imprisoned Parents, dated July 1997

Clinical Trials and Guardianship: Maximising the Safeguards, dated September 1997

**Ordered to be printed.**

### **STANDING COMMITTEE ON STATE DEVELOPMENT**

#### **Report**

**The Hon. M. R. Egan** tabled the Government's response to the report entitled "Report on the Fisheries Management Amendment (Advisory Bodies) Act 1996", dated July 1997 and tabled on 17 September 1997.

**Ordered to be printed.**

### **CLOTHING, TEXTILE AND FOOTWEAR INDUSTRIES FAIR WEAR CAMPAIGN**

**Debate resumed from an earlier hour.**

**The Hon. ELISABETH KIRKBY** [5.22 p.m.]: Earlier I was talking about the number of homeworkers in Australia and the very small sums of money that many of them earn. I also wish to put on the record other problems that people must take into account when trying to solve this important but tricky question of how homeworkers can be protected. All honourable members would agree that

it is not acceptable for workers to receive less than the minimum wage standard, no matter where they might work. Unfortunately, the industry is reliant on home-based outworkers because it gives them much greater flexibility and saves the industry money. Some people work at home simply because they cannot get work elsewhere, they have not been able to speak English sufficiently well enough and, in some cases, their overseas qualifications are not recognised. In other cases they have young children and they are unable to obtain child care for them, or they simply may prefer to work from home.

It would be far better if people received award wages for their work and if others received training and better assistance to learn English so that they could move into other forms of work. However, the question has been raised whether, if homeworkers were protected, more work would go offshore. When this campaign began it was believed that the majority of work undertaken by home-based outworkers was fashion wear or clothing with a fashion trend. It was also believed that this would make it less likely that the work would go offshore. Unfortunately, that has not been the case. I have seen articles of clothing with Australian labels that have been manufactured overseas. It is up to the consumer, particularly when shopping for clothes, to look closely at the labels to find out where the item of clothing was manufactured. If it was manufactured in China, Indonesia or any country in which workers are exploited, consumers should use their independent judgment and not buy that article of clothing.

Consumers also have the option to ask at the retail outlet whether the company uses contractors and whether it has signed the homeworkers' industry code of practice. As I said earlier, retailers do not employ homeworkers directly; neither do manufacturers. Companies which supply the goods use contractors, and the contractors depend on homeworkers to produce clothes at a very low rate. Consumers have an important duty. They should ask retailers and manufacturers to take responsibility for where their products are made and under what conditions they are made, including where the work goes and the wages homeworkers will receive. It is obvious—and there has been enough investigation to make it clear—that most home-based workers do not receive a lawful minimum wage.

The Australian Democrats are not opposed to homeworkers, but are certainly opposed to homeworkers being treated as second-class workers. Home-based outworkers are legitimate workers and they deserve protection. It has been suggested that the home worker code of practice will be—and

obviously it should be—policed. The Textile, Clothing and Footwear Union of Australia will monitor manufacturers for compliance as well as contacting homeworkers to inform them of their rights. The detection of exploitation of workers and non-compliance by contractors, manufacturers and retailers will depend on record keeping and reporting at each level of the contracting chain. Education of homeworkers, manufacturers and consumers is the key component to the code of conduct working effectively.

It is incumbent, therefore, on all of us, particularly consumers, to be careful to look at where clothes are manufactured before we buy them. If it is at all possible, consumers should buy clothes that bear not only an Australian label, but an Australian label representing clothes manufactured in Australia. I support the motion of the Hon. Dr Meredith Burgmann. Even though the code of practice is now in place, we need to constantly monitor the situation. This debate will enlighten those who are not very well informed on this matter. I believe the debate should be ongoing and that the implementation of the code of practice needs to be carefully monitored so that the intention of fair wear is brought into practice physically as well as philosophically.

**The Hon. HELEN SHAM-HO** [5.29 p.m.]: I support the motion that this House supports the fair wear campaign to assist homeworkers in the clothing, textile and footwear industries to achieve their rights to a living wage and to work in a safe and healthy environment. I commend previous speakers for their support for this motion. We must reject exploitation in any form, in particular the exploitation of migrant women in the work force. As a migrant and as a former member of the Ethnic Affairs Commission 12 or 14 years ago I am aware that the exploitation of migrant women is a long-standing and growing problem. Many speakers have already alluded to the fact that migrant women cannot obtain work in the work force as English is required. They cannot obtain training for any sorts of skills as they cannot speak English and their overseas qualifications are not recognised. No doubt the traditional role for many migrant women is to look after the house and the children and these duties bind them to the home and preclude them from obtaining education or employment. This oppressed group of migrant women work for long hours for very low wages.

Often migrant women work in small places with poor ventilation and lighting. Children are running around where industrial machines are being used in an unsafe and unhealthy working

environment. This problem, which was highlighted in a *Four Corners* program a few years ago, exists mainly in the Fairfield, Cabramatta and Surry Hills area. Both political parties have tried to resolve the problem. When the fair wear campaign commenced a year ago, the Clinton administration was attempting to implement the code of practice to which the Hon. Elisabeth Kirkby referred earlier. I am glad that the Textile, Clothing and Footwear Union has highlighted the plight of this group of women. It is estimated that over 300,000 homeworkers who are working in sweatshop conditions are earning as little as \$2 an hour. A recent newspaper article made reference to the fact that a worker was paid \$3.50 for a garment which was sold at Sportsgirl for \$49.95 and \$10 for a suit on which she worked for 2½ hours which was sold for \$120.

There are many examples such as that. No doubt all honourable members are sympathetic to the plight of these people, but what can be done about it? When the fair wear campaign started in April last year the Australian Council of Trade Unions tried very hard to alleviate this situation. I give it credit for that, but I do not believe it was on the right track. A newspaper article reported Jennie George as blaming the shopkeepers, which was not the right approach, although I believe that highlighting the issue was a good idea. Apparently the Premier was shocked about the whole situation. I have a press release which was issued by the Premier in which he said he planned to curb sweatshops. I will refer to a few of the things about which the Premier was rightly appalled, for example, the conditions and low wages of homeworkers. He launched a plan to protect homeworkers. The Premier's press release, which is dated 21 May 1997, states:

Bob Carr's plan to protect outworkers includes:

- NSW Government's Code of Practice . . . It will commit the NSW Government to buying only goods produced by non-exploited labour.
- Encouragement of co-operatives in the clothing industry to allow outworkers to work collectively . . .
- To assist the newly formed co-operatives the Government will provide payroll tax relief program for qualifying textile co-ops.
- An official endorsement for the Textile, Clothing and Footwear Union's Code of Conduct. This is an industry solution to exploitation.

The Hon. Jan Burnswoods and the Hon. Dr Meredith Burgmann spoke at length about this point in the press release:

Retailers signing up undertake not to sell products made by exploited labour.

The last point in the Premier's press release is:

- A "Free of Exploited Labour" logo. This will allow customers to know when they are buying clothing made by non-exploited workers.

I have no doubt that the Premier had very good intentions when launching that great plan, even though there was much rhetoric at the time. What has been achieved one year down the track? The Premier's plan has not been very effective. I have not heard anything to indicate that it has been successful. However, many retailers and companies that have signed the agreement are doing the right thing in relation to outworkers. I am sure my colleagues will be aware that I buy a lot of clothes to wear to work, but I have never seen a logo stating "free of exploited labour". I would not know what such a logo looked like. To me the Premier's plan was a lot of hot air; it achieved no results or outcome. I concur with what my colleague the Hon. Patricia Forsythe said earlier. Without repeating what she said, one of the main points to which she referred was that in 1994, when the coalition was in office, a clothing workers task force was established by the then industrial relations Minister, Kerry Chikarovski. That task force investigated the conditions of outworkers and sent out 140 notices. We must take action to protect outworkers.

**The Hon. R. D. Dyer:** Do you know that I have written it into the Government's procurement policy?

**The Hon. HELEN SHAM-HO:** I do not understand what the Minister means.

**The Hon. R. D. Dyer:** My department procures huge amounts of goods and services, including clothing, and I am insisting that sweatshop labour is not used in goods purchased by my department on behalf of the Government.

**The Hon. HELEN SHAM-HO:** Good for you, Minister, that is a great initiative. It should be publicised so that one way or another people are pressured to do the right thing and those crooks who breach the code of practice are penalised. As I said to the Minister during question time, I am disappointed with the Minister for Industrial Relations. During last year's estimates committee hearing the Minister, when speaking about the exploitation of female outworkers in the clothing industry, said that he had no figures on prosecutions or on the number of sites inspected. Also, no industrial compliance inspectors are dedicated to stamping out the exploitation of migrant women outworkers. The Minister for Public Works and Services has done something but the Minister for Industrial Relations has not done anything.

With no figures as to the number of prosecutions or the number of sites inspected and no dedicated inspectors, how can the Government say that it is stamping out the exploitation of outworkers? The Government has failed to deliver any effective relief to these workers. The Labor Government has wrongly abolished the clothing workers task force which was established by the coalition and has reallocated \$100,000 in special funding that was budgeted by the coalition to finance that task force. It should have been done the other way round. The Minister for Industrial Relations should have increased the budget and got teams of inspectors into the field to raid premises, collect evidence and launch prosecutions for award breaches. The establishment of a code of practice and the introduction of logos by the Premier are useless.

The crux of the Government's action could have been its industrial relations policy but, unfortunately, women are the victims of that policy. Last May the women's equity and policy divisions were amalgamated under a new assistant director general. In effect, that means that no specific funding has been allocated to the continuation of the Women's Equity Bureau, which was established last year by a Government initiative. At that time the Government was happy to champion the rights of women. However, the Minister for Industrial Relations has not seen fit to ensure a properly resourced Women's Equity Bureau. The Government was committed to enhancing and advancing women's pay and employment equity and opportunities, but that was not done. In fact, the position of women in the work force, particularly outworkers, was not specifically addressed.

The Women's Equity Bureau is now subsumed under more general policy considerations. The Government is foolish to ignore a golden opportunity to take some action to address the problems of migrant female outworkers. The Hon. Elisabeth Kirkby raised the issues of consumer responsibility and education, with which I agree. But it has to be a combination of the efforts of the consumer, retailer, manufacturer and Government. In *The Australian* on 19 April 1977 Mr Roger Corbett, managing director of Big W, one of the companies that has signed the fair wear agreement, speaking to a call against the use of exploited labour, said:

Policing the law of the land is not the retailers' job, that is the Government's job.

If this motion is to pass through the House the Government has to take positive action. I support the motion.

**Reverend the Hon. F. J. NILE** [5.46 p.m.]: The Christian Democratic Party supports the motion that this House supports the fair wear campaign to assist homeworkers in the clothing, textile and footwear industries to achieve their rights to a living wage and to organise and work in a safe and healthy environment. The group that is particularly exploited is that described as the migrant women workers, who seek to supplement their husbands' income. They are vulnerable to exploitation because they want to work at home so that they can supervise their children. We are also concerned about the recent reports of Asian women who have been brought to Sydney to be exploited not only in the clothing and footwear industries but also in prostitution. There have been crackdowns on that practice by the Federal Department of Immigration and Multicultural Affairs, but there has never been a report about charges being laid against the people who run brothels and exploit those girls. Those Asian girls may not come to Australia to be involved in prostitution but, because they only have a visitor's visa or their passports are taken from them and they virtually become prisoners, they are exploited.

The Christian Democratic Party supports the fair wear campaign. It has been a successful campaign, supported by a coalition of churches, community organisations and unions, to help home-based outworkers in the clothing, textile and footwear industries. It is estimated that for every factory worker in these industries who receives award wages there are 15 working in sweatshops or garages in appalling conditions and receiving low wages. A typical homemaker might receive only \$3 for making a shirt that sells for \$70—not a bad profit margin of \$67. Many of these workers are migrant women who are unaware of their rights to a decent living. Some of Australia's biggest names in clothing and retailing have been taking advantage of these exploited workers. The Christian Democratic Party is pleased that there is an acceptance that this situation should not occur. I will mention some of the companies that support the homeworkers code of practice. The fair wear campaign has had encouraging responses but there is still more to be done. The key to success is to mobilise further public opinion. The campaign needs to encourage the consumer, and that includes all honourable members of this House, to ask more questions before buying clothing. I was going to commend that belief to the female members of the House in particular, but the fair wear campaign applies to men's clothing as well.

Consumers should ask about the source of the product they are planning to buy. It is estimated that

there are more than 300,000 home-based outworkers in the textile, clothing and footwear industries—a huge number. There are 15 homeworkers for every factory worker. The fair wear campaign committee has provided the following quotes. Jenny, a home worker in Australia, stated:

I work 14 hours a day, every day of the week. Last week I earned \$1.70 an hour. That was with my husband and two children giving me a lot of help.

Another Australian home worker, Mei, stated:

I thought that if I kept working for my employer, I would eventually get the money owed to me. I worked hard for 3 months but never received any money.

Another Australian home worker, Phan, described his conditions. Wiping the tears from his eyes he said:

Our hearts are crying. We didn't come here to do nothing, but when I see other families going out together on a Sunday I feel I am failing.

Community concern should be aroused. The consumer has the key to stopping exploitation. The fair wear campaign committee suggests to consumers the following:

Ask at the stores where you shop if they have signed the Homeworkers Code of Practice.

If the answer is no the consumer should withhold business from the shop or company. The advice also states:

Tell companies that you will only purchase from stores that provide a guarantee that their goods are not made by exploited labour.

Write to companies to express your concern about the conditions their clothes are made under.

The advice asks consumers to write to the Prime Minister in Canberra as well as to their Federal and State members stating their concerns. The advice goes on to state:

Ring talkback radio and write to newspapers to let other consumers know what you think.

Invite a fair wear representative to talk to your group.

In other words, consumers are asked to talk to people with whom they work and associate, whether in a company, an office, a church group or a sporting group. Notice of this motion was given on 17 September 1997 and progress has been made since then. The Sportsgirl and Sportscraft group did not sign up in support of the code but as a result of the successful fair wear campaign more clothing

retailers have come on side to sign the code of practice on the treatment of industry outworkers. Sportsgirl, Sportscraft and Cue Design should be commended. Perhaps initially they did not believe it was important to sign or did not believe that they were selling clothing produced by exploited workers: it is possible to conceal that fact from the wholesaler and/or retailer. President of the Australian Council of Trade Unions, Jennie George, said that she has been very pleased with the result of the fair wear campaign. There has been a great victory. The campaign has pressured retailers to source clothing products from manufacturers paying award rates so that consumers may select such garments in a shop and not buy other ones. Companies have been lobbied to stock only products produced by workers getting award wages. Consumers are urged to shop only in businesses which support the fair wear campaign and which have adopted the code of practice on industry outworkers. The Christian Democratic Party is pleased to support the motion.

**The Hon. I. COHEN** [5.54 p.m.]: On behalf of the New South Wales Greens I support the fair wear campaign and congratulate members of churches, community organisations and unions who combined to highlight the issue. In an increasing number of areas there is a useful alliance of a wide range of civil interest groups such as churches, unions, and non-government organisations, including conservation groups. The common thread in the campaigns is the need to protect individuals and communities from the actions of large companies and multinationals, or simply businesses prepared to put profit before everything. The recent multilateral agreement on investment triggered a huge response from a diverse group of civil interest groups worldwide which has been successful in delaying the agreement until next year. The campaign was necessary to restore some balance between the concessions and privileges which companies within the signatory nations were being afforded and the responsibilities that should have been part of the same package such as relevant labour and environmental standards.

Exploitation or erosion of human rights and environmental standards is very much a part of the current globalisation agenda. In a drive for ever-increasing profits companies are trying to remove any "barriers or impediments to trade". What many would term a fundamental principle of international labour law and environmental standards companies such as Rio Tinto regard as barriers to trade. The fair wear campaign exposes and attempts to eliminate unfair exploitation of a sector of the clothing manufacturing business referred to as outworkers who work for low wages in often

appalling conditions. There is a buffer between these workers and the companies which exploit them, and the final consumer is even more remote. The larger clothing manufacturers contract businesses to make the clothing and these offer payment per garment to the outworkers. The fair wear campaign has two focal points: the elimination of such exploitative practices here in Australia by a voluntary acceptance of the homeworkers code of practice; and an active international campaign of approaching stores and companies to provide guarantees that the labour behind the label is not exploited. This type of abuse has occurred globally in the garment industry, particularly in the low-wage areas of South-east Asia. Public attention has been focused on many large multinational companies in this regard. The reaction in the international marketplace is extremely good. New South Wales Greens support the fair wear campaign and look forward to further campaigns in which civil interest groups from every sector of society can work together to counterbalance the influence of our increasingly powerful and often ruthless corporate citizens.

**Debate adjourned on motion by the Hon. M. R. Egan.**

#### SPECIAL ADJOURNMENT

**Motion by the Hon. M. R. Egan agreed to:**

That this House at its rising today do adjourn until Wednesday, 1 April 1998, at 2.30 p.m.

#### ADJOURNMENT

**The Hon. M. R. EGAN** (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [5.58 p.m.]: I move:

That this House do now adjourn.

#### JESSIE STREET NATIONAL WOMEN'S LIBRARY

**The Hon. JAN BURNSWOODS** [5.58 p.m.]: With great pleasure I inform the House that the Jessie Street National Women's Library has finally found a home. I pay tribute to the Sydney City Council for making it possible for the Jessie Street library to have a home. It has been wandering for many years and its members—I am one—are very pleased that it will have a good location. In December last year the Sydney City Council unanimously approved the recommendation that the library be co-located with the Sydney City Library Services. The Jessie Street library will retain its autonomy, and its book and archival collections will remain intact. It will be able to operate in fine new

premises on level 1 of Town Hall House, immediately behind the Town Hall. At the moment the area is being remodelled to accommodate part of the city archives and the Jessie Street library. We hope that the area will be ready for occupation in May this year.

A nominal rental will be paid and an agreement has been made that the library will be able to stay there initially for three years, and hopefully longer. As I said, we are grateful to Sydney City Council for supporting the library in this way and demonstrating its belief in the need for a national women's library in Australia. Obviously, there will be a need for volunteers to staff the library and to help with aspects such as computer entry. However, given the record of voluntary support over the past several years by women such as the secretary Shirley Jones, Marie Muir, Quentin Bryce, Della Elliott and others, I have no doubt that that level of support will continue. One of the people who has been associated recently with the Jessie Street library is Dr Shirley Fitzgerald, the City of Sydney historian.

**The Hon. Franca Arena:** A wonderful woman.

**The Hon. JAN BURNSWOODS:** She is indeed a wonderful woman. In recent times the Sydney City Council has taken the initiative of appointing not only the first city historian—although, I believe that recently North Sydney Council did the same—but a superb woman historian in Dr Shirley Fitzgerald. Dr Fitzgerald spoke at a fundraising function at Jessie Street library late last year, and I had the pleasure of hearing her again only last week when she was the guest speaker at the Jean Arnott luncheon, which commemorated another fine woman librarian, the former State Librarian—a function which was co-hosted by New South Wales business and professional women and the National Council of Women. The luncheon on Friday, which raised funds for the Jean Arnott fellowship and filled the parliamentary dining room, was a great success. Shirley Fitzgerald spoke interestingly and entertainingly, but also seriously, about the history of Sydney and some of the problems that we currently face and their historical roots.

Shirley Fitzgerald has been the City of Sydney historian since 1987. She and the other people who have been employed to write suburban histories have done a fine job to record the history of the city, to carry out oral history projects, and to help us all value our past. Specifically, Dr Fitzgerald has researched and celebrated the important role of

women in the history of the city of Sydney. This makes her a suitable person, together with the other valuable groups I spoke about, to be associated with the Jessie Street library.

Finally, I pay tribute to the numerous people who, over recent years, have helped the Jessie Street library in its semi-homeless state. Most recently the collection, furniture and other equipment have been temporarily stored in the New South Wales Teachers Federation building, and that was great assistance by the federation. Prior to that the library was stored in the New South Wales Writers Centre, and prior to that, when it was thought that the problem of accommodation had been solved by using the old historic Marrickville Council building, the refurbishment of that building was to cost so many millions of dollars and, regretfully, the library had to move. [*Time expired.*]

#### **WOMEN'S ACTIVITIES AND SELF HELP INC.**

**The Hon. PATRICIA FORSYTHE** [6.03 p.m.]: I draw the attention of the House to a decision that will have significant consequences for the women of Mount Druitt who are victims of domestic violence and who wish to access the court assistance scheme. The decision will result in the present excellent service being broken up. It will leave the women of Mount Druitt without a full-time domestic violence presence—a fact glossed over by the Attorney General in question time today. The decision requires urgent intervention by the Attorney General and should certainly have already had the Minister for Women taking a strong stand in support of Women's Activities and Self Help Inc.—known as the WASH House.

After only two days consultation—and contrary to what the Attorney General said in question time today—on 5 March 1998 the Legal Aid Commission notified the WASH House of changes in the domestic violence court assistance scheme which operates from the WASH House. The changes are due to take effect from tomorrow. The changes involve transferring the auspice for the Mount Druitt component of the current Blacktown-Mount Druitt court assistance scheme to an agency in Penrith and possibly relocating the Blacktown component to Blacktown. Mount Druitt matters will then be split between the Blacktown scheme and the Penrith scheme.

The presence of the service for only two days when it is currently five in Mount Druitt, together with the extra cost required by the women of Mount Druitt to travel to either Penrith or Blacktown to assess the domestic violence court assistance

scheme, will mean that many women will not bother. The presence of the service in Mount Druitt in the month of January alone, for example, enabled 81 women to seek help. Eighty-one women walked in off the street to a well located service in Mount Druitt—a service that has an identifiable presence. Court statistics show that 175 women in Mount Druitt took out apprehended violence orders in January, 152 in February, and 186 so far in March. Clearly, there is a demand for an accessible service for these women.

This decision means that helping the women of Mount Druitt will become much harder, and the proposal that outreach workers attend the area one or two days a week completely ignores the reality of the work. It is also not as cost-effective as the proposal to maintain a service for Mount Druitt. The split in the service not only takes away the full-time presence but it means that, depending on the nature of the case, women will have to access different services. However, already Penrith court lists are full for April and May, which means that some cases may be sent to Blacktown. A woman may start at Penrith with one service knowing her and her case, but may find that her case is ultimately heard at Blacktown, where a different service will operate. There is a solution, but apparently it will only occur with political intervention. The Attorney General must act to avoid the women of Mount Druitt being left as meat in the sandwich because two courts, instead of only one, are hearing domestic violence cases.

The WASH House should be auspiced to extend the current scheme so that both courts are covered by the same scheme. The women of Mount Druitt would then be treated in the same way as the women of Penrith and Blacktown, who are able to access one scheme and one court. One cannot help but muse whether this absurd situation would be tolerated by the Government if Mount Druitt were a more marginal seat. On a more positive note, I compliment the manager, staff and board of the WASH House. The service is diverse and fills an essential role in the community. I acknowledge the assistance they have received from the Department of Housing towards funding construction of the WASH House premises and other support, notably from the western Sydney area assistance scheme. Tomorrow is not too late; the Attorney General can intervene. The women of Mount Druitt deserve better than they are receiving from the Carr Government as a result of this decision.

#### **CAMPBELLTOWN CEMETERY**

**The Hon. ELISABETH KIRKBY** [6.07 p.m.]: My first adjournment speech for this year sends the following message to Campbelltown City

Council and to the Government: polls show that the public are sick and tired of the posturing, antics, point scoring and hypocrisy that they see on the pages of the daily newspapers from people who were elected to represent them. They feel that their representatives are out of touch. In safe seats such as Campbelltown, many people feel that they are taken for granted and ignored. I have been approached by a group of such residents from Campbelltown who simply want a new cemetery that is close to the town. A site for the cemetery that would appear to satisfy any environmental impact statement has been located.

More than 13,000 people have signed a petition stating that a cemetery close to the city of Campbelltown is urgently needed. Indeed, the old historic cemetery, where James Ruse lies buried, is at capacity. They feel that council is stonewalling on this issue. They are unhappy with the lack of assistance from the office of the local member, who is understandably busy in his capacity as Minister for the Olympics, yet no-one, including the staff in his electorate office, appears willing to listen and to take their wishes seriously.

Many local church groups have written letters of support. I have a 2-inch thick folder from local church groups and individuals who believe that if Campbelltown is good enough to grow up and live in, it is good enough to be buried or cremated in, so that families do not have to drive 30 or 40 kilometres to visit the graves of loved ones. I am reliably informed that bishops from both the Catholic and Anglican dioceses support the campaign. Islamic leaders and a wide cross-section of other religious leaders and their congregations are also united in their calls for a new cemetery.

Rumours in the community about domination of the funeral industry are prevalent. Concerns have been expressed that should a single organisation gain market dominance, people may pay a lot more than is necessary to lay their loved ones to rest. These are not fears to be dismissed lightly and I call upon Campbelltown City Council to convene a meeting of churches and the community in order to resolve this important issue. I understand that developers with visions for new housing estates in the area—presumably developers with close council contacts—will lobby to ensure that a cemetery is located in somebody else's backyard, lest potential new home owners are put off buying a house in the proximity. The fact that a cemetery borders a new housing development in Woden in Canberra does not appear to have put off any new home buyers; they all sold, in spite of the recent downturn in property prices in the Australian Capital Territory.

In fact, the view from that townhouse development in Canberra is of a park where local people jog and walk their dogs. The cemetery provides access to a park and waterway via a grove of quite magnificent trees. In the United Kingdom and in America forgotten varieties of roses and other ornamentals have been rediscovered in old cemeteries and propagated for this generation to enjoy, in some cases nearly 200 years after a grieving family planted those old varieties on the grave of a loved one, giving new credence to the saying that in the face of death there is also new life. Campbelltown City Council and, in particular, the local member, should endeavour to give this issue a fair hearing; and it should be addressed now. The only other recourse for the people of Campbelltown is to send a wake-up call to their political representatives via the ballot box and turn Campbelltown into a marginal seat that matters to government. The people of Campbelltown must push for action and a vote on their cemetery, because they will continue to be ignored by their present representative. By voting in a different way, sensible change can be achieved. What they and the religious leaders are requesting is eminently sensible and the Government and Campbelltown City Council should support it.

#### **ABORIGINAL RESERVED PARLIAMENTARY SEATS**

**The Hon. ANN SYMONDS** [6.12 p.m.]: I wish to reluctantly put on the record some criticisms of a once great newspaper, the *Sydney Morning Herald*. On 3 March the Standing Committee on Social Issues began its public consultation on a reference on reserved seats for Aborigines in Parliament. The public consultation process had only just begun, so I was disappointed with an article in the *Sydney Morning Herald* entitled "Carr no supporter of black seats". I was even more disappointed to read on 4 March the editorial headed "Black MPs in Parliament", which stated:

The NSW Standing Committee for Social Issues did not have to travel overseas to study dedicated seat systems for indigenous people. The dedicated seats in the New Zealand Parliament for Maori MPs, for instance, has a long literature in the political science journals. If the committee members had read this literature or engaged in a telephone conversation with the Maori MPs they would have discovered quite quickly that the circumstances relating to Maori seats in New Zealand have no relevance to the proposal to investigate whether there should be dedicated permanent seats for Aborigines in the NSW Parliament.

No-one from the *Sydney Morning Herald* sought to speak to me about the nature, subject matter or process of the inquiry. Nor did they seek to speak to committee staff, who would have been only too

willing to advise them of the process and nature of the inquiry. The editorial implied that the committee had wasted money on overseas study visits, that it had not used research resources appropriately and that the committee's consideration of the complex issues of the reference is likely to be superficial. In fact, only the Hon. Dr Marlene Goldsmith, who is the deputy chair, and the Hon. Janelle Saffin travelled overseas to talk directly to people who have alternative systems of representation for indigenous people.

The research papers and the issues paper that were prepared—the committee was fully aware of the situation in New Zealand—made us aware of the details of other systems. The committee received a written report from the study tour and no phone call, contrary to the suggestion by the *Sydney Morning Herald*, could compare with direct communication and direct observation of a system in operation. The committee received evidence from constitutional lawyers; it was not a superficial inquiry. It has received legal opinions on the options and has taken considerable evidence. On 3 March the committee began the public consultation process, but that was demeaned by the *Sydney Morning Herald*. I hope the inquiry has not been damaged by that editorial. The *Sydney Morning Herald* refused to print my reply to the erroneous and misleading comments in its editorial. My reply was one page long, but as I do not have time I shall not read it all. This is my shortened response:

The Editor . . .

There are more options for Aboriginal representation than considered in "Black MPs in Parliament" SMH 4/3/98 and the issues are more complex. The options are:

- Dedicated seats, as in New Zealand . . .
- Non voting Aboriginal members as in Maine . . .
- An Aboriginal Assembly, similar to the Sami Assembly . . .
- Major parties selecting Aborigines for winnable positions . . .

The lack of Aboriginal parliamentarians is a cause of such concern that the Legislative Council unanimously resolved to conduct an inquiry as to whether there should be dedicated seats and if so what form they should take.

. . .

No decision has been made as to which is the preferred model.

It was not until 1983 that NSW had a federal woman parliamentarian, 80 years after women got the vote. We hope that NSW Aborigines won't have to wait that long.

I am disgusted with the *Sydney Morning Herald*.

## LAW AND ORDER

**The Hon. C. J. S. LYNN** [6.17 p.m.]: Today I heard Premier Bob Carr make yet another

commitment on law and order. Once again he declared that the Labor Government would take steps towards reducing the effects of crime in New South Wales. Our community is sick and tired of hearing this hollow rhetoric from a Labor Government that cannot deliver because it is hostage to minority interests. The recent tragic death of Constable Peter Forsyth must surely be the catalyst for the Premier to come clean and "walk his talk". A recent article in the *Sunday Telegraph* indicated how little the Premier knows of the real world. He told a reporter that he was shocked at the range and type of knives readily available and sold over the counter to gangs in New South Wales. He pledged to act after being shown photographs of knives, which included machetes and hunting knives that are freely available to teenagers and others.

It is obvious that neither Mr Carr nor his advisers venture into the real world. If they did, and they visited the disposal stores just a few blocks away from this Parliament, they would see a vast array of lethal weapons on display in glass cases. But not only does he not look, he does not listen either. During the debate last year on the Summary Offences Amendment Bill I told the House how readily available such knives are. I argued that penalties need to be increased to provide a realistic deterrent to people having such weapons in their possession. I was mocked when I suggested that such an increase would send a strong message to the community that such disregard for the law would not be tolerated. Neither the Government, the Democrats, the Greens nor the Hon. R. S. L. Jones saw a need for such a message. Indeed, their refusal to seriously address the issue sent out the opposite message—that this Government is soft on crime and soft on the causes of crime.

Since then a young police constable, Peter Forsyth, has been tragically slain with a knife. Today the Premier told the Parliament that his Government supports the police and rejects violence. He must be challenged on his commitment to such hollow statements. If he is serious he will empower the police to demand the names and addresses of people who they suspect may cause trouble and to order groups to move on. The Premier needs to ensure that penalties are in place to allow the judiciary to impose serious penalties on thugs and criminals who flout the law. He needs to convince the police that his Government is fair dinkum in supporting them and their battle against crime on our streets. The Premier should sit up and take note of the reality that people do not feel safe on the streets because the police do not have the necessary legislative support to do their job properly. The Premier should carefully note an article that appeared in the *Sunday Telegraph* of 15 March. I shall quote two items of serious concern:

The owner of a large Parramatta disposal store said he had young people wanting to buy knives "all the time".

"I don't know about gangs, but a lot of kids are buying them to use for protection."

The kids in gangs tend to buy machetes, but the other kids buy folding knives that they can either put in their pocket or have showing in a pouch, just so they look like they are carrying.

Another knife seller said, "Yesterday I sold 10 machetes to an Asian gang."

"We get lots of gangs in here. They just come in and spend hundreds of dollars on every kind of knife."

"Now the gangs are heavier—there is more knife crime."

By the tragic slaying of Constable Peter Forsyth the criminal elements of our society have sent us a message. We as legislators must now send them a message in language they understand. They will treat the hollow rhetoric of our Premier with contempt if he does not take action to empower the police to take names, to move troublemakers on and to impose strong penalties upon those who break the law by carrying offensive implements.

#### DARWIN BOMBING ANNIVERSARY

**The Hon. FRANCA ARENA** [6.22 p.m.]: While in Darwin recently for a series of meetings I visited the new Northern Territory Parliament, whose splendid building, including its parliamentary library, is open to the Darwin community. I am grateful to Madam Speaker, the Hon. Loraine Braham, for her warm welcome; to my old friend Ian McNeill, the Clerk of the House; and to members of Parliament from all sides of politics whom I met and who showed me friendship and hospitality. I attended an important ceremony at Parliament House: the wreath laying for the fifty-sixth anniversary of the bombing of Darwin. The moving ceremony took place in the Great Hall of Parliament House and was attended by many citizens of Darwin. One of the best speeches was given by Brigadier C. A. M. Roberts, AM, CSC, of the northern command, who said, *inter alia*:

Today we remember one of the defining events of our Nation's history and the people who perished during it. An event that was as defining to the Nation as the landing at Anzac, yet sadly, is largely neglected beyond the Northern Territory. The bombing of Darwin on 19 February 1942 brought to this Nation the frightful reality of foreign armed attack against its people and its institutions. 705 bombs were dropped just on the first raid!

The events of that day remind us that the first responsibility of a national government is to ensure the security of its sovereign territory and its people. 56 years ago our defences were unprepared and we were taken by surprise. The citizens of this city paid the price for that unpreparedness. Today, the Defence

Force units located here are a clear demonstration of the Australian Government's commitment to effectively defend northern Australia and its people. Should we ever be threatened with armed aggression in the future, Northern Command, and its assigned naval, army and air force units is today protecting our sovereignty and stand ready to protect the people of northern Australia . . .

The bombing reminds us of the unity of our Nation, and that the Nation embodies all of our people. It reminds us that Australians from all cultural groups and persuasions answered the call to arms. Indeed, the first enemy serviceman taken prisoner on Australian soil, a pilot shot down during the first raid, was captured by Matthias Ngapiatulawai of the Tiwi people. Aboriginal, Chinese, Greek, Italian, Yugoslav, Celtic and Anglo-Saxon Australians and others responded as one to meet the crisis and to defend this land and its institutions . . .

The bombing of Darwin on 19 February 1942 and the significance of it to the Australian Nation should never be forgotten. It stands as one of several beacons in the rich history of this Nation. As such, it is worthy of the highest national recognition . . .

I was impressed by the historical importance of the event, which is completely ignored in places such as New South Wales. I was recently told by a top official that if Australia were ever in danger of invasion from the north we would probably have to abandon half of our territory, which would be landmined to make it impossible for the enemy to come further south. I found this statement both incredibly disturbing and defeatist. It is of great concern to me and the people of the north, which is why the words of the brigadier were of extreme significance. Territorians are Australians of a special kind: tough, determined and resilient. The State convention will determine whether and when the Northern Territory becomes a State and other important constitutional issues. I salute the people of the Northern Territory and wish them well. They are our fellow Australians and we should stand by them.

#### SUPPORTED ACCOMMODATION FOR PEOPLE WITH DISABILITIES

**The Hon. I. COHEN** [6.25 p.m.]: I recently had the pleasure of attending the launch of a paper by the coalition for appropriate supported accommodation for people with disabilities entitled "Room to Move: A Position Paper on Licensed Boarding Houses". The coalition comprises church groups and community interest groups and receives support from the Council of Social Service of NSW. The coalition raised issues that are important and deserve the attention of the Government. The coalition believes that accommodation that is community based, secure and supported will meet the individual needs of residents. Such accommodation encompasses five elements: first, residents have a right to assessment of need; second, accommodation should provide a home in the

community and full community integration; third, support services should be flexible, consumer driven and facilitate the development of living and employment skills; fourth, residents should have choices and involvement in planning their housing and support; and, finally, residents with moderate to high support needs must be given the choice to access the services of 16- to 24-hours-a-day care givers.

The Carr Government must respond to the paper. New South Wales has 125 places and 2,200 residents. It is a chain of shame. Problems include resident abuse; errors in administering medication; poor behaviour management practices; unsuitable and inappropriate clothing; inadequate nutrition practices; inadequate assessment of medical problems, including mental health problems and inadequate access to medical treatment; the physical condition of facilities, such as those that are run-down and unclean; a lack of meaningful activities for residents to participate in; a breach of licence conditions, such as inadequate staff numbers; the overcharging of residents; and the indifference to the needs of residents and basic human rights. Vulnerable people are housed in private institutions that need strong government supervision. In these

circumstances, private institutions for profit are not appropriate. This matter must be monitored by the Government. The paper cites the following case study:

Karl had been resident in one boarding house and as a result of its closure had been moved to another boarding house. Karl did not settle in well and exhibited very challenging behaviour such as being aggressive, violent and smearing faeces. An appointment with a local doctor was arranged as Karl had arrived with a medication sheet which contained a notation for ear-drops but no indication of what type of ear-drops or any other details of ear infection.

The doctor examined Karl's ear and removed four pieces of cotton wool. Behind the cotton wool were live maggots. The doctor later explained that he removed many things from ears but had never come across this before. He believed they could have been there for months.

Since receiving the treatment Karl has become more settled and does not exhibit the challenging behaviours any more.

This type of situation should not be allowed in New South Wales.

**Motion agreed to.**

**House adjourned at 6.29 p.m. until  
Wednesday, 1 April 1998, at 2.30 p.m.**

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