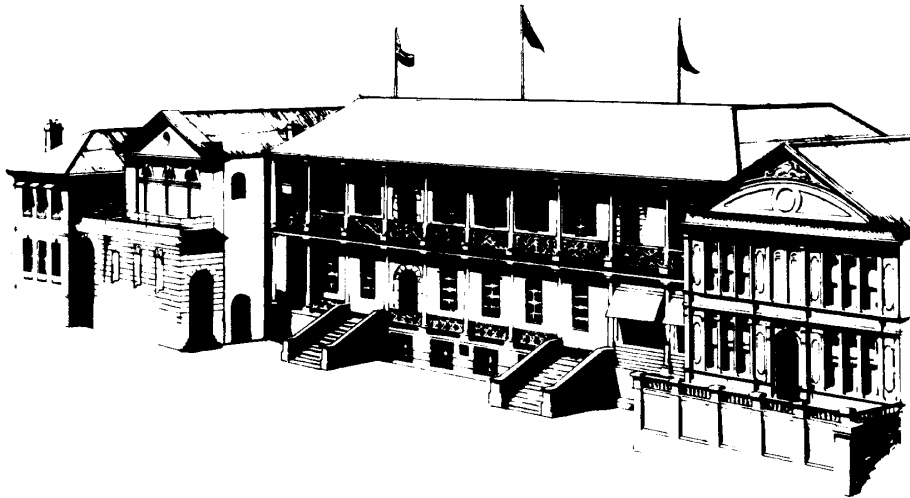




New South Wales



*Legislative Council*

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

**FIFTY-SECOND PARLIAMENT  
FIRST SESSION**

**OFFICIAL HANSARD**

**THURSDAY 11 NOVEMBER 1999**

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Authorised by the  
Parliament of New South Wales

# LEGISLATIVE COUNCIL

Thursday 11 November 1999

**The President (The Hon. Dr Meredith Burgmann)** took the chair at 10.57 a.m.

**The President** offered the Prayers.

## REMEMBRANCE DAY

**The PRESIDENT:** Today is Remembrance Day. I ask all honourable members and officers of the House to stand in their places to remember those who made the supreme sacrifice for their country.

*Members and officers of the House stood in their places.*

**The PRESIDENT:** Lest we forget.

## PROTECTED DISCLOSURES ACT REVIEW

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

MADAM PRESIDENT

The Legislative Assembly has considered the Legislative Council message of 27 October 1999 and has this day agreed to the following resolution—

That the review under section 32 of the Protected Disclosures Act 1994 be referred to the Joint Committee on the Office of the Ombudsman and the Police Integrity Commission.

Legislative Assembly  
10 November 1999

JOHN H. MURRAY  
Speaker

## COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

### Video Evidence

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

MADAM PRESIDENT

The Legislative Assembly informs the Legislative Council that on Tuesday 9 November 1999 it agreed to the following resolution—

That this House authorises the Committee on the ICAC to hold a meeting on Thursday 25 November 1999 by electronic communication without witnesses being present in the one place provided that a quorum of members is present in the one place and that a witness give oral

evidence and the quorum of members present are able to put questions to and hear the witness contemporaneously.

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

Legislative Assembly  
10 November 1999

JOHN H. MURRAY  
Speaker

### Consideration of message deferred.

## PARLIAMENTARY ETHICS ADVISER

**The PRESIDENT:** I report the receipt of the following message from the Legislative Assembly proposing the appointment of a Parliamentary Ethics Adviser:

MADAM PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution—

That:

- (1) This House directs the Speaker to join with the President to make arrangements for the appointment of Mr Ian Dickson as Parliamentary Ethics Adviser, on a part-time basis, on such terms and conditions as may be agreed from the period beginning 1 December 1999;
- (2) The function of the Parliamentary Ethics Adviser shall be to advise any member of Parliament, when asked to do so by that member, on ethical issues concerning the exercise of his or her role as a member of Parliament (including the use of entitlements and potential conflicts of interest);
- (3) The Parliamentary Ethics Adviser is to be guided in giving this advice by any Code of Conduct or other guidelines adopted by the House (whether pursuant to the Independent Commission Against Corruption Act or otherwise);
- (4) The Parliamentary Ethics Adviser's role does not include the giving of legal advice;
- (5) The Parliamentary Ethics Adviser shall be required to keep records of advice given and the factual information upon which it is based;
- (6) The Parliamentary Ethics Adviser shall be under a duty to maintain the confidentiality of information provided to him in that role and the advice given, but that the Parliamentary Ethics Adviser may make advice public if the member who requested the advice gives permission for it to be made public;
- (7) This House shall only call for the production of records of the Parliamentary Ethics Adviser if the member to which

the records relate has sought to rely on the advice of the Parliamentary Ethics Adviser or has given permission for the records to be produced to the House;

- (8) The Parliamentary Ethics Adviser is to meet with the Standing Ethics Committee of each House annually;
- (9) The Parliamentary Ethics Adviser shall be required to report to the Parliament prior to the end of his annual term on the number of ethical matters raised with him, the number of members who sought his advice, the amount of time spent in the course of his duties and the number of times advice was given;
- (10) The Parliamentary Ethics Adviser may report to the Parliament from time to time on any problems arising from the determinations of the Parliamentary Remuneration Tribunal that have given rise to requests for ethics advice and proposals to address these problems.

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

Legislative Assembly  
10 November 1999

JOHN H. MURRAY  
Speaker

### Consideration of message deferred.

## JOINT SELECT COMMITTEE ON VICTIMS COMPENSATION

### Establishment

**The PRESIDENT:** I report the receipt of the following message from the Legislative Assembly relating to the appointment of a Joint Select Committee on Victims Compensation:

MADAM PRESIDENT

The Legislative Assembly has considered the Legislative Council message of 26 October 1999 and has this day agreed to the following resolution:

- (1) That a Joint Select Committee be appointed, further to the Joint Select Committee's recommendation in its December 1998 Report on the Inquiry into Psychological Injury—Shock, to inquire and report on:
- (a) the effectiveness and efficiency of the New South Wales Victims Compensation scheme in providing assistance to genuine victims of crime,
- (b) the current state of the provision of counselling and associated support services for victims of crime, and
- (c) other relevant matters.
- (2) That the Committee consist of 4 Members of the Legislative Assembly and 3 Members of the Legislative Council.
- (3) That the Legislative Assembly Members comprise:
- (a) 3 Government Members nominated in writing to the Clerk of the House by the Leader of the House, and

- (b) 1 Opposition Member nominated in writing to the Clerk of the House by the Leader of the Opposition.

(4) That the Legislative Council Members comprise:

- (a) 1 Government Member nominated by the Leader of the Government in the Legislative Council,
- (b) 1 Opposition Member nominated by the Leader of the Opposition in the Legislative Council, and
- (c) 1 Cross Bench Member nominated by the Cross Bench.

(5) That notwithstanding anything to the contrary in the Standing Orders of either House:

- (a) the Committee is to elect as Chairman a Government Member of the Legislative Assembly,
- (b) the Chairman of the Committee have a deliberative vote and in the event of an equality of votes, a casting vote, and
- (c) at any meeting of the Committee 4 Members will constitute a quorum, provided that the Committee meet as a Joint Committee at all times.

(6) That the Committee have leave to sit during any adjournment of either or both Houses; to adjourn from place to place; to make visits of inspection within the State of New South and Australia; and have power to take evidence and to send for persons, records and things; and to report from time to time.

(7) That the Committee report by 29 February 2000.

(8) That should either or both Houses stand adjourned and the Committee agree to any report before the Houses resume sitting:

- (a) the Committee have leave to send any such report, minutes and evidence taken before it to the Clerk of the respective Houses,
- (b) the documents be printed and published and the Clerks forthwith take such action as is necessary to give effect to the order of the Houses, and
- (c) the documents be laid on the Table of the Houses at their next sittings.

And the Legislative Assembly fixes Tuesday 16 November 1999, at 3.30 pm in Committee Room 1136 as the time and place of the first meeting.

Legislative Assembly  
10 November 1999

JOHN H. MURRAY  
Speaker

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Report

**The President** tabled, in accordance with section 78 (1) of the Independent Commission

Against Corruption Act 1988, the report of the commission entitled "Report on Conduct of Mr Sam Masri, Former Purchasing Officer, Liverpool City Council", dated November 1999.

**The President** announced that, pursuant to section 78 (3) of the Act, she had authorised that the report be made public.

## PETITION

### Family Impact Commission Bill

Petition praying that the integrity of the family unit be encouraged, that the Family Impact Commission Bill be supported in its current form and that all proposals to amend the definition of the family as defined in the bill be rejected, received from **Reverend the Hon. F. J. Nile**.

## BUSINESS OF THE HOUSE

### Postponement of Business

**Private Member's Business Item No. 1 postponed on motion by the Hon. A. G. Corbett.**

### GAMBLING (ANTI-GREED) ADVERTISING PROHIBITION BILL

#### Second Reading

**Debate resumed from 15 September.**

**Reverend the Hon. F. J. NILE** [11.17 a.m.], in reply: By speaking in reply to the Gambling (Anti-Greed) Advertising Prohibition Bill I will effectively close the debate. I apologise if any honourable member was planning to speak on the bill, but I checked with the Whips and so far as I know no-one else was on the list.

**The PRESIDENT:** Reverend the Hon. F. J. Nile may proceed.

**Reverend the Hon. F. J. NILE:** The Gambling Legislation Amendment (Responsible Gambling) Bill, which was introduced by the Government, was the subject of a lengthy debate in this Chamber. A number of amendments related to gambling advertising were proposed to that bill, but none was agreed to. The Government promised that it would give serious consideration to addressing some of the concerns raised in that debate when drafting the regulations to be gazetted.

At this stage a draft exposure of the regulations is being considered by the various

interest groups and stakeholders, particularly the gambling industry, including the registered clubs, hotels and the Star City Casino. As I said during that debate, I am concerned that those groups may put pressure on the Government to water down the draft exposure of the regulations as first printed and distributed. I urge the Government not to give in to that pressure but, in its role as the Government, to take into account the concerns of the whole of the population of this State and not just those who are conducting gambling.

I thank honourable members from both sides of the House who spoke on this issue. I understand, from conversations I have had, that the Government and the Opposition probably will vote against this bill. Therefore, for the purposes of the record, I will call for a division on the second reading. I thank especially Government members who had the courage of their convictions and agreed with me that this State is facing a gambling epidemic.

With a \$90 billion turnover last year, no-one can say that we do not have a serious problem. Governments have responded down through the years to other epidemics, such as smallpox, tuberculosis and HIV-AIDS. However, it seems that when the epidemic has to do with gambling we hit a brick wall. Obviously the vested interest groups are so powerful that neither the Labor Party nor the Liberal or National parties are prepared to take on those groups. That is very disappointing. All parties represented in this House should first represent the people of this State and not any one particular organisation.

I was shocked to hear evidence during the Australian Broadcasting Authority [ABA] cash-for-comment inquiry that John Laws has a contract with Star City casino from which he receives hundreds of thousands of dollars. One would think that the contract required him to advertise the casino. However, the contract required him not only to promote the casino through advertising, which is a normal commercial operation, but also to make favourable comments about the casino. That is a serious matter.

Further, it is clear from the evidence before the inquiry that John Laws was to prevent any criticism of the casino from going to air. If a listener rang his talk-back program to criticise the casino, that call would not be put to air. That contradicts what John Laws has often stated publicly on his program. I like John Laws and I listen to his program on 2UE when I get the opportunity. I have often heard him say, "I do not censor calls. They come through a system. They just pop up, and I do not know the subject of the call."

How does John Laws censor callers who are critical of the casino? There must be a procedure in place to vet calls before they go to air. An even more serious matter than the censoring of calls critical of the casino is the fact that the contract required John Laws to not take calls that were critical of gambling. The gambling debate in this State then becomes a censored debate. If an announcement is made that the gambling turnover is \$90 billion, one would expect many calls from the public to say they are upset and worried about the extent of gambling.

But there is silence about the issue on the John Laws program. Those people were not allowed to express their concerns on air. I hope that the ABA will be critical of this abuse of a privileged and powerful position. John Laws influences public opinion. All politicians—particularly leaders of the major parties, whether the Prime Minister or the Leader of the Opposition—will do anything to be heard on the John Laws program. They know that program is heard by the largest radio audience in Australia, from Sydney to Perth.

The program is aired on stations in every capital city and in a large number of country areas. The views expressed by John Laws have a major effect on public opinion. John Laws' views can have a positive effect, if he seeks to promote a politician or party, but they have a negative effect when he censors calls from the public who are concerned about the expansion of gambling in this State and throughout Australia.

New South Wales bears the responsibility of being the premier gambling State of Australia. Our gambling industry greatly exceeds that in Victoria, South Australia and the other States in our Commonwealth. Although the major parties may have already made a decision on this bill, I call on honourable members to examine their consciences. I understand that the conscience vote now only applies to the issues of abortion and euthanasia. However, the area is a bit grey. I am not a member of a major party, so I do not know what goes on in their party rooms. I understand a conscience vote will be allowed on the age of consent bill, which we will be debating later. I am pleased about that.

However, I believe that members of all parties, particularly the major parties, should be allowed to express their conscience on other issues, such as the legalisation of drugs, the introduction of shooting galleries, and the expansion of gambling and poker machines. Members of minor parties are able to express their conscience, because those parties usually only have one or two representatives.

Some years ago we debated a bill to prohibit tobacco advertising. After much toing-and-froing, the Opposition, which opposed the legislation right up until the last minute, reversed its position and supported the bill. It was one of the few bills that passed unanimously in this House and in the other House. I thank all honourable members and parties for that. This bill relates to a similar issue.

It would be wonderful if New South Wales set an example to the rest of Australia and other nations, such as the United States of America, New Zealand, Canada and the United Kingdom, that have gambling epidemics. Honourable members of this House should be allowed a conscience vote on this bill. Some Government and Opposition members in their contributions expressed concerns about the extent of gambling in this State.

However, if the parties have taken a position on this bill, those honourable members will be forced to vote against it. I take a sensible and rational approach to every bill I introduce. This bill will not ban gambling advertising tomorrow. The bill includes a five-year period to phase out advertising, which gives all parties in the gambling industry the opportunity to examine their advertising policies and plan the use of that money in other ways—hopefully to help problem gamblers.

It is not a ruthless or guillotine-type bill, with a gun being held at the registered clubs, hotels or casino. The bill proposes that over a period of five years advertising will be phased out. That will be done through a consultative committee comprised of interested industry groups. That committee, working under the guidance of the Government, will deal with the problem. The tobacco bill contained a similar provision.

Some exemptions were included in that bill to provide, for example, for international car racing events where cars displayed tobacco company advertising. I accept that there may be some room for adjustment over the five years. I thank honourable members who supported the bill in principle, although they may not be able to vote for it. I hope that even at this late stage honourable members will exercise their conscience and vote for this bill.

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

**The House divided.**

**Ayes, 9**

Mr Breen	Mr R. S. L. Jones
Dr Chesterfield-Evans	Mrs Sham-Ho
Mr Cohen	<i>Tellers,</i>
Mr Corbett	Rev. Nile
Mr M. I. Jones	Ms Rhiannon

**Noes, 20**

Mr Bull	Mr Obeid
Ms Burnswoods	Dr Pezzutti
Mr Della Bosca	Mr Ryan
Mr Gallacher	Ms Saffin
Mr Gay	Mr Samios
Mr Harwin	Ms Tebbutt
Mr Hatzistergos	Mr Tsang
Mr Kelly	
Mr Macdonald	<i>Tellers,</i>
Mr Manson	Mr Jobling
Mr Moppett	Mr Primrose

**Question resolved in the negative.**

**Motion negatived.**

**SEXUAL OFFENCE DAMAGES BILL****Second Reading**

**Debate resumed from 23 September.**

**Reverend the Hon. F. J. NILE** [11.35 a.m.]: The Sexual Offence Damages Bill, introduced by the Hon. Elaine Nile, is designed to provide further protection, particularly for women and children, from rape by males who have been incited by pornographic videos, films, literature or magazines. Honourable members know that at the moment the laws are weak and simply classify such material as R-rated, or restricted. Hard-core pornography is being sold on the shelves in newsagencies. It is supposed to be kept in a separate room away from the general public, but it is often found somewhere near the main counter so that the store owner can prevent people reading it without purchasing it.

Many restricted publications are displayed in plastic bags with brown paper to shield the titillating covers. The bill does not attempt to ban pornography but attempts to address this matter from a different perspective. People who produce antisocial—and what I call anti-woman—material would face severe penalties under the provisions of this bill. The victim would be able to sue the manufacturer, wholesaler or retailer involved in the chain that made available the offensive video, magazine or other material to the rapist. If in a court case it were proven that an

individual was incited by a video, film or magazine, the rape victim could win a court case against the supplier for damages up to \$1 million.

The Christian Democratic Party does not want women or children to be raped. At the moment victims of rape are covered by victims compensation with awards of up to about \$40,000, which the Christian Democratic Party supports. We believe damages should be up to \$1 million. If manufacturers, wholesalers, distributors or retailers knew that they could face such a penalty, they would think twice about what they do. Obviously they are driven by this worldwide multimillion dollar industry. Honourable members know that large factories produce videos en masse by churning out hundreds of copies in minutes, and Sydney is the main production centre in Australia.

There is so much money available that these people are prepared to take the risk. Pornography has become a big business. As I said, governments of both persuasions, Labor and Coalition, have moved in the direction of classifying pornography. Australia is one of the few countries, if not the only country, in which it is legal to sell hard-core pornography. Hard-core pornography cannot be sold in America. It may be produced in America and people may be able to buy it illegally, but it is not a legal product.

**The Hon. Dr B. P. V. Pezzutti:** Non-violent erotica is freely available in America.

**Reverend the Hon. F. J. NILE:** People in America can be charged for buying hard-core pornography. Recently in America the producer of *Hustler* magazine was charged with producing pornographic material. Hard-core pornography is even worse than the material in *Hustler*. Some countries still prohibit obscene publications. Australia does not have obscene publication laws, because it has classification laws. I had a visitor from overseas who is an expert on pornography throughout the world.

**The Hon. D. J. Gay:** How does one become an expert?

**Reverend the Hon. F. J. NILE:** He is an expert on laws relating to pornography throughout the world. When he saw the Australian classification law he smiled and said that it was designed by the producers of pornography.

**The Hon. Dr B. P. V. Pezzutti:** But it is the law of the land.

**Reverend the Hon. F. J. NILE:** I know. I am critical of and oppose laws relating to pornography, but many governments have passed them. I am approaching the matter from another direction. If honourable members who have compassion for the victims of pornography will not take a stand against pornography they should at least look at it from the victim's point of view and support this bill, which would allow a victim to sue the producers of the pornography that incited a rapist to attack her.

[*Interruption*]

I said that it has been proved in court case after court case. I have the evidence from chief prosecutors in the various States.

**The Hon. D. J. Gay:** It's not true.

**Reverend the Hon. F. J. NILE:** What is not true?

**The Hon. D. J. Gay:** It's not true that it has been proved in court case after court case.

**Reverend the Hon. F. J. NILE:** The prosecutors in these cases have said that, on the evidence, they have no doubt that a pornographic publication, pornographic video or child pornography was the cause of the assault. I am simply quoting the chief prosecutors. The police prosecutors have told me this.

**The Hon. Dr B. P. V. Pezzutti:** Where is the proof?

**Reverend the Hon. F. J. NILE:** I am quoting the prosecutors, who simply conduct the court cases. They are saying that.

**The Hon. Dr B. P. V. Pezzutti:** A court case does not prove cause and effect.

**Reverend the Hon. F. J. NILE:** That is the point. On the evidence presented in court, a victim should be able to sue the person who produced the pornographic material that incited the rapist. [*Time expired.*]

**The Hon. D. F. MOPPETT** [11.43 a.m.]: Over at least the past two decades the mores of our society have hardened in terms of tolerating sexual offences, and that is good. I am not sure what has caused the mirth among members opposite.

**The Hon. Janelle Saffin:** The Hon. Dr B. P. V. Pezzutti's interjection.

**The Hon. D. F. MOPPETT:** That proves that in debates on serious matters it is probably a good idea to ignore interjections, and I will endeavour to do so now. Australian society is not only concerned about protecting young people—and I note the presence of young people in the gallery today—but is determined to be fastidious about it. I am sure honourable members will be interested in the contributions to a later debate relating to young people.

This bill is not in any way restricted to either younger people or older people. It relates to the sad occurrence of sexual offences in society and how damages should be apportioned to those who, in the view of the mover of the motion, the Hon. Elaine Nile, contribute at least in a sexual sense to the commission of those offences. Opinions about sexual offences have become more severe over the decades, but those opinions are not restricted to people in metropolitan areas.

People in country areas are determined to ensure that the almost institutionalised forms of abuse that occur within socially acceptable bonds, that is, marriage and relationships involving people who are close to each other, are brought to an end. In past generations people probably thought that in those circumstances it was a matter for the two individuals to sort out or something to be resolved within the family. We have come a long way and now realise that people have a right to say no and mean no, and to be protected from predatory males. Most cases involve males, but I do not want to restrict my remarks to offending males.

All sorts of people perpetrate these sexual offences, which is a much better description than previous outdated descriptions in the criminal justice system. The purpose of this bill requires further consideration beyond the remarks I have already made. The purpose as outlined by the Hon. Elaine Nile, and elaborated by Reverend the Hon. F. J. Nile, is to associate the offence directly with predisposing circumstances in the way advertising material may incite individuals to perpetrate sexual crimes.

Reverend the Hon. F. J. Nile quoted Crown prosecutors who believe that in many instances they have established a connection with the use of pornographic material—not so much the specific advertising material referred to by Reverend the Hon. F. J. Nile—including the degrading material available on videos and so on. In certain widely publicised cases it has been said that the offender spent some time viewing such videos before going

on a rampage. The difficulty we have is trying to make a balanced judgment about what impact these images have on those individuals and, more specifically, what part the images play in today's society. I am not talking about illegal products but the way in which sexual images in the broader sense are used in advertising.

**The Hon. Dr B. P. V. Pezzutti:** They sell drenches.

**The Hon. D. F. MOPPETT:** I concede that sometimes it appears that the association of the salesperson to agricultural products is inappropriate. Some women drench cattle and sheep but they are dressed more suitably to manage livestock than some of the women who appear in the advertising segments. I do not want to be diverted from this serious subject. The Standing Committee on Social Issues, in considering previous references, dealt with the alleged association between salacious advertising, the degree to which there is violence and sexual activity in films, and the committing of offences. I am not altogether convinced that the link has been established.

In previous debates I have said that if there were a direct relationship our society would be in chaos. This does not destroy the arguments of Reverend the Hon. F. J. Nile, because it may be that there is another relationship, nevertheless a relationship, which in some way is reflected in cause and effect. Publications such as the *Australian Women's Weekly* from the 1950s and 1960s contrast with present editions and the new generation of women's magazines. I refer particularly to the contents advertised on the front page.

My late mother was pretty hard to shock, she was a person of fairly urbane outlook, but I guarantee her mother would have been staggered at what today is regarded as passé or quite normal and everyday. Most well-adjusted young people are unmoved at seeing films which include violence and almost explicit scenes of sexual intercourse. They can separate the difference between watching a film and seeing something in real life.

I am not suggesting for one minute that they are exposed to witnessing sexual scenes, particularly sexual intercourse, on a regular basis, but in the case of violence those who succumb to the urge to commit acts of violence would be more affected by seeing perhaps their mother punched by their father or being in a society which regularly participates in outbursts of violence. Being in the room when it happens and seeing it as somehow a norm of behaviour is the most destabilising influence, far

more so than seeing it, at the lowest level, in cartoon depictions of violence with a star and "pow" and then somebody falling over. We know how misleading it is to depict people dying painlessly after bullets go through them.

Equally, in the areas the Hon. Elaine Nile is so concerned about, the lascivious video and advertising that has a very definite sexual connotation rather than violence, we should carefully think about how we deal with the issue. I doubt that the trade in that sort of imagery can be stopped by making people liable to damages. Attempts to regulate in a punitive way drive the material underground or raise the price; it is made more intriguing to young people. If it is an illegal product and really hot to handle it can create the wrong sort of reaction in many young people.

Young people may succumb to the temptation to go against adults who say that something is bad. They therefore desire to see it. I do not believe that they will then go down the path and be seduced by the material into acts of violence or sexual offences. We cannot effectively deal with the problem in such a punitive manner. Other members will speak eruditely about other methods of attacking the problem of sexual offenders. A lot of work has been done on it.

By way of aside I observe that it is a great shame that the sexual offences unit at the Cooma corrections facility was disbanded. That was a very retrograde decision. As well as valuable rehabilitation work there was research into the psychology of people who commit offences and, more particularly, those who show a propensity for recidivism, which is even more worrying. We are all very concerned about the way in which people, for whatever reasons—some of them could be characterised as sick—have an almost insatiable urge to indulge in unacceptable practices.

We have heard apologists for drug takers say that the urge of drug takers is insatiable. We are asked to consider their case sympathetically and to deal with the causes that bring them to the unhappy circumstance of being offenders in the first place, which for them can be almost worse than their ultimate conviction. For society, their arrest and ultimate conviction serves one good purpose: it protects the general public from further predation.

We must make sure that in the end we are not simply the ambulance at the bottom of the cliff. We should not say that after the offences occur we will be out there shining torches, grabbing people and locking them up. We should aim to reduce the rate

of offending until it does not exist at all. In a society such as Australia it is totally unacceptable. One would hope that in an affluent society such as ours—

**The Hon. Dr B. P. V. Pezzutti:** That has nothing to do with the bill.

**The Hon. D. F. MOPPETT:** I am coming back to the bill. We should not be resigned to the offences always being with us. We should examine the causes that trigger attacks from those who are so predisposed. I commend the Hon. Elaine Nile for putting the bill before the House so that it can be debated and considered, but I do not think that a sufficiently strong case has been made for the connection between the production, publication and display of the material and the committing of the offences.

**The Hon. R. T. M. Bull:** It is a tenuous argument.

**The Hon. D. F. MOPPETT:** It is a tenuous argument. However, if it were pursued assiduously enough it may be proved, but it is not proved at this stage. However, it is not proven at this stage, and I believe that to act in this way would be to characterise ourselves in the almost puritanical mode that swept the United States of America in the years between the two wars and led to the prohibition of alcohol. What we learned from that was that the prohibition of any less desirable activity in society simply magnifies the problem.

**The Hon. R. T. M. Bull:** We still have gambling.

**The Hon. D. F. MOPPETT:** Gambling is another example. The prohibition of such activities simply magnifies the problem, the damage that is caused in society, and the extent to which people suffer from these various activities. It is difficult to sort out the psyche of people who are predisposed to commit these offences. Every day we are told that we should be more tolerant and we should accept what is called the sex industry.

It seems quite unfathomable that, in an affluent society where services of a sexual nature are readily available, there should be a need to advertise those services. One has only to look at a major daily newspaper in Sydney to see the plethora of advertisements. For example, the *Daily Telegraph* carries pages of advertising offering sexual gratification to people who are looking for it, as do regional newspapers.

**The Hon. R. T. M. Bull:** Even the *Wentworth Courier*.

**The Hon. D. F. MOPPETT:** Even the *Wentworth Courier* carries such advertising. I suppose that may serve some worthwhile purpose—

**Pursuant to sessional orders business interrupted.**

## QUESTIONS WITHOUT NOTICE

### NEW SOUTH WALES FISHERIES REVIEW

**The Hon. R. T. M. BULL:** My question without notice is directed to the Minister for Mineral Resources, and Minister for Fisheries. Does the Minister accept the findings of the New South Wales Auditor-General and the Crown Solicitor that the contents of the letter sent by either the Minister or his predecessor to freshwater anglers four days before the March State election was illegal because it was paid for with \$1,000 of funds from the Minister's department? Has the New South Wales Labor Party repaid this money to the Minister's department? What guarantee will the Minister give the House that this abuse will not occur again?

**The Hon. M. R. Egan:** Point of order: The honourable member's question, if I recollect it correctly, asserts that certain expenditure has been found to be illegal. That is a false premise, and therefore the question is out of order.

**The Hon. R. T. M. Bull:** To the point of order: Clearly, the Leader of the House has not read the Auditor-General's report of yesterday. I know he does not have much time to read things, because, as he alluded to some two years ago, he has 76 phone calls every morning. However, this is a legitimate question. It directly relates to the report of the Auditor-General, who reports to the Parliament of New South Wales.

**The DEPUTY-PRESIDENT (The Hon. A. B. Kelly):** Order! There is no point of order.

**The Hon. E. M. OBEID:** I am well aware of the Auditor-General's report. It states that an unqualified independent audit report was issued for the financial period ending 30 June 1999. The Auditor-General commented on a number of issues. They included, first, separate reporting for special Fisheries Trust Funds; second, improved controls of the inland licensing system and the employee leave

processing system; third, the year 2000 millennium strategy; and fourth, the Supreme Court case regarding the administrative procedures of the abalone share allocation.

The Fisheries Department is now reviewing procedures and, in consultation with the Audit Office, is implementing new controls to improve management of these tasks in the future. With regard to the second part of the question, I think that matter has been well canvassed. I refer the honourable member to the Treasurer's answer on that matter on 24 June, and also to my answer to a question on notice which was published on Tuesday 7 September.

### HUNTER VALLEY MINE REHABILITATION

**The Hon. A. B. MANSON:** My question without notice is addressed to the Minister for Mineral Resources, and Minister for Fisheries. Will the Minister advise the House of developments in the Government's recently released plan to rehabilitate upper Hunter Valley coalmines?

**The Hon. E. M. OBEID:** I thank my colleague the Hon. A. B. Manson for his continued interest in the mining sector and the welfare of the State's mineral resources. I am pleased to advise the House that this Government's blueprint for a better-looking future for the upper Hunter Valley, by improving mine rehabilitation and environmental management, has won a prestigious award. The Royal Australian Planning Institute, New South Wales Division, awarded the Government the Synoptic Plan—Integrated Landscapes for Mine Site Rehabilitation Award, which is an award for excellence in planning.

The judges were most impressed by the plan, and said they regard it as providing for "a new regional landscape of epic proportions and scale". In addition, the judges considered that the clarity of the communication of complex scientific data, and the use of computer analysis and computer graphics, was of a very high standard.

The synoptic landscape plan displays on central database maps the current status of all open-cut and underground collieries mine facility areas, established mine proposals, and post-mining sites within the upper Hunter coalfield. A second map series shows mine development and rehabilitation as it will be in the year 2020, based upon current mine approvals and rehabilitation proposals. The synoptic landscape plan identifies opportunities for mines to enhance rehabilitation through integrated native revegetation.

The study was a joint enterprise by a number of agencies, including the Department of Mineral Resources, Muswellbrook and Singleton councils, the New South Wales Minerals Council, and collieries in the upper Hunter region. The synoptic landscape plan complements the Hunter remnant vegetation project, which is a broader initiative of the Hunter Catchment Management Trust, and the proposed Hunter vegetation management plan of the Department of Land and Water Conservation.

Stage two of the work will involve supplementary documentation on state-of-the-art rehabilitation procedures, strategies to enhance native revegetation, and integrated planning for mining landscapes. This is benchmark rehabilitation for the Hunter region, and I feel very privileged to have visited the region about two months ago on the occasion of the presentation of the award.

**The Hon. D. J. Gay:** Can you prove that?

**The Hon. E. M. OBEID:** I was there, as was your leader. In fact, I acknowledged his presence. This is a world first and shows how the Carr Labor Government is working for rehabilitation of mine sites. Indications are that we have a very high world benchmark standard.

### ELECTRONIC CATTLE IDENTIFICATION

**The Hon. D. E. OLDFIELD:** My question is to the Special Minister of State, representing the Minister for Agriculture. Is the Minister aware that New South Wales beef producers are about to suffer extra costs in complying with recent European Union regulations relating to the electronic identification of cattle for the control of hormone growth promotants? Will the Minister acknowledge that this will impose upon rural producers extra administrative and material costs, and that making them pay for the new electronic ear tags and transponder readers will be an added burden?

Is the Minister aware that the Victorian Government will cover the cost of electronic identification on behalf of that State's beef producers? Will the Minister commit the New South Wales Government to cover the costs of this new burden to New South Wales beef producers?

**The Hon. J. J. DELLA BOSCA:** I am not in a position to give a commitment on behalf of the Government in relation to the matter to which the honourable member refers. However, I will ascertain from the Minister for Agriculture the policy approach of the Government. I am interested in the fact that it has been drawn to the attention of the

House that, apparently, the Victorian Government has adopted the policy that the honourable member has referred to.

In relation to primary production, I think it is fair to say that for a very long time governments of all persuasions have taken the general approach of accepting that these sorts of marketing conditions are imposed by foreign governments, and that to some extent foreign jurisdictions have been taken into consideration in the overall marketing of an Australian crop or produce, as the case may be.

As I said, I am aware that that general approach has been taken by governments of all political persuasions in a variety of jurisdictions over a very long period. I am not aware of the specific details of the latest round of electronic regulation by the European Union. However, I will obtain an answer to the honourable member's question and advise the House as soon as possible.

**The Hon. D. E. OLDFIELD:** I thank the Minister for his answer and ask him a supplementary question. Will he at least also endeavour to obtain an answer to the specific point of the question, which related to the capacity of the Minister for Agriculture to commit funds?

**The Hon. J. J. DELLA BOSCA:** I will make it clear to the honourable member. My attitude is that I will take up the context of that matter with the Minister for Agriculture.

#### LITHGOW FIREFIGHTERS CORONIAL INQUIRY

**The Hon. D. J. GAY:** My question is directed to the Minister for Juvenile Justice, representing the Minister for Emergency Services. Has the Independent Commission Against Corruption been asked to investigate whether the Rural Fire Service withheld information from a coronial inquiry into the deaths of two firefighters at Lithgow in 1997?

Further, has it been alleged that the information was withheld because it contained material that may have been seen to be detrimental to the Rural Fire Service? Is the Minister aware also of criticism of the State Government by the Fire Brigades Employees Union regarding the provision of a single legal team for both the Rural Fire Service and the New South Wales Fire Brigade for that coronial inquiry?

**The Hon. CARMEL TEBBUTT:** The Hon. D. J. Gay has a continuing interest in the Rural Fire Service. I will refer the question to the Minister for

Emergency Services and undertake to get a response as soon as possible.

#### OLYMPIC GAMES LOCAL GOVERNMENT SUBSIDISATION

**Ms LEE RHIANNON:** Is the Treasurer aware that the people of New South Wales will subsidise the Olympics through their rates as well as their taxes? Has the Government calculated the total public subsidy that ratepayers will provide to the Olympics? Will the Treasurer concede that councils should be concerned about the lack of consultation and that local government will not receive, as corporate sponsors do, compensation for or formal recognition of their support?

Is the Treasurer aware that councils such as Leichhardt council have calculated that ratepayers will pay up to \$500,000 to cover the costs of traffic management, garbage collection, security, repairs and related Olympic costs? Is the Treasurer also aware that several councils are considering a policy of non-co-operation to force the Sydney Organising Committee for the Olympic Games to enter into real negotiations with councils?

**The Hon. M. R. EGAN:** I am actually somewhat—

**The Hon. Dr B. P. V. Pezzutti:** *Rats in the Ranks.*

**The Hon. M. R. EGAN:** It was a good film, but it was not as good as *Democracy*, in which I featured. If the honourable member liked *Rats in the Ranks* I suggest he see *Democracy*. I have no doubt that there will be some costs involved for local councils, particularly those in close proximity to Olympic venues. But there are costs involved for, let us say, Sutherland, Waverley and Randwick councils because people go to the beaches in their areas, and there are costs for South Sydney council because people go to the football stadium. It seems to me that some people in our community think the community should come to a standstill, that we should not do anything.

**The Hon. Dr B. P. V. Pezzutti:** Sydney will come to a standstill when Staterail and CityRail go offline because they have not been able to fix millennium bug problems. Kim Yeadon is dropping services.

**The Hon. M. R. EGAN:** The honourable member does not even know who the Minister for Transport is.

**The Hon. Dr B. P. V. Pezzutti:** Point of order: I do know who the Minister for Transport is. It is Carl Scully. He is taking the trains off, and Sydney will come to a standstill on New Year's Eve for at least two and a half hours. He said so yesterday. The Treasurer does not even know what his own Ministers are doing.

**The DEPUTY-PRESIDENT (The Hon. A. B. Kelly):** Order! There is no point of order.

**The Hon. M. R. EGAN:** I do not know what New Year's Eve has to do with the Olympics. Ms Lee Rhiannon asked me a question about the Olympics and the Hon. Dr B. P. V. Pezzutti has flipped his lid about New Year's Eve. Let me return to the question that Ms Lee Rhiannon asked. The fact of the matter is that councils from time to time have to bear the costs of all sorts of community activities that occur in or near their area. Businesses do, too; governments do; we all do. Does the honourable member want the Government to close down New South Wales?

**Ms LEE RHIANNON:** I ask the Treasurer a supplementary question. Considering that corporate sponsors are receiving extraordinary acknowledgment of their support when they contribute \$500,000 or more, what acknowledgment will local councils receive for their assistance to the Olympics?

**The Hon. M. R. EGAN:** I am sure they will be rewarded by the thanks of their ratepayers.

#### **PUBLIC SECTOR EMPLOYEES NEW YEAR'S EVE PAY LOADING**

**The Hon. M. J. GALLACHER:** My question without notice is addressed to the Special Minister of State, and Assistant Treasurer. Given the importance of properly compensating persons who will be unable to spend New Year's Eve with their family and friends owing to work commitments, will the Assistant Treasurer inform the House how much the Government's offer of quadruple time to public servants working that evening will cost the State?

**The Hon. J. J. DELLA BOSCA:** I am flabbergasted by that question from the Leader of the Opposition, considering that the Treasurer is in the Chamber. I am not in a position to answer that question off the top of my head. The answer is not in my brief. I will undertake to confer with my colleague the Treasurer and provide an answer to the House. Actually, I have just been handed an answer about the 300 per cent New Year's Eve loading for public sector workers.

The Public Employment Office has made an offer to the New South Wales Labor Council for a special payment to be applied to the public sector employees required to work during New Year's Eve. The offer was made in response to the Labor Council's claim on behalf of all public sector employees. It will apply to areas requiring around-the-clock government services, including health, police and correctional services. The offer is intended to provide a fair deal for public sector employees.

The principal feature of the offer is to replace existing holiday award conditions with a loading of 300 per cent on top of the base rate for the period from 6.00 p.m. on 31 December 1999 to 9.00 a.m. on 1 January 2000. This is a one-in-a-thousand-years offer designed to address a special once-in-a-lifetime event. The offer is conditional on the Labor Council accepting that it will not set a precedent.

#### **CO-WORKER RESPONSIBILITY**

**The Hon. JANELLE SAFFIN:** I direct my question without notice to the Attorney General, and Minister for Industrial Relations. Will the Attorney outline to the House the responsibilities that employees have to their co-workers in light of the recent prosecution of a female worker for participating in a workplace prank?

**The Hon. J. W. SHAW:** The honourable member refers to a workplace prank that went very wrong and resulted in the criminal conviction of a worker despite her not being directly involved in a matter that caused severe burns to a fellow process worker. The incident occurred when, as a farewell prank on her last day at work, a young woman was dunked into a large washtub filled with hot water and detergent. The unfortunate woman, who was due to set off on a backpacking holiday, received first, second and third degree burns and was hospitalised for 11 days. She underwent further review by a plastic surgeon some weeks later.

The two men who carried out the dunking pleaded guilty and were duly convicted. The third defendant, a woman who had helped arrange the prank, entered a plea of not guilty. After a two-day hearing, on 11 October this year the Chief Industrial Magistrate convicted her of the offence and placed her on a good behaviour bond under section 558 of the Crimes Act. The female defendant agreed in court that she had not warned her co-worker and did not tell management about the plan. Section 19 (a) of the Occupational Health and Safety Act imposes a positive duty upon an employee to take reasonable care for the health and safety of persons who are at

the employee's place of work and who may be affected by the employee's acts or omissions at work.

This sad case draws attention to that obligation on employees in relation to their co-workers. Might I inform the House that, through a WorkCover New South Wales grant, the National Children's and Youth Law Centre is addressing some of those issues. In the first phase of an education campaign, the National Children's and Youth Law Centre has provided employers with information to help devise youth bullying prevention strategies, advice on how to identify trouble signs, and suggestions for practical ways in which they can make the workplace safe for young workers in particular.

A second phase of this education campaign for young workers will be launched in the last week of November this year. A community radio advertisement has been produced, and a series of posters and coasters carrying a help line phone number and the message "Workplace violence: don't cop it—stop it" will be distributed through TAFEs, workplaces and clubs.

#### CASUAL EMPLOYMENT

**The Hon. HELEN SHAM-HO:** I direct a question to the Attorney General, and Minister for Industrial Relations. Is the Minister aware that among OECD countries, Australia has the highest level of casualisation of its work force, after Spain? Does the Minister agree that that is not fair to all these casual workers, particularly when they are working on a regular full-time basis? Will the Minister inform the House whether any measures are being taken in New South Wales to monitor employers who might be abusing the system in this way and whether the Government can do anything to change this unfair employment practice?

**The Hon. J. W. SHAW:** The honourable member undoubtedly is correct in referring to some very dramatic changes that have taken place in the Australian labour market in the last decade or so, where the percentage of casual workers and part-time workers has significantly increased relative to the number of permanent full-time positions. This change is driven partly by economic factors and partly by the globalisation of the economy, and there is only a limited amount that the Government can do about it.

One deterrent to casual employment arises from our award system, which conventionally provides casual loadings to compensate for the deprivation of sick leave, annual leave and the like. I think the task—not altogether a straightforward

task—is to encourage permanent part-time work as distinct from casual part-time work. It is clear that the advantages of permanent part-time work are great. For example, it allows the worker to deal with family responsibilities, such as a mother looking after children, yet preserving rights in respect of sick leave, annual leave and the like.

**The Hon. J. F. Ryan:** Even magistrates are working part time now.

**The Hon. J. W. SHAW:** That interjection is appropriate, but that matter is subject to the passage of legislation through this Parliament. We are certainly advocating that kind of flexibility for judicial officers and the like. One way forward is to ask independent industrial tribunals to formulate principles governing casual work and part-time work. We have done that. We actually make provision in our legislation for the Industrial Relations Commission to make, and from time to time amend, the principles governing part-time work. I hope that will have a salutary effect.

I have also been proposing, both pre-election and post-election, the extension of parental leave to casual employees. That is something that I will take forward in the near future. There will be some restrictions on it. Clearly, there are casual employees who work on a genuinely intermittent basis and are simply taken on when and if needed. Here I am talking about rights in the context of parental leave for the permanent casual who is working quite regular hours and has an ongoing relationship with a particular employer. That is another area in which we can beneficially assist employees without doing any economic injury or imposing an inappropriate burden on employers.

We have always got to balance these things. The need for enterprises to trade and make profits is one factor in the consideration, but so too are the rights of employees, whether they be characterised as casual, part-time or permanent employees. This Government has been very sensitive to the rights of working people and is determined to protect those rights wherever it is reasonable and appropriate to do so. I thank the honourable member for raising an undoubtedly important and difficult issue in our changing Australian community.

#### SCHOOL CLEANING CONTRACTORS

**The Hon. C. J. S. LYNN:** I direct a question without notice to the Minister for Mineral Resources, representing the Minister for Public Works and Services. Is the Minister aware that school cleaners are going on strike tomorrow for 72

hours due to an attempt by their contractor, Menzies Property Services, to cut their site hours? Would the Minister agree that cost-cutting measures by the Government are forcing contractors to set unrealistic working timetables, such as six minutes to clean a classroom for 30 students and two minutes to clean a toilet? Has a decision been made to close schools during the stoppage due to the health risks involved, such as hepatitis B?

**The Hon. E. M. OBEID:** I am very grateful that the Hon. C. J. S. Lynn has gone back to his portfolio and is doing a little bit of work. I was of the impression that if he did not get off his backside and start doing some research and asking questions that are relevant to the people of New South Wales and his portfolio, he would be replaced in the next leadership struggle. I am not aware of the assertions that the honourable member makes, nor do I agree with them, but I will refer the question to my colleague the Minister for Public Works and Services and obtain an answer for the honourable member.

#### DISABLED WAR VETERANS ASSISTANCE

**The Hon. R. D. DYER:** I ask a question without notice of the Treasurer, and Minister for State Development. Will the Treasurer provide the House with details on what the Government is doing to help war veterans with disabilities?

**The Hon. M. R. EGAN:** I am pleased to inform the House that more than 22,000 war veterans will benefit from a special tax cut that is being announced today by the Premier. From today the Government will waive the stamp duty for disabled veterans on the registration of new or second-hand vehicles. This cut will save \$600 on a \$20,000 vehicle, \$750 on a \$25,000 vehicle, or \$900 on a \$30,000 vehicle. The exemption can be claimed every two years or after 40,000 kilometres, whichever comes first.

Just under two years ago we provided a stamp duty concession to some 5,000 totally and permanently incapacitated war veterans. Today we extend that concession to many other groups of disabled veterans. It will now be available to all veterans receiving total and permanent incapacity pensions, extreme disablement adjustment pensions, intermediate service pensions and veterans receiving 70 per cent or higher of the general rate pension from the Department of Veterans Affairs.

The people of Australia owe a huge debt to the men and women who fought to defend the quality of

life that we now enjoy. We owe a special debt to those who have been permanently injured. I am pleased that this measure will make it easier and safer for those veterans to lead their daily lives. Together with free drivers' licences and free motor vehicle registration, the New South Wales Government now offers disabled veterans motor vehicle concessions in line with or better than any other State in Australia. The cut is expected to cost State Government revenues around \$2 million a year.

Many veterans who will benefit from the cut fought in World War II and are now in their seventies. Other younger veterans, who were engaged in campaigns in Korea, Malaya, Malaysia, Vietnam and the Gulf, and even some who served in recent peacekeeping campaigns in Kosovo and East Timor, will also benefit. The concession will be available through the Roads and Traffic Authority. To receive the benefits veterans need only produce their pensioner card or payment letter from the Department of Veterans Affairs showing the rate of pension when they register their car.

#### STATE FORESTS TIMBER RESOURCES

**The Hon. I. COHEN:** I ask the Minister for Juvenile Justice, representing the Minister for Forestry: Is it true that New South Wales State Forests has removed 141,000 hectares of its estate from calculations of timber yield, thus decreasing the ability to create a genuine reserve system, this area being forest management zone two? Is it true that State Forests, in its wood resources study, assessed that 556,856 cubic metres of quota was logged from forest management zone two? Is it also true that in its most recent timber assessments State Forests intentionally did not sample forest management zone two in order to hide the wood resources contained therein? Is it true that 22 per cent of forest management zone two has previously been logged?

**The Hon. CARMEL TEBBUTT:** The question of the Hon. I. Cohen is complex and has a number of parts. I will refer the question to the Minister for Forestry and undertake to obtain a response as soon as possible.

#### FAR WEST ELECTRIFICATION SCHEME

**The Hon. D. F. MOPPETT:** My question without notice is addressed to the Treasurer. Does the Treasurer recall representations I made to him 12 months ago about the perilous circumstances that subscribers to the Far West electrification scheme

were experiencing as a result of low wool prices and continuing drought in the area? Does the Treasurer recall that I recommended consideration be given to deferment of capital payments and relief from their interest burden? In light of the fact that circumstances have not improved and in light of the presentation of further submissions from the local member, which I am sure the Treasurer has received, what action does the Treasurer propose to take?

**The Hon. M. R. EGAN:** I will take the question on notice. I am aware of the issue in general terms, but it is weeks or months since I last dealt with it. I wish to refresh my memory.

### YOUTH WEEK 2000

**The Hon P. T. PRIMROSE:** My question is directed to the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment. Will the Minister provide an update on plans for Youth Week 2000?

**The Hon. CARMEL TEBBUTT:** I am pleased to be able to inform the House of developments in the planning for Youth Week 2000, which will be the first national Youth Week. Youth Week 2000 will be held between 2 and 8 April 2000. Youth Week has had a proud history in New South Wales, from its inception in 1989. Youth Week provides a focus on the issues and concerns of young people between 12 and 24 years of age and highlights the positive contribution young people make to New South Wales.

Youth Week aims to provide young people with an opportunity to express their views and act on issues that affect their lives. Youth Week actively involves young people in a range of activities, including: developing strategies which address the issues important to young people; raising issues, ideas and concerns; increasing the community's awareness of young people and the issues important to them; and promoting their contribution to the community.

The last national youth Minister's meeting decided to make Youth Week a national event, based on the success of the New South Wales model. The theme for national Youth Week 2000 is "Count Me In". This theme aims to highlight the positive contribution young people make to the community. It also aims to highlight the aspirations of young people. It is true that young people are often referred to as our future, the adults of tomorrow.

While that is important, Youth Week 2000 will also highlight the contribution and impact that young people make on society every day. Youth Week in New South Wales will have events co-ordinated in local communities through local councils, a Youth Week web site and a larger focus event. All local councils in New South Wales are invited to submit proposals to conduct a wide range of local events to be held during Youth Week. I am able to report to the House that guidelines and funding applications have been sent to all local councils and shires.

Since the inception of Youth Week, the number of local councils participating in this event has continued to grow. For the first time we will specifically target and assist councils that have not previously participated in Youth Week. In that way, we hope to extend the reach of Youth Week. The purpose of this process is to make sure that all young people in New South Wales have the opportunity to be involved in Youth Week activities.

As I have reported previously, one of the priorities of the Government is to increase the participation of young people in decision-making. I am pleased to inform the House today of the establishment of the Youth Week Young People's Management Group. This management committee consists of young people from the Youth Advisory Council, the New South Wales Student Representative Council, the Youth Action and Policy Association and the newly established Registry of Young People for Boards and Committees.

The role of the young people's management committee is to assist and advise in the co-ordination of Youth Week, to be young spokespeople during Youth Week and to help organise the key focus events. The role of the committee will also provide ongoing evaluation and planning for future Youth Weeks. I look forward to receiving the input of these young people, who I am sure will provide the Government with excellent advice.

I am also pleased to note that the establishment of this committee continues to meet the Government's commitment to involve young people and to make sure they are active in the decision-making processes on issues that affect them. The committee's advice will ensure a continuing growth of young people's participation in Youth Week activities and a greater community focus on the needs and desires of young people.

### GOVERNMENT TENDERING POLICY

**The Hon. Dr A. CHESTERFIELD-EVANS:** My question is directed to the Minister for Mineral Resources, representing the Minister for Roads. Is it

government policy to withhold information to affect the share price of BOOT—build-own-operate-transfer—tenderers? If not, why did a letter from the Roads and Traffic Authority to the Department of Transport dated 25 August 1997 state:

The traffic modelling carried out by STSG would be confidential because it formed the basis for the M2 traffic projections. These projections have an influence on the value of Hills Motorway shares.

**The Hon. E. M. OBEID:** I am not aware that government policy is to withhold information. I do not believe that any government would have such a policy. I will refer the question to my colleague the Hon. Carl Scully and seek a detailed answer for the honourable member.

#### CAMPBELLTOWN TAFE

**The Hon. PATRICIA FORSYTHE:** My question without notice is to the Special Minister of State, representing the Minister for Education and Training. How does the Government justify its decision to cut child care courses at Campbelltown TAFE? Is it a fact that students in the course will have to transfer to Miller TAFE, even though it is not on a train line and is not easily accessible by Campbelltown students? How does this decision enhance the Government's commitment to western Sydney?

**The Hon. C. J. S. Lynn:** They don't care about Campbelltown.

**The Hon. J. J. DELLA BOSCA:** The Government cares deeply about Campbelltown and conditions for TAFE students, particularly those undertaking child care courses. I am not in a position to provide an answer to the honourable member. I will take the question on notice and provide her with an answer as soon as possible.

#### PRIVACY AND PERSONAL INFORMATION PROTECTION ACT

**The Hon. J. HATZISTERGOS:** My question without notice is to the Attorney General. What steps are being taken by the Government to assist local councils to comply with the provisions of the Privacy and Personal Information Protection Act 1998?

**The Hon. J. W. SHAW:** Honourable members will recall the Privacy and Personal Information Protection Act 1998, and most members will know that the Act will have an impact on the activities of local councils. Councils operate in an environment where a large amount of personal

information is collected from residents and ratepayers, and most of that information is made publicly available. Councils also operate a variety of registers, which will be affected by the public register provisions in part 6 of the Act.

The Privacy Commissioner recognises that councils will need special assistance to comply with the Act. It is important to encourage councils to adopt consistent policies and procedures so that people will have the same privacy expectations wherever they live in New South Wales. A unified approach to assisting councils represents a more effective use of the resources of the Privacy Commissioner and his office. To this end, Privacy New South Wales has begun a number of initiatives. Following a meeting with the Department of Local Government, the Privacy Commissioner is preparing and will shortly release an issues paper canvassing the best way to assist councils to comply with the Act.

The paper will discuss: the preparation of a privacy code or codes of practice to clarify the application of the information privacy principles to the kinds of records held by councils; a model privacy management plan which councils can adapt for their own purposes; and how privacy legislation can be harmonised with provisions of the Local Government Act dealing with public access to council records. Privacy New South Wales is progressively releasing a series of guidelines on how public sector agencies, including councils, should comply with the Act.

Privacy New South Wales staff have attended a number of seminars and interest group meetings involving local government officers to explain the implications of the Act and the role of the Privacy Commissioner, and to identify issues of concern to local government officers. Privacy New South Wales has compiled a contact list of local government officers interested in the legislation. The passage of the Government's legislation through this Parliament last year was an important step in the protection of individual privacy rights.

The Privacy and Personal Information Protection Act is the first State or Territory legislation to provide an enforceable mechanism in this area. The work which is currently being undertaken by Privacy New South Wales to educate and advise organisations as to their obligations under the Act is an essential component of its successful implementation. I am sure Mr Puplick is working assiduously to ensure that the Act is smoothly implemented.

### KANGAROO CONTROL

**The Hon. R. S. L. JONES:** I ask the Minister representing the Minister for the Environment: Are both the Department of Land and Water Conservation and the Department of Agriculture trying to grab control of the management of kangaroos? Will such control mean the downgrading of this protected native species to merely another commercial stock species? Will the Minister ensure that the grab does not succeed, and that the National Parks and Wildlife Service maintains its control of kangaroos in New South Wales?

**The Hon. CARMEL TEBBUTT:** I will refer the question to the Minister for the Environment, and undertake to obtain a response as soon as possible.

### SYDNEY BUS SHELTERS

**The Hon. J. H. JOBLING:** My question without notice is to the Minister for Mineral Resources, representing the Minister for Transport.

**The Hon. M. R. Egan:** You never ask me a question.

**The Hon. J. H. JOBLING:** I try to get answers, Treasurer. That is why the question is directed to the Minister for Mineral Resources.

**The Hon. M. R. Egan:** It is getting to the stage that I will not come to question time.

**The Hon. J. H. JOBLING:** If I can have that in writing I will accept your offer! Minister, have new bus shelters installed by Sydney City Council in the central business district been rendered totally useless because the State Transit Authority has moved bus stops away from them? Are there any plans for the State Transit Authority to pay for the relocation costs of those bus shelters? Is this a case of an extraordinary lack of co-ordination between the State Transit Authority and Sydney City Council, or is it just another mistake?

**The Hon. E. M. OBEID:** I thank the Hon. J. H. Jobling for his very important question.

**The Hon. J. H. Jobling:** You stand out on the road and see how you go when the bus goes by. You haven't ridden in a bus in years.

**The Hon. E. M. OBEID:** Are you referring to me?

**The Hon. J. H. Jobling:** You're the one who's answering the question. When did you last ride in a bus?

**The Hon. E. M. OBEID:** As a matter of fact I caught a bus about a week ago. I thought the transport system was excellent. We, on this side of politics, believe in public transport and we often use it. I am not aware of the details in the question. I find it hard to accept that a bus shelter is in one place and the bus stop is in another place. I am sure Minister Carl Scully and Sydney City Council will attend to this matter. I will refer the question to my colleague and seek an answer.

### TECHNICAL TOURISM

**The Hon. I. M. MACDONALD:** My question without notice is to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Will the Treasurer provide details on the development of technical tourism in northern New South Wales?

**The Hon. M. R. EGAN:** I appreciate this question from my colleague the Hon. I. M. Macdonald who, in addition to being Parliamentary Secretary to the Special Minister of State, and Assistant Treasurer, is also the secretary of Country Labor. I congratulate him on being elected secretary. On Monday and Tuesday of this week four seminars were held in northern New South Wales to demonstrate the benefits of opening the family farm to tourists.

**The Hon. Dr B. P. V. Pezzutti:** I wasn't invited.

**The Hon. M. R. EGAN:** No, because the Hon. Dr B. P. V. Pezzutti was here. The seminars in Grafton, Tweed Heads, Casino and Ballina gave practical advice to some 74 farmers and small business people on how they can win some of the growing technical tourism market. Technical tourism, as most members are aware, involves inviting tourists onto farms and other local businesses to show them how they are operated. That type of tourism is ideally suited for agriculture, horticulture, permaculture, organic production, land care and manufacturing industries that add value to local products.

Technical tourism is a growing part of the tourism industry, and has huge potential in rural and regional areas where income from traditional farming methods is very often at the mercy of world markets. It also has advantages over other more conventional attractions in that there are little or no establishment costs. Technical tourism has two very distinct markets, including international tourists interested in technical and study tours and domestic tourists interested in farm stays and food trails.

Technical tourism is already well established in the Riverina where Japanese rice and beef growers spend five to 10 days travelling around the region to look at production techniques. The seminars were sponsored by the Northern Rivers Regional Development Board and funded through the Department of State and Regional Development. Through the seminars, the board hopes to identify businesses interested in technical tourism and work with them to win new investment and create new jobs in northern New South Wales.

### OLYMPIC GAMES OPENING

**Reverend the Hon. F. J. NILE:** I ask the Treasurer, representing the Premier and the Minister for the Olympics, a question without notice. Has the Lord Mayor of Sydney stated that he is pleased that Mr Howard will no longer open the Olympic Games, and that the Queen of Australia should have been invited in the first place? Has the Lord Mayor also stated that when the Prime Minister meets the Queen next week he should invite her or her delegate, the Governor-General, to open the Olympic Games?

Will the Governor-General and the Minister for the Olympics also urge the Prime Minister Mr Howard to invite the Queen in the first instance to open the Olympic Games in accordance with correct Olympic protocol and in view of the vote for the Australian Constitutional Monarchy which has now been supported by all States, including Victoria and New South Wales?

**The Hon. M. R. EGAN:** With a great deal of pleasure I will refer the question to my colleague the Premier.

### MINISTER FOR MINERAL RESOURCES, AND MINISTER FOR FISHERIES PECUNIARY INTEREST DISCLOSURE

**The Hon. C. J. S. LYNN:** My question without notice is to the Minister for Mineral Resources, and Minister for Fisheries. Further to the Minister's reply on 19 October when he said that it was necessary to resuscitate his company, Beirut Sydney Publishing Company Ltd, for the purposes of a defamation action, will the Minister inform the House of exactly when the company was resuscitated, the dates of the defamation action, the name of the firm of accountants he claims it was necessary to sue and the defamation to which he objected?

**The Hon. E. M. OBEID:** I have extended to the Hon. C. J. S. Lynn all the leniency I can. I have

answered his questions. The Hon. C. J. S. Lynn is a bore and he will not get any more answers from me about matters that are not his concern and are not of concern to the House or to constituents, who expect question time to be used for matters of importance to people in this State. The honourable member is abusing the time for the Opposition to ask relevant questions about my portfolio and the portfolios of other Ministers.

The Hon. C. J. S. Lynn ought to be ashamed of himself. He should not be here or on the shadow front bench. He is a disgrace. Instead of wasting time, he should let other members opposite ask questions. The Hon. C. J. S. Lynn does not have a clue.

**The DEPUTY-PRESIDENT (The Hon. A. B. Kelly):** Order! The aim of the Opposition is to get as many interjections as possible into *Hansard*, but its members are defeating the purpose by making it very difficult for *Hansard* to hear what is being said. It is very difficult for me to hear the questions and answers and I am sure it is almost impossible for *Hansard*. I ask all honourable members to act in a more decorous manner and to show more consideration for *Hansard*.

### AKOYA PEARL OYSTER INDUSTRY

**The Hon. JANELLE SAFFIN:** My question without notice is addressed to the Minister for Mineral Resources, and Minister for Fisheries. Will the Minister advise the House of developments in the Government's efforts to develop a pearl oyster industry in New South Wales?

**The Hon. E. M. OBEID:** Thank goodness for sensible questions! This important question is significant for the people of New South Wales and for jobs in the Hunter region, particularly Port Stephens.

**The Hon. J. F. Ryan:** The only time the Minister gets a decent question is when he asks one himself.

**The Hon. E. M. OBEID:** The honourable member should listen to my sensible answers. I am pleased to inform the House that there is a real potential for developing an Akoya pearl oyster industry at Port Stephens. The Treasurer, Minister for State Development, and Vice-President of the Executive Council will be keen to hear my answer because the potential creation of more jobs, investment and exports is an exciting prospect.

**The Hon. M. R. Egan:** Is it limited to the Port Stephens area?

**The Hon. E. M. OBEID:** No. The climate and the waters in Port Stephens are favourable to research, and to development of that research.

**The Hon. J. F. Ryan:** The Minister is stringing us along.

**The Hon. E. M. OBEID:** If the Hon. J. F. Ryan wants to occupy the position presently occupied by the Hon. C. J. S. Lynn he should listen to my answer and ask important questions. Scientists at my fisheries department, in conjunction with private enterprise, have devised a research program to investigate the potential of our native Akoya pearl oyster for commercial production. I am pleased to announce that the research has reached the point that within the next 12 months we should be able to say whether the Port Stephens region could become the centre of a multimillion dollar industry, providing jobs and investment.

The research has three major goals: first, to investigate the biology of the Akoya oyster in New South Wales, in particular where the oyster occurs, how fast it grows and when it reproduces; second, to target hatchery production of pearl oyster juveniles so that an industry can be established without relying on collecting oysters from the wild; and, third, to establish experimental farms in Port Stephens to test the viability of farming and to assess potential environmental impacts.

The results obtained from this research so far have been highly encouraging. I am pleased to announce that the first two research objectives have already been largely achieved. Hatchery spat have been produced and successfully deployed onto the experimental leases. The growth rate of these oysters has been so good that trials to implant pearl nuclei can begin soon. As I said, that now means that within the next 12 months we should be in a position to assess the quality of pearls produced at Port Stephens.

If the quality is high, this region could become the centre of a multimillion dollar industry—an industry that has a low environmental impact and exciting prospects for other industries such as tourism. This work is another example of the Government's commitment to enhancing the development potential of rural New South Wales in the post-2000 period. The Akoya pearl oyster industry in Japan is worth \$1.2 billion.

However, I understand that a virus has hit the Japanese industry, resulting in depleted stocks and production. This research is a tremendous opportunity. We could be on the verge of

reproducing a pearl worth many millions of export and tourism dollars. It is a tremendous opportunity for further investment in the Port Stephens area and perhaps other waterways along our coastline. It is exciting. I congratulate the researchers at my facility at Port Stephens. I believe that within 12 months we will have a magnificent industry that is creating jobs and exports.

#### **ABORIGINAL DETAINEE BAIL CONDITIONS**

**The Hon. HELEN SHAM-HO:** My question without notice is directed to the Attorney General. Is it true that one of the reasons for the high rate of detention of Aboriginal people in the justice system is related to the unrealistic bail conditions imposed on Aboriginal people? Will the Attorney General take action to address this problem? If so, what measures can be taken?

**The Hon. J. W. SHAW:** I have not seen any empirical material to show that bail is a prime factor behind the undoubtedly excessive rate of incarceration of indigenous people. The honourable member may be right about that; I will ask the Bureau of Crime Statistics and Research whether a break-up of the figures shows that the failure to secure bail is a significant problem. Even then—if the honourable member's question is soundly based—one would need to know why bail is being denied in a disproportionate number of cases.

One reason may be a lack of legal representation, or it may revolve around the criminal record of the person seeking bail. I am happy to look into that. I am concerned, as are most people, about the higher rate of imprisonment for Aboriginal people and the excessive proportion of Aboriginal people in our prisons. It is easy to state the problem; to find constructive answers that would be acceptable to the Australian community is a much more formidable task. However, policy makers should turn their minds to the task.

#### **FARM DAM CONSTRUCTION APPEAL RIGHTS**

**The Hon. R. T. M. BULL:** I address my question to the Special Minister of State, representing the Minister for Agriculture, and Minister for Land and Water Conservation. Given the importance of drought proofing properties by constructing farm dams, why has the Government extended third party appeal rights to the construction of all farm dams, no matter how small they are? Does the Government recognise that such legislation will not only hinder the drought proofing of farms in New South Wales but also involve farmers in

expensive litigation in the Land and Environment Court?

**The Hon. J. J. DELLA BOSCA:** I am not in a position to answer this significant question. I shall take the question on notice and obtain an answer from the Minister for Agriculture, and Minister for Land and Water Conservation as soon as practicable.

#### PARLIAMENT HOUSE SMOKING BAN

**The Hon. I. COHEN:** I address my question to the President. Given that members continue to smoke in the parliamentary bar and parliamentary officers have difficulty controlling this recidivist addictive behaviour by some members, will the President undertake to fine offenders? Failing that, will the President consider installing an adequate ventilation system with sufficient capacity to direct the air out of the bar room window, thus, rendering the area fit for use by non-smokers?

**The DEPUTY-PRESIDENT (The Hon. A. B. Kelly):** I will refer the question to the President for an answer.

#### STATE FORESTS TIMBER RESOURCES

**The Hon. D. F. MOPPETT:** My question is addressed to the Minister for Juvenile Justice, representing the Minister for Forestry. The Auditor-General's report released recently revealed that State Forests has set aside \$18 million over the next five years to purchase private land to help meet its contractual obligations under 70-year wood supply agreements. Does the Minister agree that this is a thinly disguised but nevertheless flagrant waste of taxpayers' funds, given that 446,883 hectares of State Forests resources were locked up from June 1998, a resource which had been set aside to maintain those contractual obligations?

**The Hon. CARMEL TEBBUTT:** I would not agree that it is a flagrant waste of taxpayers' money. The Hon. D. F. Moppett has a particular interest in this area. I will refer his question to the Minister for an answer and undertake to get a response as soon as possible.

**The Hon. M. R. EGAN:** If honourable members have further questions, they might like to place them on notice.

#### HUNTER REGION ECONOMY

**The Hon. J. J. DELLA BOSCA:** On 20 October the Hon. Helen Sham-Ho asked a question about the economy of the Hunter region. I

have been advised by the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development that the answer to the honourable member's question is as follows:

I am pleased to inform the member that the State Government has been working positively with Professor Vinson and the Jesuit Social Services in responding to the findings of the report "Unequal in Life".

In fact, the information contained in the report has already been used to help formulate a Hunter Community Renewal Scheme for Windale and other Newcastle suburbs.

The State Government is well aware of the situation and challenges facing the Hunter, a region already grappling with high unemployment, the impact of the BHP closure, and difficulties in the mining sector.

In recent years the State Government has worked hard to attract investment, infrastructure and new industries to the Hunter. We have appointed the Minister Assisting the Premier on Hunter Development and a Hunter Regional Co-ordinator in the Premier's Department and established the \$10 million Hunter Advantage Fund.

In Windale we have spent \$7.6 million in recent years on the refurbishment of the area and will spend another \$3.3 million.

I want to pay tribute to the people of Newcastle and the Hunter, and those working with them, for their effort to overcome the difficulties experienced in the region.

The Government also recognises that more can be done.

That is why it has developed the Hunter Community Renewal Scheme, making use of the information contained in the Vinson Report. This will be a collaborative effort taking action on critical issues such as jobs, safety, amenity and access for particularly disadvantaged communities in the region such as Windale and Booragul. The scheme will start with a focus on those two communities and then move on to other areas in the region.

This initiative will create opportunities, build partnerships and strengthen networks for people in those communities. It is unique because it is based on a partnership approach, using the pooled resources and expertise of a range of government, community and religious organisations.

The plan so far involves:

- The Hunter Area Health Service
- Department of Housing
- Department of Community Services
- Department of State and Regional Development
- Newcastle City Council
- Lake Macquarie City Council
- The Two Bishops Trust
- Jesuit Social Services/The Ignatius Centre

This initiative comes from agencies in the region. It is an exciting and innovative scheme and its grassroots nature means local people will be involved in creating change in their own communities.

It will be co-ordinated by a cross-agency reference group, and supervised directly by the Premier's Department Regional Co-ordinator. It will continue to be supported by the

Strengthening Communities Unit. Other partners will be invited to join the scheme and we will encourage the Federal Government to do its fair share.

The Hunter Community Renewal Scheme is a demonstration of the New South Wales Government's commitment to the Hunter Region and its commitment to strengthening disadvantaged communities.

The Hunter will also be one of the next three regions in which the innovative Families First program will be implemented as part of a four-year statewide plan.

The State Government will continue to work with experts like Professor Vinson in developing and monitoring actions to address the significant issues facing disadvantaged communities.

**Questions without notice concluded.**

**RETIREMENT VILLAGES BILL**

**PESTICIDES BILL**

**Bills received.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**

**Motion by the Hon. M. R. Egan agreed to:**

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second reading of the bills be set down as orders of the day for a later hour of sitting.

**Bills read a first time.**

*[The Deputy-President (The Hon. A. B. Kelly) left the chair at 1.03 p.m. The House resumed at 2.30 p.m.]*

**SEXUAL OFFENCE DAMAGES BILL**

**Second Reading**

**Debate resumed from an earlier hour.**

**The Hon. I. Cohen:** Madam President.

**The PRESIDENT:** The Hon. I. Cohen.

**The Hon. D. J. Gay:** Madam President, the Hon. I. Cohen was not on the list.

**The PRESIDENT:** The Hon. I. Cohen sought the call, and I gave it to him.

**The Hon. I. COHEN** [2.30 p.m.]: I move:

That this debate be now adjourned until the next sitting day.

**The Hon. D. J. GAY** [2.31 p.m.]: I oppose the motion to adjourn the debate and wish to speak against it. I understand that under the standing orders I have that right. The Hon. I. Cohen has moved that this debate be adjourned. My concern in taking such a preliminary strike against a bill that is under way is that it would not allow members to make the points that they wish to make in continuation of the debate. For example—

**The Hon. Jan Burnswoods:** What do you make of the fact that Reverend the Hon. F. J. Nile told us this morning that because his wife was sick he was going to adjourn debate on the bill?

**The Hon. D. J. GAY:** That is not what he did.

**The Hon. Jan Burnswoods:** No, it is not, but it is what he told a number of people.

**The Hon. D. J. GAY:** Reverend the Hon. F. J. Nile did not tell me that. As far as I am concerned, this is an important debate, which I prepared for.

**The Hon. Jan Burnswoods:** That is probably because you were part of organising this filibuster with him.

**The Hon. D. J. GAY:** If the Hon. Jan Burnswoods wishes to make a point about the adjournment of the debate on this bill, there is a procedure that she can adopt, and I certainly welcome the honourable member's contribution. It is one thing to sit on the bench of this Chamber, snipe at everything that members say, and put base motives on what members are doing in this House, but it is another to actually contribute to the debate. A number of members of this House wished to contribute to debate on this bill, and those members' names were written on a list that was provided to the President. I am one of those members. I noticed that the Hon. I. M. Macdonald's name was ahead of my name on that list, and the names of several of my colleagues were also on the list.

**The Hon. Jan Burnswoods:** The Hon. D. F. Moppett was still speaking.

**The Hon. D. J. GAY:** It is true that the Hon. D. F. Moppett had not concluded his contribution, but, unfortunately, for very important reasons—reasons that the Hon. Jan Burnswoods probably would not understand—he cannot be with us this afternoon. That sometimes happens to members, and we have to accept that. The Hon. Elaine Nile is not with us today because she is sick. Members must

have a certain amount of compassion when it comes to such matters.

**The Hon. Jan Burnswoods:** You don't have any compassion for the Hon. Dr B. P. V. Pezzutti, who will not be here next week.

**The Hon. D. J. GAY:** I have a lot of compassion for the Hon. Dr B. P. V. Pezzutti. I had a most enjoyable farewell lunch with him today; it was one of the better moments. We told some stories about various people around the place, although I cannot say who was on the agenda. The Hon. Dr B. P. V. Pezzutti is very restrained in these matters, and he would not divulge such things. He is like a fundamentalist doctor when it comes to subjects such as that: you would not be able to prise the information from his lips.

The Sexual Offence Damages Bill is a very important bill. At one stage there was a populist belief in the National Party room—this would probably surprise the Hon. Jan Burnswoods—that explicit movies are directly associated with an increase in sexual assaults. That is a widely held belief in the community, and it is one matter that I wanted to speak about today had the Hon. I. Cohen not moved to adjourn the debate.

**The Hon. I. Cohen:** Point of order: The Hon. D. J. Gay is not speaking to the point of order; he is speaking to the second reading debate on the bill. The Hon. D. J. Gay rose on a point of order on my motion to adjourn this debate to another day.

**The Hon. D. J. GAY:** To the point of order: At the very moment that the Hon. I. Cohen sprang to his feet I indicated that this was one of the important points that we needed to make. The Hon. I. Cohen should realise that when he undertakes a political move such as this in an attempt to tamper with the procedures of the House, under the sessional orders members have a right to speak for up to 20 minutes about whether the House should adjourn the debate.

**The Hon. R. T. M. Bull:** To the point of order: The Hon. I. Cohen, when taking the point of order, suggested that the Hon. D. J. Gay was speaking to the point of order. Clearly, the honourable member has got it wrong, on two counts. The Hon. D. J. Gay is speaking to the adjournment of the debate and not to the point of order. However, he has just spoken on the point of order. I believe that the Hon. D. J. Gay has very much focused on the issue at hand, that is, whether this debate should be adjourned. Other members wish to speak in this debate. I believe that the Hon. D. J.

Gay has been extremely accurate in his remarks in speaking to the adjournment of this debate.

**The PRESIDENT:** Order! I uphold the point of order. The Hon. D. J. Gay was speaking to the adjournment motion, but he was straying into the actual subject of the debate itself. I ask the Hon. D. J. Gay to address himself purely to the adjournment motion, and not to the bill.

**The Hon. D. J. GAY:** Thank you, Madam President. I appreciate your ruling, and I believe that it is an appropriate ruling. Maybe we should put that in the book.

**The Hon. Jan Burnswoods:** It is very nice of you to say something like that.

**The Hon. D. J. GAY:** I am a magnanimous type of chap.

**The Hon. Jan Burnswoods:** Are you really? We would never have guessed that.

**The Hon. D. J. GAY:** I know that the Hon. Jan Burnswoods is trying to tempt me away from speaking to the adjournment of the debate, and I will resist that temptation. I was making the point that we need a degree of continuity in order for the debate to be relevant. The points I wished to make follow on directly from the points that Reverend the Hon. F. J. Nile made.

Reverend the Hon. F. J. Nile, for instance, made the point in his contribution that experts were needed. I repeat that when the Opposition makes its contribution it will oppose his point of view. Immediately following the contribution of Reverend the Hon. F. J. Nile I need to be able to indicate how one becomes an expert, so that it has relevance in the debate. Does one become an expert by reading and watching material, as the Hon. Dr B. P. V. Pezzutti has suggested? The Hon. Dr B. P. V. Pezzutti takes enough frivolous points of order. I would rather he did not do so now.

**The Hon. R. T. M. Bull:** It wastes too much time. You only have 10 minutes left.

**The Hon. D. J. GAY:** I ask honourable members not to take another point of order.

**The Hon. A. B. Kelly:** The Hon. Dr B. P. V. Pezzutti takes vexatious points of order.

**The Hon. D. J. GAY:** At least I appreciate the support I am getting from Government members. It is a pity that members of the Opposition were not

so supportive. The matter is serious and deserves due consideration. The Opposition understands the concerns of Reverend the Hon. F. J. Nile and the Hon. Elaine Nile and suspects that if anyone could be branded an expert those honourable members could. I do not say that in any mean way. Reverend the Hon. F. J. Nile has read and seen more material than I probably ever will. So that is probably how one becomes an expert. The qualification of an expert in depraved material is one of the concerns that the Opposition has with the bill. How does one delineate what an expert is? It is not a subject in which one can quickly get a degree.

**The Hon. R. S. L. Jones:** Are you an expert?

**The Hon. D. J. GAY:** No, I do not pretend to be an expert. I have learnt much more on the subject since I have been in the Legislative Council than I ever knew as a farmer at Crookwell. My knowledge has been expanded exponentially. I congratulate and take my hat off to Reverend the Hon. F. J. Nile on extending my education.

**The Hon. Dr A. Chesterfield-Evans:** Point of order: The honourable member has not only strayed from the topic of the adjournment motion; he has strayed from the topic of the previous substantive debate and is waffling on into the gallery. Surely there is a point at which the honourable member must be called on to talk about something useful to the House. The subject being discussed at the moment is the adjournment motion of the Hon. I. Cohen.

**The Hon. J. H. Jobling:** To the point of order: So long as my colleague is dealing with the question of the adjournment, relating his remarks to the adjournment and drawing his arguments from time to time back to that matter, he is clearly in order. He is allowed to say why he believes his case should be successful. The debate is fairly wide ranging. I believe that he has not strayed from the motion as put. He is arguing the negative case.

**The Hon. R. D. Dyer:** To the point of order: The Hon. D. J. Gay has speculated at considerable length on the meaning of the term "expert". Without speculating on the meaning of that term, I put it to the House that it has absolutely nothing to do with the motion to defer debate on the bill that this House has been debating. The Hon. D. J. Gay is clearly trifling with your previous ruling, and I would respectfully ask you to request him to direct his remarks to the motion before the House, namely, whether the debate ought to be adjourned.

**The Hon. I. M. Macdonald:** To the point of order: The Government will not support the

adjournment motion moved by the Hon. I. Cohen. To stop this farcical situation continuing, we should get the adjournment matter over and done with, get on with the debate and finish it.

**The Hon. D. J. GAY:** To the point of order: I appreciate the comments of the Hon. I. M. Macdonald, but they are not relevant to the point of order. The point of order was whether my contribution was relevant to the adjournment motion. I contend that the contribution that I was making following your wise counsel earlier was certainly relevant to the matter of adjournment of the bill and deserved to be aired.

**The PRESIDENT:** Order! I uphold the point of order. It is quite clear that the Hon. D. J. Gay was transgressing Standing Order 81, which deals with digressing from the subject matter of the question. He should confine himself to speaking to the adjournment motion.

**The Hon. D. J. GAY:** Thank you, Madam President. I concur with your ruling. I certainly will confine my comments to the adjournment.

**The Hon. Jan Burnswoods:** You are wasting time.

**The Hon. D. J. GAY:** The Hon. Jan Burnswoods keeps interrupting. If she stopped interrupting my contribution, I would be able to finish more quickly.

**The Hon. Jan Burnswoods:** You are distracted.

**The Hon. D. J. GAY:** I am not easily distracted, but I find some people more distracting than others. The honourable member certainly is a great distraction to members of the Opposition. I believe that I have made enough of a contribution to the debate on the adjournment motion. I will save the rest of my remarks for my contribution to the second reading debate.

**Reverend the Hon. F. J. NILE** [2.46 p.m.]: I appreciate that the Parliamentary Secretary to the Special Minister of State, and Assistant Treasurer said that debate on the bill can proceed. As I have noted in the past, it is a problem on Thursdays to get a proper speakers list for private members' bills. I apologise for being unable to obtain one on this occasion.

**The Hon. Jan Burnswoods:** You had a proper speakers list, which had your name on it and "adjournment". You told members what you were going to do, but then you did the opposite. The

speakers list was dead accurate. It said "F. Nile". You told most of the crossbench members what you were going to do and proceeded to do the opposite.

**Reverend the Hon. F. J. NILE:** I was unaware that other members wished to speak to the bill. I apologise. Usually the crossbenchers can determine if Government and Opposition members wish to contribute to debate on a private member's bill. After I closed off the debate on the gambling bill some members said they would have liked to speak to the bill. I closed the debate by speaking in reply. However, the Hon. I. Cohen has taken a serious step, because the House has a carefully worked out formula for private members' business.

**The Hon. I. Cohen:** But you said you were going to adjourn debate this morning.

**Reverend the Hon. F. J. NILE:** Under the formula a member of a party is in charge of a private member's bill. It is a dangerous precedent for a member of the Greens to seek to adjourn debate of a Christian Democratic Party member's bill.

**The Hon. I. Cohen:** Is that not what you said?

**Reverend the Hon. F. J. NILE:** It does not mean that another member can interfere with the conduct of that private member's bill. That is the point I am making. The Hon. I. Cohen may have been trying to assist me and may have had good intentions, but it must be left to the member who introduces the bill or a member of that member's party to control the passage of the bill. That is an important principle. If this motion were passed, I could adjourn a bill introduced by the Hon. I. Cohen or the Hon. A. G. Corbett. That type of ambush should not occur on private members' days. Members must be allowed to retain control of their own bill in this House, particularly on private members' days.

**The Hon. Dr B. P. V. PEZZUTTI** [2.50 p.m.]: It was clearly understood by me and many other honourable members that Reverend the Hon. F. J. Nile would finish his contribution to the gambling bill and adjourn this bill because the Hon. Elaine Nile was away, and we would then debate the sexual offences bill today. That must have been the clear understanding of all in this Chamber, until some honourable members decided to derail that process.

I clearly am upset about the adjournment motion because I have done considerable work on the sexual offences bill and after today I will be

absent, with leave, from the Chamber. I find it highly offensive that Reverend the Hon. F. J. Nile would make the speech that he just made—the speech of his lifetime, in my view. I am offended also by the behaviour of some other honourable members of this Chamber who would seek to adjourn this important debate.

**The Hon. J. M. SAMIOS** [2.51 p.m.]: In speaking to the adjournment motion moved by the Hon. I. Cohen I note that he was not on the list of honourable members to speak and that the Hon. D. J. Gay and I were. However, I wish to speak to the formalities of the occasion. The reality is that earlier this year the House approved sessional orders relating to private members' business to enable private members to prepare their bills. This House has, very meticulously, provided in the sessional orders a procedure to determine an order of precedence for those notices. The House is dealing with Private Members' Business Item No. 4, the Sexual Offence Damages Bill, which is next in the order of precedence after the Gambling (Anti-Greed) Advertising Prohibition Bill.

In addition to providing for the order of precedence of private members' business items, the sessional orders provide for Private Members Business Items outside the order of precedence. So I repeat that the House has meticulously provided a system whereby all honourable members have the opportunity to prepare the speeches on their items in advance. The sessional orders provide for a ballot to determine which items outside the order of preference will be included within the order of precedence.

That procedure, thus far, has worked extremely well—under your aegis, Madam President, it must be said. The motion to adjourn the debate is important because if it succeeds, the Sexual Offence Damages Bill will lose its place in the order of precedence that has been so carefully determined. Whilst this House has formally provided for an order of precedence, the adjournment motion moved by the Hon. I. Cohen stands to prejudice the equity of that order.

**The PRESIDENT:** Order! I would like to point out to members that under the standing and sessional orders there is no such thing as a list of speakers. A member wishing to speak in a debate must rise and seek the call from the Chair. Standing Order 68 provides:

A Member desiring to speak shall rise in his place uncovered, and address himself to the Chair . . .

**Motion for adjournment negatived.**

**The Hon. I. M. MACDONALD** (Parliamentary Secretary) [2.55 p.m.]: The Government does not support the Sexual Offence Damages Bill, which was introduced by the Hon. Elaine Nile. The bill conflicts with existing censorship laws, contradicts the provisions of a number of other statutes and creates confusion in relation to settled legal principles. These proposals pose difficulties if introduced alongside the existing national scheme for the classification of films, publications and computer games. The bill would put New South Wales out of step with the national classification scheme, to which New South Wales is a party.

The bill's provisions go well beyond existing rights of action at common law. The bill has the potential to impact on a broad range of persons who publish, distribute, exhibit or sell material that is considered to be obscene within the definition of "offensive sexual material". Persons who may be caught by the provisions of the bill include, for example, newsagents, retailers, cinema operators and university lecturers. The bill will require the judiciary to act as censor in determining what material falls within that definition.

There is a national scheme in place, comprising Commonwealth and State legislation, which regulates the classification and distribution of films, publications and computer games. The Commonwealth Classification (Publications, Films and Computer Games) Act 1995 establishes the classification authorities, such as the Office of Film and Literature Classification, the classification board and the review board. Classification decisions are determined on the basis of guidelines that are approved by censorship Ministers and applied by officers in the Commonwealth Office of Film and Literature Classification experienced in the classification of a range of material.

The New South Wales Classification (Publications, Films and Computer Games) Enforcement Act 1995 regulates the material that may be distributed within New South Wales and sets out the conditions applying to the sale or public exhibition of permitted material. The Commonwealth-State co-operative scheme receives broad community support.

The Government does not believe that it is appropriate also to attempt, as this bill does, to control the distribution of this material through civil action taken by crime victims. The principles underpinning classification decisions under the co-operative scheme are reflected in the national classification code, which is set out in the

Commonwealth legislation. The code, which is designed to reflect contemporary community standards, states:

Adults should be able to read, hear and see what they want,

Minors should be protected from material likely to harm or disturb them,

Everyone should be protected from exposure to unsolicited material that they find offensive, and

The need to take account of community concerns about depictions that condone or incite violence, particularly sexual violence and the portrayal of persons in a demeaning manner.

Under the national classification scheme, publications may be classified as either an unrestricted publication, a submittable publication, a restricted publication or a publication refused classification. Unrestricted publications include all general publications. Submittable publications are those publications likely to warrant restriction to adults. Such publications are required to be submitted to the Office of Film and Literature Classification for classification.

Restricted publications may be classified as a category 1 restricted publication or a category 2 restricted publication, with conditions on access, sale and display of the publication. Publications considered to be unsuitable for minors and likely to offend some sections of the adult community are classified in the restricted category.

Publications are refused classification if they depict child pornography; if matters of sex, drug addiction, crime, cruelty or violence are portrayed in a way which offends against standards of morality, decency and propriety generally accepted by reasonable adults; or if they promote, incite or instruct a matter of crime or violence.

The New South Wales Enforcement Act prohibits the sale in this State of publications which are refused classification. A similar classification regime operates for the classification of films, videotapes and computer games. A number of aspects of the bill warrant comment in relation to inconsistencies with the approach taken under the current law.

The proposed bill will cover all material of a sexual nature, regardless of its classification status, if a nexus can be established between the material and an assault on a victim. The term "obscene" is open to a very subjective interpretation. It would mean that the bill could cover works of fiction and non-fiction and also, for example, media reporting of details of sexual crimes that result in so-called copycat crimes.

The broad and uncertain scope of the definition of "offensive sexual material" means that material which may legally be distributed under the existing classification regime could, under the bill, be found to have caused a sexual offence for which the distributor of that material may be made liable. There is a clear conflict with the national classification scheme. If a complainant establishes that material meets the required standard of obscenity, he or she will need to establish on the balance of probabilities that it was the cause of the offence. There are obvious difficulties associated with proving that merely being exposed to certain material caused a person to subsequently commit an offence.

At common law, causation is taken to mean that the action was both reasonably foreseeable and was the proximate cause of the Act. Causation is thus determined in light of the particular circumstances of a case. However, the bill defines where material is considered to have caused an offence for the purposes of the bill. Clause 6 states:

... if the person who did an act that constitutes the offence was exposed to the material and the material motivated the person to do the act.

Neither "exposed" nor "motivated" is defined in the bill. In criminal matters the courts are familiar with such terms as "aid", "abet", "counsel" or "procure". Similarly, in civil proceedings, "cause" has been the subject of judicial consideration. However, the terms "motivated" and "exposed" are imprecise and open to interpretation, and they may well extend liability beyond that which would otherwise apply.

Clause 7 provides that an action may be brought even if the offender cannot be located or identified or is dead. It is not clear how a court could be satisfied that the relevant material motivated the offender to commit an offence when the offender cannot be identified. Similarly, proof of motivation where an offender cannot be found or is dead would be difficult, if not impossible, unless a wide interpretation of "motivated" was adopted.

Clause 11 provides that the damages recoverable for the benefit of the estate of a deceased person on a cause of action arising under the proposed legislation may include exemplary damages, otherwise known as punitive damages. This provision overrides the provisions of the Law Reform (Miscellaneous Provisions) Act 1944. Section 2 (2) of that Act specifically prohibits the award of such damages where a cause of action survives for the benefit of the estate of a deceased person. Exemplary damages are usually awarded with the intention of punishing the offender rather

than compensating the victim. The proposals in this bill are therefore inconsistent with this approach.

The bill also proposes to vary the provisions of the Limitation Act 1969 relating to damages for personal injury founded on breach of duty. Section 18A of the Limitation Act provides that after 1 September 1990 an action for damages for personal injury is not maintainable if brought three years after the date on which the cause of action first accrues. Section 19 of that Act similarly limits actions arising under the Compensation to Relatives Act 1897 by virtue of the death of a person.

The Limitation Act also gives the court the discretionary power to make a further extension of the limitation period for up to five years in certain circumstances. Clause 12 of the bill overrides the established limitation regime applying to actions for damages for personal injury. Clause 12 provides that in relation to the cause of action created by the bill, the limitation period, as set out in sections 18A and 19 of the Limitation Act, is to be read as six years instead of the existing three years. The bill poses many more problems than it provides solutions. As I have said, it is not supported by the Government.

**The Hon. M. J. GALLACHER** (Leader of the Opposition) [3.04 p.m.]: The Sexual Offence Damages Bill endeavours to identify and establish the nexus between pornographic material and subsequent acts of violence and its relationship to civil recovery of damages for an act of violence committed after exposure to pornographic material.

It would come as no surprise to honourable members that I have had a longstanding interest in the steady increase in acts of violence in our community. Over the past 15 years, I have noticed a growing trend in the commission of acts of violence, particularly among young people. Such acts were virtually unheard of in our community 15 years ago. It is a matter of concern that the age of offenders has decreased and the severity of the attacks has increased.

We need to examine the changes that have occurred in our society, such as freedom of access to pornography and other matters I will refer to later, and whether the Parliament has good cause to look at what the Hon. Elaine Nile is endeavouring to do with this bill. I wish to tell the House about a very ugly incident that occurred some years ago when I was a police officer stationed at Eastwood Police Station. A young woman had left a club in the Epping area with her boyfriend and another man. Upon walking out into the cold air, she realised she had to go to the toilet.

The woman was unable to re-enter the club, and, because of the severe nature of her need, she could not wait until she got home. Her boyfriend suggested that she go around the corner. In the darkness she saw two feet appear in front of her. When she looked up a fellow was standing in front of her. She originally thought it was her boyfriend, but then realised it was not.

The male person had a knife approximately 12 inches long, a rather lethal weapon. He told her what he intended to do with the knife. I will not repeat his ugly words; I will leave it to your imagination. The woman screamed, and her boyfriend ran around the corner to her and was stabbed in the abdomen. His friend also ran around the corner and was stabbed through the hand. The offender then ran away.

Having received some information, a couple of days later police attended a home in nearby Epping. Honourable members may sometimes think that the people depicted in some American television shows could only exist in the writer's imagination. I will tell members what confronted me in that house at Epping. It was without doubt one of the most frightening and chilling experiences I have ever had.

The man had lived with his mother, until her death, in the Epping home, which was probably worth \$400,000 to \$500,000. He had spent all his inheritance, all his belongings had been sold off, and he had no money left. During the day the house was in total darkness; the curtains had been replaced with black plastic. The only furniture that remained was bedroom furniture in two rooms.

In the front bedroom of the home there was a bed with no sheets, a television set, a video recorder and a number of polystyrene boxes full of hundreds of X-rated pornographic films of a heterosexual nature. In another bedroom there was a television, a video, boxes full of pornographic films of a transsexual or violent nature, and women's clothing. I thought that another person was living in the home but it was not until further investigations were conducted that it was ascertained that the fellow lived a dual life.

Scattered throughout both bedrooms—and I apologise for my crudity, but this is reality—there were a lot of used condoms discarded on the floor. Together with other officers, I conducted a search of the rest of his home. Even in his cornflakes and tea packets he had prepared collages of pornographic pictures and put them inside the packets. When one opened any door throughout the house one was confronted with collages of violent sexual pictures

from magazines. That fellow was one of the most evil men I have had the misfortune to meet, and that indicates a type of person that is in the community.

I am concerned that there may well be a relationship between the existence of pornographic and violent videos and acts of violence committed upon other people. This bill follows current legislation in the United States of America whereby victims of sexual assault or sex crimes can take civil action against pornographers if a relationship between the act and the pornographic film, video or whatever is proven.

The Opposition intends to move to refer the bill for inquiry by the Standing Committee on Law and Justice. I am sure that virtually all members of the Opposition support me when I question the ease with which so many of our young children can access violent videos—not necessarily of a sexual nature—and video games, and the way those violent games are spreading throughout the community. They have given our young children the impression that killing one another with guns and handguns or by hand-to-hand combat is somehow the norm.

Reverend the Hon. F. J. Nile and the Hon. Elaine Nile should be commended for introducing this bill, but the Opposition is concerned about a number of its measures. In essence the Opposition believes that this Parliament should examine certain conduct, whether it be of a sexual or violent nature, and its correlation with pornographic film and access to videos and violent crime in New South Wales.

**The Hon. I. Cohen:** You said he was the most evil man you had ever met. What was his crime?

**The Hon. M. J. GALLACHER:** Do the words "attempted murder" mean anything? If the Hon. I. Cohen had listened to my contribution—

**The Hon. I. Cohen:** I didn't hear you.

**The Hon. M. J. GALLACHER:** It was attempted murder. He stabbed a man through the stomach with a knife. That is an offence!

**The Hon. I. M. Macdonald:** He did not hear the beginning.

**The Hon. M. J. GALLACHER:** I apologise if he did not hear the beginning. I thought the Hon. I. Cohen was being facetious because the man had pornographic videos. I ask honourable members to consider whether there was a relationship between that man having access to such material and the act he committed.

**The Hon P. T. Primrose:** Are you saying he is a cornflakes cereal killer?

**The Hon. M. J. GALLACHER:** The Hon. P. T. Primrose is trying to be flippant by saying he is a cereal killer, that he is a cornflakes killer. Members of the Government who do not care want to ridicule the Opposition for raising such questions. They want all laws thrown away and open access to this material. The Opposition will not stand by and allow members of the Government to push their mealy-mouthed ideas on the people of New South Wales. This issue needs to be examined as a matter of urgency. I move:

That the question be amended by omitting all words after "That" and inserting instead "this bill be referred to the Standing Committee on Law and Justice for inquiry and report."

I ask all members to support my amendment.

**The Hon. C. J. S. LYNN** [3.15 p.m.]: I support the Leader of the Opposition's amendment to the Sexual Offence Damages Bill. The object of the bill is to allow the recovery of damages in respect of the death of or injury to a person resulting from, or arising out of, an act constituting a sexual offence—such as rape—from persons who produce, distribute, exhibit, broadcast, disseminate or sell pornographic material which motivated the offender to commit the offence.

The bill deals with a serious social matter and it should be referred to the committee to examine its implications in detail and to report back to this House. There is no doubt that violence in our society is seen by a lot of people as the normal way to live. They live on a daily diet of unduly violent videos and movies and now, with the Internet, they have access to a whole range of material that almost desensitises them to the impact of violence.

At the moment our society is in transition as great changes are occurring in the social environment of the world in which we live. In the old days the family was the basic building block upon which our society was established. The family unit provided protection, taught values and responsibilities and engendered a mutual commitment to support one another. It was almost a self-insurance policy to overcome the adversities that people confronted. Outside the family unit was the extended family of aunts, uncles, cousins, nieces and nephews.

In those days many people did not move from town to town, State to State or country to country, and extended families, communities and townships

took on a very important role in the development of attitudes and values. Australian towns had the normal support infrastructure of priests, padres and chaplains, who provided the moral education that was required to live in an orderly society. The local police also made sure that if somebody drifted off the rails they were directed back onto the right path.

In those days, particularly in extended families, young ones felt a sense of shame if they did something unacceptable to the rules, regulations and values of their local community. It was probably easier for them at that time, as perhaps their worst influence was the messages they might hear in the top 40 hits on the valve wireless on a Saturday night. It was an orderly society based on the family unit. I came from a stable environment that enabled me to develop my own values.

Society is changing, and it is changing rapidly. We cannot and should not stop change; we should embrace change. As members of Parliament we should monitor that change and put in place mechanisms necessary to protect people from each other. Sometimes young people do not realise that they need to be protected from themselves. Years ago when I was a teenager growing up, a daily diet of cigarette advertising influenced me and many others to take up cigarette smoking because it was the cool thing to do.

Sportsmen, movie stars and everyone we saw on this new thing called television were smoking. Every second television advertisement was for Peter Stuyvesant, Marlboro or another brand of cigarettes. Basically, the advertisements showed us that we could be like sportsmen and movie stars and live that sort of life if we smoked cigarettes. What did we do? We smoked cigarettes because it was the cool thing to do.

Our parents, brothers, sisters and mates smoked cigarettes. Smoking cigarettes involved adventure because we were not allowed to buy cigarettes; we had to sneak them or get an older person to buy them for us. That was seen as a rebellious thing to do, and most people did it. The adverse health impacts of cigarette smoking were not known until much later. Some people are simply too tough to be affected by cigarette smoking.

**The Hon. R. S. L. Jones:** Like the honourable member!

**The Hon. C. J. S. LYNN:** No, I had to give up cigarettes because I was not tough enough to smoke. I am referring to the Hon. J. R. Johnson. Cigarette smoking would not have any impact on the

Hon. J. R. Johnson. A daily diet of cigarette advertising had an impact on us; we thought smoking was acceptable behaviour in society. It was regarded as cool and sophisticated, depending on the brand of cigarettes smoked.

Peter Stuyvesant was the socially acceptable brand and Marlboro was the macho brand. Cigarette advertisements influenced our behaviour and attitudes. Society is now paying a heavy price for that diet, because people are suffering greatly, both financially and healthwise. I could not guess the cost of that daily diet of cigarette advertising on our overburdened health service.

We must put in place an education program to counter the advertising campaign that was prolific 10 or 15 years ago. We need to educate young people about the adverse aspects of cigarette smoking before they start smoking. In today's society we want to give young people the freedom to choose whether to smoke. It is okay if young people want to smoke but they should wait until they are 18 before buying a packet of cigarettes.

**The Hon. R. S. L. Jones:** This bill is about sexual offences, not smoking.

**The Hon. C. J. S. LYNN:** I know that. I am talking about the influence of attitudes. We are saying to young people that they should wait until they are 18, when they have been through the education system and are old enough and mature enough to make a choice about smoking. If young people choose to go down the route of smoking cigarettes, they need to know that there will be certain adverse impacts; if they choose not to go down that route they need to know that there will be many benefits.

**The Hon. R. S. L. Jones:** Get back to the bill.

**The Hon. C. J. S. LYNN:** I am returning to the bill, which is about influencing attitudes.

**The Hon. R. S. L. Jones:** It's not about influencing attitudes.

**The Hon. C. J. S. LYNN:** The bill is about the responsible influence of attitudes, and I am giving the House an example of that. As we do not know what impact pornographic material has on the minds of young people, this bill should be referred to a committee so that experts can be called to give evidence. I am not saying that pornographic material is good or bad; I am saying that we are not qualified to decide whether this bill should be passed by the House.

The bill should be referred to a committee to hear evidence from experts. We can then debate the material based on information obtained from a range of people. The Leader of the Opposition gave an example of an influence. In that case the behaviour probably did not result from an influence. However, it sounds like the person involved should have been picked up by the mental health system. A daily diet of pornographic material would not have helped.

Cigarette smoking is a good analogy because society is now suffering from the adverse impacts of cigarette advertising. It is often said that people have been desensitised to violence and so on. In this changing society there are many different family units. I will not pass judgment on whether a specific family unit is right or wrong; some traditional family units are bad and some non-traditional family units are good. We need to examine that.

These days many young people do not have an extended family or the sense of community we used to have, and they get their instruction from television. The highest-rating shows are not evening news and current affairs programs but soap operas such as *Blue Heelers*. Every day between 500,000 and one million people watch these programs, which create a false expectation of life.

**The Hon. R. S. L. Jones:** Do they cause rapes?

**The Hon. C. J. S. LYNN:** There are a lot of rapes on these programs. If these programs depict rape as something that is okay, young people watching them will think that it is okay. Are the programs responsible for rapes that occur in society, or are the people who aired the material which creates the impression that rape is okay responsible?

**The Hon. R. S. L. Jones:** How do we prove that?

**The Hon. C. J. S. LYNN:** I do not know how we can prove it, but referring the bill to a committee is a start. I am talking from experience. The Hon. R. S. L. Jones knows that my daughter was raped, which is the reason I entered Parliament. At the time of the rape my daughter was attending Mitchell College at Bathurst. She was having fun and doing well at college. One night she was returning from a rugby function with her boyfriend. As she walked across the lawn to enter a unit a bloke came out, held a knife at her throat and raped her. It was a traumatic experience for my family.

**The Hon. R. S. L. Jones:** Was he caught?

**The Hon. C. J. S. LYNN:** Yes, he was caught the next morning. The case was in the justice system for two years.

**The Hon. R. S. L. Jones:** What happened to him?

**The Hon. C. J. S. LYNN:** He was sentenced to three years with a non-parole period of 18 months; he was out in six months and back in gaol a couple of months later. We have worked our way through the trauma and my daughter is okay. After the rape she had to leave university and return to live with us in Campbelltown. Jill and my twin daughters had to look after her. She used to get nervous rashes. She lost contact with all her friends and went through all these behaviours. The support of our family unit helped her to recover.

Eventually she returned to university and finished her degree, and she is doing well now. The two or three years after the rape were traumatic. I do not know that bloke's background, but I do know the outcome, from personal experience. At the end of the two-year period, because I felt that the system of justice was far out of whack with community needs, I said to Sharon, "You go and live your life now. I will try to do something about the system."

It was then that I made the decision to get involved in politics. As a result, here I am. I have an interest in this area because in a way I have been a victim. That is why I do not believe that we should rush debate on the issue. It should be considered in a committee, and I support the amendment foreshadowed by the Leader of the Opposition. I do not normally watch the type of material being discussed, but occasionally one sees glimpses of it. It is horrific. One could not watch the story right through.

People now have access to much more information through the world wide web, the Internet, and so on. There is a new call for social leadership in this country. It is really needed. It is based on social responsibility. A lot of the language that is emerging from both sides of politics is about mutual obligations and reciprocal responsibilities. We tell unemployed people that if we pay them the dole they have an obligation to work harder and to access training schemes to gain employment.

On the other hand, we are saying to large corporations, the economic rationalists, the capitalists—whatever one likes to call them—that they have a reciprocal responsibility to society because government and bureaucrats are not fixing social problems. We can provide the guidelines, and

that is what we should be doing. The committee would receive expert advice to set the boundaries. Corporations and companies have a social obligation.

**The Hon. Dr B. P. V. Pezzutti:** You are not suggesting that rape, pillaging and burning started with videos, are you?

**The Hon. C. J. S. LYNN:** No, I am not.

**The Hon. Dr B. P. V. Pezzutti:** And that all men who become involved in this sort of stuff are as a result of some sort of—

**The Hon. C. J. S. LYNN:** No, I am not saying that for a second.

**The Hon. Dr B. P. V. Pezzutti:** I am pleased about that. I was worried. Reverend the Hon. F. J. Nile thinks that.

**The Hon. C. J. S. LYNN:** No, you are verballing Reverend the Hon. F. J. Nile. I have spoken with Reverend the Hon. F. J. Nile and the Hon. Elaine Nile on this issue. However, I will say that the level of violence in society is greater since the introduction of that type of material.

**The Hon. Dr B. P. V. Pezzutti:** It is not.

**The Hon. C. J. S. LYNN:** Get out! These people have no shame.

**The Hon. Dr B. P. V. Pezzutti:** What about the Vikings?

**The Hon. C. J. S. LYNN:** What about the Vikings?

**The Hon. Dr B. P. V. Pezzutti:** Rape, pillaging and burning all the time.

**The Hon. I. M. Macdonald:** And they were doing it without television, too.

**The Hon. C. J. S. LYNN:** Is that right?

**The Hon. I. Cohen:** Did the Indonesian militia have videos?

**The Hon. C. J. S. LYNN:** That is a very interesting point. The Indonesian militia do not have videos but they have a different sort of mental conditioning, just as the Nazis did. We are talking about the influencing of attitudes, brainwashing—call it what one likes. That is what the Indonesians are responding to, not to videos. I am saying that in

our modern society this is a possible cause and we need to investigate it in detail. I believe that we could probably prove a relationship between this type of material and sexual assault and violence.

People can be influenced. If people have a daily diet of what we would consider abnormal behaviour, they will consider it normal behaviour. If they commit that sort of offence it is not their fault; it is a result of our irresponsibility because we have not examined the issue in detail and set guidelines and parameters. As I said, the modern social language from both sides of politics is about reciprocal responsibility and mutual obligation. The producers of this sort of material ought to take that on board.

They are putting the stuff out directly to theatres and television sets. It is being absorbed into people's conscious minds, and from there, into their subconscious minds. It is influencing attitudes. How do we influence attitudes? I do not know the word to describe some of the stuff that some people are subjected to. As leaders in the community, we have a responsibility to ensure— *[Time expired.]*

**The Hon. D. E. OLDFIELD** [3.35 p.m.]: The purpose of this bill is to allow civil claims by victims in a court of law. In general, I think that victims of crime need much more support, and providing another avenue of potential redress is a good idea. The object of the Sexual Offence Damages Bill is to allow the recovery of damages in respect of the death of or injury to a person resulting from an act constituting a sexual offence such as rape, as it was once known, from persons who produce, distribute, exhibit or sell offensive sexual material which motivated the offender to commit the offence.

The bill defines "offensive sexual material" as material—including books, magazines and films—which depicts or describes sexual behaviour and which may be obscene or depicts a child in an offensive way or depicts a person being subjected to violence in a sexual context. The most commonly depicted violence of this type in pornography is violence against women.

**The Hon. R. S. L. Jones:** What is "obscene"?

**The Hon. D. E. OLDFIELD:** Many things are obscene, and sometimes those things are uttered even by members of this House.

**The Hon. R. S. L. Jones:** We each make our own judgment about what is obscene.

**The Hon. D. E. OLDFIELD:** We do. Some have good judgment and some have bad judgment, of all things. The bill defines a "sexual offence" as a prescribed sexual offence under the Crimes Act 1900 such as sexual assault and any violent offence committed at or about the time of that offence. This will include the offence which was known as rape in New South Wales but which is now dealt with by New South Wales law as a form of sexual assault.

Many in our society are becoming increasingly concerned about the effects that violent and pornographic films, videos and literature are having on children and young adults, or even more mature people who may already be affected by a form of psychosis, leaving their minds extremely vulnerable and dangerously open to suggestion.

**The Hon. R. S. L. Jones:** Does that include you?

**The Hon. D. E. OLDFIELD:** It takes one to know one! Such community concern needs to be heeded. At the very least, these concerns must be aired and considered. I wondered whether I should mention what I am about to mention, but I have decided that it is important for us as representatives of the people to refer to our experiences or the experiences of people we know.

People need to know that we understand what has been suffered by many in society with whom we are closely connected. I refer to the types of offences which the bill attempts to preclude. Unfortunately, I have had two girlfriends and two relatives—four people in all with whom I have been closely associated during my life—who have been sexually assaulted. I am not happy about that situation. I am a member of the community who has the types of concerns I have mentioned.

Many people have been closely associated with those who have suffered vicious attacks. Of course, the impact on us is in no way as weighty as the impact on the victims. Although pornographic material is classified by the censors so that it will not get into the hands of young people, it does. How can anyone seriously believe that censor ratings do the job that is truly needed? We all know that they do not. Once the material is sold or hired to an adult, it can fall into the hands of young people and adversely influence them—in much the same way as a speech from the Hon. R. S. L. Jones would adversely influence them.

Many people in the Police Service, the community and medical fields strongly believe that

constant exposure to violent or sexually explicit material, whether on television or in magazines, harms the mental development of young minds and those who are not capable of handling exposure to such things. In some cases it is probably sustainable that offensive sexual material has been the trigger factor in leading people to commit crimes of violence or sexual violence.

That is certainly the belief of many members of the community, particularly the victims and their families. The victims are the most important people here, and they must be considered at all cost. There is no doubt that the broad and sometimes dangerously imaginative minds of writers and movie makers provide the basis of ideas that would never have been formulated. We are all familiar with the concept of the copycat. I conclude by reiterating the point that concerns are widespread and deserve careful consideration. I support the amendment proposed by the Leader of the Opposition.

**The Hon. D. J. GAY** [3.41 p.m.]: I indicated earlier that I wished to contribute to debate on this bill. I support the amendment, for several very important reasons. Honourable members may be surprised to hear that I agree not only with the President's ruling earlier today, but also with some of the comments of the Hon. Dr B. P. V. Pezzutti.

**The Hon. R. S. L. Jones:** It is not a Liberal-National debate.

**The Hon. D. J. GAY:** I hark back to Alexander the Great. He was a man who knew how to rape, plunder, pillage and bugger. What videos did he ever watch? Absolutely none at all. The suggestion that such a person must have his or her mind polluted by videos simply does not add up. In the Dark Ages, the Marquis de Sade certainly had a little bit of reading material that he distributed, but he was not one to pull out the porno flick; he was able to manage without it.

Such arguments trivialise the debate, because the situation is that we must show a certain amount of concern. A lot of companies, including cigarette companies, alcohol companies, and companies that are very street smart spend a lot of money on advertising. They would not be spending that money if they were not able to influence minds. Establishing the precedent that the audio-visual media—which is extremely influential on young minds as far as alcohol, cigarettes—

**The Hon. Dr B. P. V. Pezzutti:** What about *South Park*?

**The Hon. D. J. GAY:** Even *South Park*. The amendment to refer the matter to the Standing Committee on Law and Justice is quite appropriate.

**The Hon. Dr B. P. V. Pezzutti:** We should be protecting the Hon. R. D. Dyer on this one—

**The Hon. D. J. GAY:** The Hon. Dr B. P. V. Pezzutti has raised a very important point: that we probably should protect the young, innocent minds of the Hon. R. D. Dyer and the Hon. J. F. Ryan. No other member of this House is more innocent, naive or gullible than the Hon. J. F. Ryan, and we should certainly protect his mind.

**The Hon. J. F. Ryan:** I am on that wretched committee.

**The Hon. D. J. GAY:** I am concerned about the presence on that committee of the Hon. J. F. Ryan—a young Baptist family man from the western suburbs of Sydney. We certainly should protect his mind. I am concerned about the amount of violence that is depicted on television. It really frightens me. However, I do not know whether it actually incites people to go out and perpetrate crimes.

**The Hon. R. S. L. Jones:** Why do you watch it?

**The Hon. D. J. GAY:** That is a fair question. I try to avoid watching television. But a series is difficult to avoid. A program such as *Sex in the City* is pretty innocent compared to some of the violence we see on television.

**The Hon. R. S. L. Jones:** I have never seen that program.

**The Hon. D. J. GAY:** Well, you probably need to see it. I am sorry, you would not need to see it.

**The Hon. Dr B. P. V. Pezzutti:** Hatzistergos is on the committee too. He does not want his mind to be polluted.

**The Hon. D. J. GAY:** It has been pointed out that the Hon. J. Hatzistergos is also a member of the committee.

**The Hon. Dr B. P. V. Pezzutti:** It will ruin his marriage.

**The Hon. D. J. GAY:** Ruin his marriage?

**The Hon. Dr B. P. V. Pezzutti:** That's right.

**The Hon. D. J. GAY:** We should be protecting a young man like that. Reverend the Hon. F. J. Nile and the Hon. Elaine Nile have seen a lot of this material.

**The Hon. R. S. L. Jones:** How do you know they have seen a lot of this material?

**The Hon. D. J. GAY:** They have told us that they have seen a lot of this material. Have members noticed that Reverend the Hon. F. J. Nile is still the same calm, sensible, gentle, well-natured man that we have always known? In fact, he is a man of great refinement, and he has a great sense of humour. He has watched as many of these videos as any member of this House has, and it has not affected him. But we cannot take the risk. It is important that we sacrifice some of our youngest and our finest to watch these videos so that they can make their own judgment. For those reasons I support the amendment.

**The Hon. M. I. JONES** [3.46 p.m.]: I speak in support of two aspects of the Sexual Offence Damages Bill. The course of public morality will always seek its own path, irrespective of any influence by the Legislature.

**The Hon. R. S. L. Jones:** Who wrote that?

**The Hon. M. I. JONES:** I wrote it. During my life I have seen a revolution in sexual morality. The realisation that people have different sexual needs is reflected in the plethora of exotic material which is available on news stands, the Internet, in adult shops, and so on. The legalisation of prostitution and homosexuality illustrate greater public acceptance of the sexual needs of society, which will go on with or without legal sanction.

I do not agree with all aspects of the bill. For example, clause 3 (a) contains the word "obscene". What is obscene to one person is perhaps not obscene to another. I consider myself to be liberal, and I am sure that in this Chamber there will be as many opinions on what is obscene as there are members. However, I do not agree with the total abolition of censorship. Two issues appal me, and both are not adequately addressed. The first is pornography involving children, and the second is pornography involving violence. Both are unacceptable; both are beyond the pale.

The seizure of assets following drug convictions is a good move. Drug dealers and the purveyors of drugs who perhaps cannot be deemed

dealers should be fully responsible at law for their activities and the results of their activities. Similarly, those who seek to profit from the harming of those who are vulnerable—that is, children, women and, I suppose, men, including young men—in an attempt to titillate, turn on or in any way to sexually gratify others, must be responsible at law for their activities.

I believe that the protection of the weak, especially children, is in no way a prudish position, even in a world of relaxed sexual values. The link between voyeur and sexual offender is very difficult to determine. But the protection of the vulnerable, especially women and children, must be a major priority.

**The Hon. J. M. SAMIOS** [3.50 p.m.]: I support the amendment to the Sexual Offence Damages Bill. That amendment seeks to refer the bill to the Standing Committee on Law and Justice, which is chaired by a very able member of the upper House, the Hon. R. D. Dyer. The reason for the bill is a matter of concern to all honourable members. Whilst one cannot support the bill in its entirety, one expresses some sympathy with its objectives, which are to protect the weak and those who have suffered an injustice because of the motivation of an offender by pornographic material, whether by video film or whatever. The difficulty is proving the link between viewing of the pornographic material and the commission of the offence.

**The Hon. Jan Burnswoods:** It is difficult, isn't it?

**The Hon. J. M. SAMIOS:** Yes. It is correct to say that it is very difficult. But I believe there are instances of the offender himself stating that he was motivated by such material.

**The Hon. Jan Burnswoods:** That is not necessarily evidence that would convince a court. It would be like you saying that you had been motivated by the Hon. J. H. Jobling.

**The Hon. J. M. SAMIOS:** We are now indulging in semantics. The reality is that there are cases of offenders saying that they were motivated by sexually violent material.

**The Hon. Dr B. P. V. Pezzutti:** That is only because they are trying to get off a charge by making out they are victims.

**The Hon. J. M. SAMIOS:** That may be, but there is adequate evidence in support of that link. I agree with honourable members that it is a very

difficult matter to prove. That is why the Opposition is not supportive of the legislation.

**The Hon. Jan Burnswoods:** Why are you trying to get Reverend the Hon. F. J. Nile off the hook?

**The Hon. J. M. SAMIOS:** I believe Reverend the Hon. F. J. Nile is motivated by a concern to protect the weak, and the New South Wales Bureau of Crime Statistics and Research has reflected that very important concern. The history of sexual assault goes back to ancient times, to the Old Testament. As stated in the *Crime and Justice Bulletin* No. 20 of 1993:

Written laws governing sexual behaviour can be traced back two and a half thousand years to the Old Testament. In the patriarchal society of the time, women were essentially the property of men, namely the property of either the father if the woman was unmarried or the husband if the woman was married. As a result, when a woman was raped, it was the father or the husband who was "seen to have been wronged by the rape", more so than the woman herself . . .

In the 1970s substantial reforms were made in the area of sexual assault in Australia and many other Western countries. These reforms were largely prompted by an outcry against rape as a result of the Women's Movement. The reforms included changes to the law, changes to police and court procedures, and the creation of sexual assault centres to cater for the needs of victims.

Other honourable members have referred to the fact that social mores have changed, and that they have changed in recent times at a good rate of knots. Legislators must try to relate to the change and not put their heads in the sand and pretend that there has been no change. Part of the change that has occurred stems from the arrival of video and other pornographic material in the form of films, et cetera. Australian Institute of Criminology statistics show that 14,138 incidents of sexual assault were recorded by police in Australia in 1997, or 76 victims per 100,000 population.

**The Hon. R. S. L. Jones:** How many were unrecorded?

**The Hon. J. M. SAMIOS:** Good point. I understand that evidence gathered by the international institute indicates that only a quarter are reported. That figure does not quite tie in with statistics of the Bureau of Crime Statistics and Research. However, the Australian Institute of Criminology figure of 14,138 incidents amounts to approximately 1.6 recorded sexual assaults per hour across Australia. That is a matter that legislators have to come to grips with. We are talking about sexual assaults, not just assaults.

This bill, which was introduced by the Hon. Elaine Nile, attempts to come to grips with the problem. The Legislature has not yet found an adequate response to the increased statistics, because they have been increasing. In New South Wales there were 2,272 reported incidents in 1995, increasing to 2,973 in 1996 and 3,295 in 1997, then receding slightly in 1998 to 3,092.

**The Hon. R. S. L. Jones:** It could be an error in the reporting process.

**The Hon. J. M. SAMIOS:** Yes, it could be. The indications are that the change in social mores came with the arrival of new equipment that displays this violent sexual material. In this regard I might indicate that I think the bill would be more effective if it covered violence right across the board, not simply sexual violence, that has been motivated by such pornographic material.

**The Hon. R. S. L. Jones:** It remains difficult to prove the connection.

**The Hon. J. M. SAMIOS:** It is very difficult indeed. I know that honourable members of this House would agree with me that certain violent material that appears on our televisions, even though it might not have a sexual connotation, is material of which we are not proud, whether it is in the form of national movies, international movies or documentaries.

**The Hon. I. M. Macdonald:** *National Geographic*.

**The Hon. J. M. SAMIOS:** I am not talking about *National Geographic*. The honourable member, I am sure, as a man of the world, is well acquainted with the fact that much of the material on our televisions is unduly violent. That material does nothing for young people and the next generation. This bill proposes an Act to provide for the recovery of damages, in respect of the death of or injury to a person resulting from rape or other sexual offences, from persons who produce, distribute, exhibit or sell offensive sexual material that motivates an offender to commit an offence.

One would have to comment on certain aspects of the bill, such as the right of actions against persons responsible for offensive sexual material. Clause 5 of the bill defines a person responsible for producing and distributing material that is considered to have caused an offence. Clause 6, which causes a difficulty for most members in this House, states:

Offensive sexual material is considered to have caused an offence if the person who did an act that constitutes the offence was exposed to the material and the material motivated the person to do the act.

**The Hon. Dr B. P. V. Pezzutti:** How do you prove that?

**The Hon. J. M. SAMIOS:** It is very difficult to prove. However, where an offender admits that he replicated an act he saw on a video—for example, a person, after viewing a video depicting a rape of three people, commits the same form of rape and says he was motivated by the video—a presumption would be raised that would have to be answered. It is not said to be conclusive proof, but it raises a presumption.

Rather than going through this business of raising presumptions, it would be far better to not have pornographic material with a violent image in our community. Violence is a trespass against every individual. I commend the Hon. Elaine Nile on her endeavours to resolve an important issue concerning our society.

**The Hon. Dr B. P. V. PEZZUTTI** [4.01 p.m.]: With my hand up the back of the Hon. D. J. Gay, I am able to say that rape, pillage and burning has occurred for centuries, probably eons. We are a less violent society now. Perhaps videos have caused our society to become less violent. The bill introduced by the Hon. Elaine Nile does not in any way help support the victims of crime. All it does successfully is provide a crutch to perpetrators by saying it was not their fault, a multinational company caused them to do it. What a joke! What twisted mind invented this new victim? Everyone is a victim these days. They say, "I did not do it. It was not me. They made me do it." The Hon. Elaine Nile is giving the perpetrators of these crimes a crutch, and nothing more than a crutch.

**Reverend the Hon. F. J. Nile:** It has to be proved in court.

**The Hon. Dr B. P. V. PEZZUTTI:** If you can prove this beyond reasonable doubt in front of a jury then you are a better man than I am, Gunga Din. I am concerned that some of our members, in conscientiously pursuing this matter, will have to watch violent sex films to satisfy the motives of Reverend the Hon. F. J. Nile and the Hon. Elaine Nile. Those members are the Hon. R. D. Dyer, the Hon. J. Hatzistergos, the Hon. P. J. Breen and the Hon. J. F. Ryan—young chap that he is. Perhaps he should be replaced by a man of the world, such as the Hon. J. M. Samios. What if the members of the Standing Committee on Law and Justice do not want to watch this video filth?

[*Interruption*]

Reverend the Hon. F. J. Nile says that it is illegal in the United States of America. I can tell the honourable member that pornographic material is in the front windows of shops throughout Washington D.C.

**Reverend the Hon. F. J. Nile:** It is illegal, and every day people are charged for selling it.

**The Hon. Dr B. P. V. PEZZUTTI:** It is in the front windows of shops of Washington D.C., the national capital. Here it is kept behind closed doors.

**The Hon. M. R. Egan:** How do you know it is in the front windows?

**The Hon. Dr B. P. V. PEZZUTTI:** Because I was in Washington, D.C. in August.

**Reverend the Hon. F. J. Nile:** It was in the red light area.

**The Hon. Dr B. P. V. PEZZUTTI:** I can assure Reverend the Hon. F. J. Nile it was not in the red light area. It was down near the main railway station.

**The Hon. D. J. Gay:** That is the red light area.

**The Hon. Dr B. P. V. PEZZUTTI:** It is not the red light area. The House is being trifled with. Transmitting the bill to the law and justice committee is wasting the time of the committee and the resources of the Parliament. It is nothing short of outrageous. I was unaware that the Opposition would move an amendment to transmit the bill to the committee. However, as there was a vote in my party room, I will support the amendment. We should think about these matters much more seriously before we go down this path in future. I will endeavour to ensure that we never go down this path again with Reverend the Hon. F. J. Nile.

**The Hon. J. HATZISTERGOS** [4.05 p.m.]: It is one thing to be concerned about victims of sexual attack and victims who are the subject of tragic incidents, such as those whom this bill purports to address. It is another thing to support this bill or refer this nonsense to the Standing Committee on Law and Justice. The committee has a great many important matters to tackle, particularly the crime prevention through social support reference from the Attorney General. It should not be bothered by bills such as this, which makes absolutely no sense.

The bill states that it will deal with offensive sexual material, which is defined as, firstly, material that is obscene. How on earth does a court determine whether something is obscene? Under our offensive language provisions, one court decides a term is offensive and another court decides it is not. Courts would have to view these items of literature to determine whether they are obscene. Clause 3 of the bill defines "offensive sexual material" as:

any printed or pictorial matter or a film that describes or depicts sexual behaviour and . . .

- (b) depicts a person . . . who is, or who is apparently, a person who has not attained the age of 16 years in a manner that is likely to cause offence to a reasonable adult . . .

The court will have to make judgment not only on offensive provisions but also on whether a person is under the age of 16 or apparently under the age of 16. The bill defines "sexual offence" as:

any other offence involving violence . . . committed against the victim of an offence referred to in paragraph (a) at or about the time of the commission of that offence.

What on earth does that mean? Clause 5, which is the crux of the bill, refers to responsibility. That is an interesting provision. What will happen if an offender has seen six or seven different articles or has material from 10 distributors? Will everyone be sued? Will the court determine the impact of the delivery, the newsagent from whom the material was bought, the publisher and the individuals shown in the material?

This is the most unworkable, illogical legislative initiative that has ever come from the Christian Democratic Party. Then the bill includes a provision for exemplary damages. This would be a legal first for New South Wales. Damages will apply in a case where a person has died. That has never happened before in New South Wales, but that provision is in this bill. It is a load of nonsense and the bill ought not be referred to the law and justice committee. The committee has more important things to do than worry about trivial stuff like this.

**Reverend the Hon. F. J. NILE** [4.08 p.m.]: The Christian Democratic Party is pleased to support the amendment moved by the Leader of the Opposition.

**The PRESIDENT:** Order! According to sessional orders, business is now interrupted to allow the mover to speak in reply. However, as the Hon. Elaine Nile is not present, I will put the question.

**Question—That the amendment be agreed to—put.**

**The House divided.**

**Ayes, 16**

Mr Bull	Dr Pezzutti
Mrs Forsythe	Mr Ryan
Mr Gallacher	Rev. Nile
Mr Gay	Mr Samios
Mr Hannaford	Dr Wong
Mr Harwin	
Mr M. I. Jones	<i>Tellers,</i>
Mr Lynn	Mr Jobling
Mr Oldfield	Mr Moppett

**Noes, 21**

Mr Breen	Mr Kelly
Ms Burnswoods	Mr Macdonald
Dr Chesterfield-Evans	Mr Obeid
Mr Cohen	Ms Rhiannon
Mr Corbett	Mrs Sham-Ho
Mr Della Bosca	Mr Shaw
Mr Dyer	Ms Tebbutt
Mr Egan	Mr Tsang
Mr Hatzistergos	<i>Tellers,</i>
Mr Johnson	Mr Manson
Mr R. S. L. Jones	Mr Primrose

**Pair**

Miss Gardiner	Ms Saffin
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**Question resolved in the negative.**

**Amendment negatived.**

**Motion negatived.**

**PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (REGISTRATION OF PARTIES) BILL**

**Withdrawal**

**Order of the day for the second reading discharged.**

**Bill ordered to be withdrawn.**

**CRIMES AMENDMENT (SEXUAL OFFENCES) BILL**

**Second Reading**

**Debate resumed from 21 October.**

**The Hon. Dr B. P. V. PEZZUTTI** [4.16 p.m.]: I will not support this bill that was

introduced by the Hon. Jan Burnswoods unless it is amended because it would allow the age of consent for homosexual sex to be reduced to 16 but an offence would be committed if the offender thought the young person who was 14 or over was 16. I have read a very carefully documented letter that was presented to the Wood royal commission by a very good academic named Judith Lancaster, a lecturer in the Faculty of Law at the University of Technology. I had the great privilege of meeting Judith in my office a week ago.

Judith and I, and many members of this House, are concerned not so much about licensing but about child protection. Justice Wood, many members of this House and I believe that we can improve child protection by being a little more sensitive and sensible about the age of consent for boys and be a little more structured about the effective age of consent for girls. I intend to move an amendment in Committee to delete section 77 (2) of the Crimes Act. That section allows a defence for a person who has intercourse with a young person if it was thought that the young person was 14.

The Hon. Jan Burnswoods has enunciated many good reasons why she is attempting to make the Crimes Act gender-neutral. I also want to ensure that there is adequate and better child protection for the most abused group in our community, that is, young women. The Hon. Franca Arena used to drive me berserk when she said in this Chamber, "Look after the children" because she was concerned about the rampant but small number of paedophiles who committed crimes against young boys and girls—which was the subject of the Wood royal commission.

More importantly, honourable members and people who have dealt with the Department of Community Services know that the majority of child abuse in this State is against young girls in the family. The abuse does not stop when the child reaches the age of 10 or 12; it continues until the child is above the age of consent. The abuse is perpetrated not only by fathers, stepfathers and boyfriends; it is also perpetrated by the authority figures who take the place of parents.

I thought very hard about moving to raise the age of consent to 17 for girls and boys, but I was advised by a large number of people, including Judith Lancaster, that that would not be practical for young women. I thought also about moving to provide that if the age of consent was 17, persons would have a defence if they thought the victim was 17, although the victim was actually 16 at the time of the offence. However, that would not have been in line with the thinking today.

It is illegal to sell tobacco to persons under the age of 18 and it is not a defence if the person who sold the tobacco thought that the purchaser was over 18. In such cases the person who sold the tobacco is penalised. If the age of 18 applies to tobacco and alcohol sales, the onus should be on a perpetrator to prove that the person with whom he had intercourse was over 16.

I was only prepared to go that if the age of consent was the same for males and females. My foreshadowed amendment would effectively lower the age of consent to 16 for boys in homosexual consensual relationships and raise the age of consent from 14 to 16 for girls in homosexual and heterosexual relationships. That would provide better child protection, which, after all, is the aim of the Crimes Act. The aim of the bill has nothing to do with licence; it is about child protection and crimes against children.

This Crimes Act provides certain penalties for offences involving persons aged between 10 and 18 and different penalties for offences involving persons aged under 10. At some stage the penalties provided in the Act should be examined; the nature of this bill precludes me from delving into that matter now. I am concerned about the way young people under 16 who have sexual relations are dealt with. For example, a person aged 15 who has sexual relations with a person aged 17 can be dealt with in the Children's Court because they are both under 18.

I asked the Attorney General to provide me with information about the age of consent and offences by young perpetrators. He told me that 124 matters were finalised by the Children's Court last year, but he could not tell me the outcomes. It is an enormous indictment on the criminal justice system that the Attorney could not find the outcomes by simply searching the court records. In the only case to come before the Children's Court last year involving a relationship between two men—one was aged 17.4 years and the other was younger, obviously younger than 16—the perpetrator was acquitted.

Most cases before the Children's Court involved boys assaulting girls—and I presume that most cases resulted from complaints by the family. The offenders might have been acquitted or found not guilty, but we do not know what penalties were imposed by the Children's Court. Honourable members constantly refer to the United Nations Convention on the Rights of the Child. In discussing the convention Ms Lancaster stated:

According to the Convention, a child is defined as anyone below the age of 18 and Article 24 states that:

. . . the inducement or coercion of a child to engage in any unlawful sexual activity.

If the age of consent is lowered to 16 the inducement or coercion of a child to engage in any unlawful sexual activity will no longer be unlawful. In other words, an age of consent of 16 would not breach the United Nations Convention on the Rights of the Child, which is discussed widely. If Reverend the Hon. F. J. Nile intends to rely on that argument, I ask him to read the convention as written and not misinterpret it. Let us not have any nonsense about the matter during the debate while I am away.

I will only support this bill if honourable members support my foreshadowed amendment, which would protect young women, raise the age of consent and provide for an education campaign to ensure that people understand that a sexual partner must be 16. That is a good way of dealing with the matter. In my view the priority is protecting both young men and young women. Older people who commit sexual offences must take responsibility for their actions. They must ensure that the person with whom they have intimate sexual relations is over 16, and that it is not a defence to not know the age of the other person.

**Ms LEE RHIANNON** [4.25 p.m.]: The Greens strongly support this bill. In particular, we congratulate the Hon. Jan Burnswoods and the Hon. Dr B. P. V. Pezzutti, who correctly summed up that the essence of this bill is child protection. We need to keep child protection at the forefront of the debate and not be slewed by various tactics. The Greens strongly support this bill because it is consistent with our policy. Specifically, since our formation the Greens have had a public and continued support for an equalised age of consent for heterosexual and homosexual acts.

I congratulate the lesbian and gay community on its long and hard campaign to bring this bill to the forefront of the Parliament's agenda. This legislation is long overdue. Its roots lie in correcting a legislative anomaly created in 1984 when male homosexuality was decriminalised. At that time a differentiated age of consent for heterosexual and homosexual acts was deemed a political compromise necessary to ensure the passage of the decriminalisation bill. It is ironic and unfortunate that homosexual youth were made criminals with the passage of the decriminalisation bill, but, fortunately, the time has come to complete the job and remove this anomaly.

Honourable members must remember that other States already have a common age of consent.

If this bill is passed into law I understand that the New South Wales provision will be similar to that in the Australian Capital Territory and Victoria. Many countries do not have the same hang-ups that have long existed in New South Wales, and have equalised the age of consent. We need to consider this bill in the context of young people's lives in Australia today. Australia has one of the highest rates of youth suicide in the world. That demonstrates society's failure to meet the needs of young people and to provide them with the support and self-esteem that is their birthright.

Any hesitancy by the Parliament to act on this issue is deplorable. One in three youth suicides is sexually related. It should be clear that when we are discussing homosexual youth we are not talking about a group of people who enjoy substantial privileges, like many of us here. We are talking about one of the most marginalised and at-risk groups in our society. The differentiated age of consent between homosexual and heterosexual acts is significant because it serves to stigmatise homosexuality and brand our youth as criminals.

It is hardly a trivial matter as it means that young homosexuals must live a covert life and risk being exposed as a criminal if they disclose their sexuality or are found out. This compounds the isolation already commonly experienced by young homosexuals, who often do not have a peer group or family to which they can turn. This stigmatisation legitimises other discrimination experienced by young homosexuals, and it can legitimise homophobic attitudes in our society, with all its offshoots, including homosexual hate crimes, social isolation and workplace discrimination.

To show some leadership and pass laws that contribute to a more tolerant society is the least that this Parliament should do. Again I congratulate the Hon. Jan Burnswoods on her foresight and ongoing commitment to this issue. She has brought the issue to the Parliament at a most important time. It is essential that we make this change. We keep on talking about the millennium and we should clear up this issue before the year 2000.

It is very disappointing that this is not a government bill, particularly as it was promised to the lesbian and gay community prior to the 1995 election. Unfortunately, the promise has not been delivered. I hope we will be able to redeem that situation. I understand that Government members will have a conscience vote on the issue, which the Labor Party allows on so-called moral issues. We

have concerns about that. There are serious problems with conscience votes when parties have policies on such issues and make commitments, as the Labor Party has to the lesbian and gay community.

If the bill fails to be passed by the Parliament the Government will face not only losing credibility with the lesbian and gay community but also bearing responsibility for a lost opportunity to correct a glaring human rights injustice within our legislation—not to mention contravening one of the key recommendations of the Wood royal commission and the three years of community consultation, research and consideration that went into formulating the recommendations of the commission.

Justice Wood said in his report of August 1997 that there was "no reason to perpetuate the distinction between consensual homosexual and heterosexual activity". He went on to recommend the introduction of legislation under which "a gender neutral approach is taken, in which the existing distinction between heterosexual and male homosexual activity involving children, including the defences and maximum penalties available is removed".

One of the arguments against the bill relates to paedophilia, and specifically the need to protect our young from predatory adult advances. This is certainly an important issue concerning many people. Following this argument, as the higher age of consent applies only to homosexual males, there is an implication either that young males require specific attention because they are exposed to a greater risk of sexual assault or that young females are considered less worthy of protection than young males.

Such arguments are clearly irrational. The present law is claimed to deliver protection but it does not; it delivers discrimination. We need a far more effective, sophisticated approach to address child abuse than simply maintaining discriminatory age of consent laws. I recognise that members of this Parliament simply consider homosexual activity to be wrong, and maintain their own personal reasons. While I cannot agree with such reasoning I acknowledge that these members are entitled to their personal beliefs. However, what members cannot justify is insisting on intruding into the privacy of others' bedrooms and imposing their personal views on the lives of others.

After all, homosexuality has been decriminalised for over a decade. The American

Psychological Association wiped homosexuality off its list of disorders long ago. In 1997 the association voted that any attempt by its members to change the sexuality of a client was unethical. There has been a considerable shift in society's attitudes on these questions in recent decades and it is time that New South Wales moved along with the changing attitudes in our society.

I ask that members recognise the personal nature of their views and put aside their prejudices when judging the bill. As I have said, the bill has implications for the lives of many young people. To vote against this bill on a moral basis would be only self-centred in the extreme. We certainly support the bill.

**The Hon. D. T. HARWIN** [4.35 p.m.]: We are debating provisions of the Crimes Act which were inserted in 1984. It is a matter of record that those provisions originated from a private member's bill introduced by Premier Wran. On that occasion Liberal members of Parliament entered the debate in this Chamber and the other place with a conscience vote. I am pleased that again today Liberal members in this House will be able to debate the issue against the background of a conscience vote. At the centre of the debate are provisions of the Crimes Act which say that some Australians are different and should have legal rights that are different from their fellow Australians.

The law of New South Wales discriminates. It says to a 17-year-old young man that if he has sex with another 17-year-old young man they could be arrested and, under our current laws, convicted as criminals. It is a law that applies in only one other State of Australia: Western Australia. In Tasmania, South Australia and Victoria those same 17-year-old young men would not be committing a crime. In Queensland they would face the same laws that apply to every other 17-year-old Queenslanders without discrimination. So what is different about New South Wales?

If we read the *Hansard* from 1984 we see that no case was made for New South Wales being different from any other State in respect of sexual activity which would justify differential provisions. So as this debate unfolds I will be waiting for opponents of the bill to justify the current provisions by telling me about the experience of the other States. I want them to tell me how the absence of a higher age of consent for sex between men is leading to injustices or the exploitation of young men in Victoria, South Australia, Tasmania or Queensland.

They will have to show me that the experience of young men in these States, since they reformed their laws, has been qualitatively different from the situation in New South Wales, where the same young men supposedly enjoy greater protection. If they cannot, there is no justification for having different ages of consent, for having a law which is discriminatory. All Australians should enjoy the same legal rights and have the same protection under the law.

This debate, as it progresses, will probably deal with the question of when a young person can consent to sex. The law already accepts that consent can be given by 16-year-olds. It is based on a view that young people are capable of giving consent at the age of 16. That is the current law for most young people in New South Wales—for all young women and for young men having sex with women. It has been so for over 100 years. Opponents of the bill should justify their position by telling the House why a 17-year-old young man cannot consent to sex with another man while another 17-year-old man can consent to sex with a woman. What are the reasons? What is the clinical research they base their position on? I will listen with interest.

It has been put to me in another forum that boys mature more slowly than girls and can remain confused about their sexuality well into their teens, justifying a bit of breathing space, as it were, with an appropriately higher age of consent for sex between males. The research on this issue demonstrates that, while there is a physiological difference in maturation between boys and girls, there is absolutely no evidence that there is any difference in the sexual development of boys and girls.

There is disagreement on how early one's sexual orientation develops. Some say it is genetic, others say it starts in pregnancy, but all agree that sexual orientation is fixed for the overwhelming majority of girls and boys before the onset of puberty. One eminent Brisbane-based psychiatrist told the 1990 Queensland Criminal Justice Commission inquiry on the reform of Queensland's laws that 90 to 95 per cent of 16-year-olds would have a fixed sexual orientation by the age of 16. In any case, if this argument is to have any validity we would expect its advocates to urge a higher age of consent for all men. Of course, they do not, which raises the question: What is their real reason for supporting a different age of consent for homosexuals?

The argument is also predicated on the notion of a sexual preference where there is some choice. It

is the case that in every society throughout recorded history a small percentage of its citizens will have an involuntarily emotional and sexual attraction to the same sex. There is considerable clinical evidence to support the view that this condition is involuntary and not susceptible to change over time. Homosexuality is as involuntary for homosexuals as heterosexuality is for heterosexuals. It is a conclusion which instinctively makes sense when each individual considers his or her own sexuality. I invite honourable members to consider whether they chose their sexual orientation. In this context the very idea of choice is nonsense.

Much of the debate on this bill will focus on child protection and the paedophilia controversy—and properly so. After all, the purpose of an age of consent for sexual intercourse is clearly to protect children from inappropriate and sometimes predatory sexual behaviour by older persons. In the controversy surrounding paedophilia in recent years there has been a regrettable tendency for people to confuse paedophilia with homosexuality. It is a matter of record that the perpetrators of child sexual assault are usually male and that the victims are usually female. Tragically, it often occurs in the domestic context.

There is no evidence to suggest that there is any disproportionate overrepresentation of male perpetrators and young male victims. It would be completely wrong to suggest otherwise. Yet the paedophilia controversy that raged during the course of the last Parliament has, in my view, complicated the orderly consideration of this issue for totally invalid reasons.

A number of members of this House take the view—a view which has support in the community—that the time has come for us to take further measures to extend the protection of our children by having a higher age of consent for all young Australians. They want the higher age of consent that applies for young men who engage in sex with other men to apply to all females and males. I would be interested to hear argument on this issue. The Hon. Dr B. P. V. Pezzutti and Reverend the Hon. F. J. Nile have foreshadowed that such a measure will be introduced.

My starting point is that the age of consent should be non-discriminatory. The presumption I have is that the age of consent of 16 years—which has been part of our law for a very long time—is the appropriate age. If honourable members feel that our changing society warrants reconsideration of the age of consent, I believe that the House should look at the issue closely in the Committee stage, and I

hope it will have the opportunity to do so. However, the question to be asked at the end of that consideration is what should be done if there is no consensus on the age of consent for all young Australians.

It will be tempting for honourable members to say that if they cannot get the age of consent or the approach they want, they will simply vote no to any change. They may say that they prefer to wait until there is wider debate in the community, perhaps consideration by a parliamentary committee, or until the Model Criminal Code developed by officers of the Standing Committee of Attorneys-General is progressed. I could understand this response if no disadvantage were likely to accrue from the current discriminatory provisions remaining in force. It is true that there are very few prosecutions under those provisions, but that is no reason for them to remain. The reality is that the provisions lead to substantial problems for young gay men.

Discriminatory ages of consent send a message to society about what society views as acceptable. The fact that the age of consent for young men who have sex with other men is higher serves to stigmatise and marginalise them. It informs and encourages homophobes and homophobia. It complicates the implementation of strategies to deal with this homophobia and violence. It impedes the implementation of education strategies needed to reduce youth suicide and the level of HIV-AIDS transmission.

Many honourable members will speak in this debate about protecting children. But I fear that few will talk about protecting children who grow into young adults and have a sexual orientation towards members of their own sex from the bitter experiences that prejudice puts in their path. Research in Australia is limited, but in the United States of America the Department of Health and Human Services and other organisations have extensively researched this problem. Their research showed that 45 per cent of gay men and 25 per cent of lesbians reported being attacked in high school. It also showed that 28 per cent of gay youth drop out of high school altogether, usually to escape the harassment, violence and alienation they suffer at school.

The research further showed that because of the pressures on gay and lesbian youth, they are three times more likely than heterosexual youth to attempt suicide. The research showed that up to 30 per cent of successful teenage suicides committed each year are committed by gay and lesbian teenagers. These are shocking statistics, and,

although they are American statistics, the likelihood is that the Australian experience is similar.

It is difficult for members of this House to put themselves in the shoes of 16- and 17-year-old homosexual men, whom these provisions impact upon. Those young men have come to the difficult realisation that, unlike most of their friends, they are homosexual in their sexual orientation. The inner turmoil and stress, the isolation and loneliness, sometimes guilt and confusion, and emotional repression, all lead to alienation and devastating loneliness. Very often traditional peer support from family and friends is simply not available.

I ask honourable members to picture a student at an ordinary school in an ordinary Sydney suburb who is a little bit different. He suffers the most appalling harassment and violence. He spends his lunchtime in the oasis of the library. Every class change becomes an opportunity to be taunted or picked on. To avoid being bashed up, he takes a path home that is twice as long as the paths that other students take. Some of his friends avoid him to escape the stigma.

His teachers do not intervene, despite the obvious problems. Nor do they try to compensate or counsel. It must be a terrible predicament. I do not know how such young people get through those years. I can well understand how others fall by the wayside and drop out of school—or even worse, as the statistics show.

I ask honourable members: Who of you will act today to protect young people like the student I have referred to? I ask that question because I suggest that addressing this predicament should be part of the considerations of honourable members. We are a society that, for obvious and understandable reasons, has a cultural presumption of heterosexuality. But that society must also be accepting, it must allow for difference, and it must try to eliminate the stigmatisation of those who are different.

Having a discriminatory law which says that young gay men ought to be treated differently from everyone else does not build the accepting society I have spoken of. On the contrary, it has the effect of legitimising the action of those who, out of prejudice, ignorance or for whatever reason, seek to make this world a less accepting, sometimes hostile and violent place for homosexuals. It complicates and may even on occasion defeat the endeavours of those who would try to make it otherwise.

That is why I see the core of this debate being about the need for a non-discriminatory age of

consent. I accept that at this stage it may not be possible to work out how this bill can best serve the imperatives of wider child protection, although I hope that in Committee we will be able to do that. Perhaps the House will find a way. If it does not, I implore honourable members not to put reform of the law to one side. There are real consequences for young Australians from having one law for most and another for some, and I have mentioned some of those consequences today.

The need for reform is real and urgent. An age of consent of 16 years for all young people in New South Wales is not a leap of faith into an uncertain future: it merely brings New South Wales law into line with the law in the Australian Capital Territory, Queensland, Victoria and South Australia. In this debate we have not heard, and are unlikely to hear, of any grave consequences flowing from adopting a uniform age of consent in those jurisdictions. I thank the Parliamentary Liberal Party for the opportunity it has extended to my colleagues and me to exercise a conscience vote on this issue. I thank the Hon. Jan Burnswoods for pursuing this bill, and I commend it to the House.

**The Hon. HELEN SHAM-HO** [4.50 p.m.]: I support the Crimes Amendment (Sexual Offences) Bill. The Hon. Jan Burnswoods is to be commended for introducing this bill, which will remove one of the anachronistic legal provisions of yesteryear. The object of the bill is to repeal sections of the Crimes Act 1900 that criminalise male homosexual activities of young men aged 17 years. The bill will ensure that a certain type of misconduct by any person against another will be dealt with on the same basis.

The bill will also make consequential amendments to extend the offence of carnal knowledge, by teachers or others, of a female up to the age of 17 years and, irrespective of consent, to males in similar circumstances. The bill is about human rights and equality between males and females, that is, equalising the age of consent for both sexes. The Australian States of New South Wales and Western Australia join Malaysia, Pakistan, Rumania and a majority of the countries in the Middle East in their unenviable position of treating a substantial proportion of young men as criminals, merely because they decide to practise homosexual sex. This infringement on the rights of young persons should change.

It is not generally recognised that young adults, whether male or female, start to practise sex at a younger age than was the case in previous generations. It is unrealistic to expect 16-year-old males in our society to defer their sexual activities

until a later time set by the State. We cannot ignore the fact that most adolescents of both sexes become sexually active by the age of 16. Criminalisation leads to discrimination, which leads to alienation of young men.

This bill will go a long way towards allowing young gay men to come to terms with themselves as individuals, decreasing the risk of their suffering from depression and other mental illnesses. This measure will result in a dramatic reduction in youth suicide, as the Hon. D. T. Harwin said earlier. Suicide accounts for 25 per cent of deaths of young people between the ages of 12 and 24. I was advised that young gay men are two or three times more likely than heterosexual young men to attempt suicide.

The risks are higher for isolated young men or those who live in the country. Maintaining discriminatory laws also reinforces homophobic biases and false stereotypes as well as unnecessary stigmatisation. I do not condone any stereotypes that lead to stigmatisation. However, by not supporting this bill honourable members run the risk of reinforcing stereotypes, which also legitimises sexual harassment and assault, particularly in schools, where gang mentality can be at its worst.

A recent study by the National Centre in HIV Social Research found that 81 per cent of students display negative attitudes towards homosexuality. Young homosexuals should not suffer discrimination; instead, young people should be provided with the option of making informed choices without discrimination. Before concluding I should like to mention briefly two inquiries that have found in favour of the need for reform.

The Hon. Justice Wood recommended in the 1997 final report of the Royal Commission into the New South Wales Police Service that the common age of consent be set at 16 years. Justice Wood urged consideration of the introduction of legislation that took a gender neutral approach and removed the existing distinctions between heterosexual and male homosexual activity.

Justice Wood saw no reason to perpetuate a distinction between consensual homosexual and heterosexual activity. In May this year the Model Criminal Code Officers Committee of the Standing Committee of Australian Attorneys-General released its report on sexual offences against the person. The committee did not recommend a precise age of consent, although the discussion paper proposed a uniform minimum age of consent of 16.

The published report recommended that the age of consent be uniform in all Australian jurisdictions and that the age of consent for both sexes and for heterosexual and homosexual sex be uniform within each jurisdiction. The committee did not recommend a specific age as it thought it was too controversial and that it lay outside its brief. This bill is supported by many organisations.

The Gay and Lesbian Rights Lobby strongly supports the bill, as does the AIDS Council of New South Wales. Other organisations to support it include the New South Wales Anti-Discrimination Board, the National Youth Roundtable, the Law Society of New South Wales, Parents and Friends of Gays and Lesbians, the Family Planning Association and the Parents and Citizens Association. The letter from the President of the Law Society of New South Wales to the Hon. Jan Burnswoods was very compelling. The President stated:

The Council of the Society is of the view that the age of consent should be uniform for males and females. As the age of consent in many Australian jurisdictions is 16 years, the Society accepts this as an indication of the age at which young people are mature and should be permitted to legally consent to sexual relations.

The President also stated:

... the European Court of Human Rights favours uniformity on the age of consent.

In addition, my Human Rights Committee notes many young persons are engaging in sexual relations at this age and as a result supports the availability of sexual health information to these persons.

The AIDS Council is particularly concerned that young homosexually active men do not get vital health information because their conduct is illegal. The ability to facilitate contact with these young people is vital to lessen the impact of the transmission of sexually transmitted disease, particularly HIV. HIV-AIDS remains an ever-present threat to our society.

I support moves that will provide advice about safe sex and prevent the spread of the virus. The International Declaration of Human Rights states that criminal laws should apply to all people equally without discrimination. I urge honourable members of this House to consider the positives of this bill to ensure that New South Wales in the next century has a Crimes Act that treats all people equally.

**The Hon. J. P. HANNAFORD** [4.56 p.m.]: Only five minutes of the time allocated for my speech are left, so I will cover as many matters as I can. Next Thursday I will have some time in which

to continue it. Though I am prepared to support the bill at the second reading stage, I would seek to amend it significantly because it does not cover the total raft of matters addressed by the Wood royal commission.

The honourable member is pursuing one part of the reform package and dealing with it as an anti-discrimination matter, but I believe that the bill should deal with the protection of children and that the House should deal with a total package of reforms that addresses the protection of children. The Government should have brought forward a package of reforms implementing the Wood royal commission recommendations to provide a total package of protection.

However, as the bill has come forward as a private member's bill, the House should take the opportunity to implement reform measures that provide a total package of protection. If amendments in Committee produce a bill at the third reading stage which provides that package of protection, I believe that would be acceptable to the House. However, if the House is not prepared to embrace a total package of reforms that I will pursue at the Committee stage, whilst I would allow the bill to be read a second time, I would not be prepared to support the bill at the third reading stage. This House, as a House of review, should look at total protection, not piecemeal protection.

Before I go into my reasons I want to say that this bill is an important package of reform. Our present sessional orders limit the time for debate. Next week I will give notice of a motion to permit all honourable members who wish to participate in the debate 20 minutes speaking time, rather than limit the time for the debate to three hours. It is important that those who wish to speak to the bill be able to do so.

I will seek to circulate my package of amendments. That package, I inform the House, will include a proposal that the age limit of consent for heterosexual intercourse be increased to 17 years and that the age limit of consent for male homosexual intercourse be reduced to 17 years. I so propose not on the basis of discrimination but on the basis of protection for the whole of our community. Some honourable members, initially, may have some hesitation, on the basis of moral or religious grounds, to the reduction of the age of consent.

However, I believe all honourable members who read the package of reforms will embrace them as the most comprehensive package of reforms for the protection of young people from the predatory

behaviour of adults that has ever been embraced in any Parliament. I believe that is how this House should deal with this particular issue.

**Pursuant to sessional orders business interrupted.**

### SPECIAL ADJOURNMENT

**Motion by the Hon. I. M. Macdonald agreed to:**

That this House at its rising today do adjourn until Tuesday 16 November 1999 at 2.30 p.m.

### ADJOURNMENT

**The Hon. I. M. MACDONALD** (Parliamentary Secretary) [5.01 p.m.]: I move:

That this House do now adjourn.

### JERVIS BAY MARINE PARK

**The Hon. R. S. L. JONES** [5.01 p.m.]: I bring to the attention of the House problems with the Jervis Bay Marine Park options paper. I have correspondence from Dr Tim Anderson, an expert on these matters, in which he points out that the options paper seriously downplays the role of no-take sanctuary zones. He says that the management option treats sanctuary zones as just another management tool, as though healthy ecosystems might be the product of some clever manipulation of human extractive activities.

Sanctuary zones must be central to the protection of biodiversity in any marine park. They simply allow natural processes to regenerate. There is a serious omission in the mapping of rocky reef areas within the park. The map, which appears at page 13 of the options paper, does not note any rocky reef between the Docks and Point Perpendicular, or indeed outside the bay north of Point Perpendicular, including anywhere up to the Drum and Drumsticks.

In fact, this stretch is the most popular scuba diving area in the park, and it is a permanent home to seadragons, blue devil fish, red Indian fish, migratory grey nurse sharks and many other reef and pelagic species. The area is not mentioned as a grey nurse habitat in the list of sites appearing at page 31 of the document. As a result of this omission, the option has not been presented of a sanctuary zone in this whole area from the Docks to the Drum and Drumsticks.

Many thousands of scuba divers who dive at Jervis Bay will be alarmed to hear of this. It is quite

unreasonable to deny full protection to any part of this entire area simply because a group of people like to fish from this rocky coast. The important task of zoning—creating sanctuary and habitat zones—should not simply be carried out by means of isolating and sampling habitats, such as rocky reef, sandy habitats, seagrass, mangrove and endangered species.

This approach creates considerable duplication and tends to fragment the zoning process. Dr Anderson suggests that as many as possible of the sanctuary areas, that is no-take zones, be cross-habitat areas, so that there is as much cross-habitat protection as possible within contiguous areas. He drew to my attention the recent in-principle statement put up and supported by the Advisory Council on Fisheries Conservation on 1 September. I quote from that:

The Advisory Council on Fisheries Conservation suggests that the Minister ensures that some sanctuary zones in marine parks be made large enough so as to cover several different interrelated habitats (eg. seagrass, estuary, rocky reef, mudflat).

The point of this is to protect the integrity of biological processes across habitats, for example the fish fry that migrate from seagrass to mudflat to rocky reef. An example of such a multiple habitat sanctuary zone might be one which links the reef of the Groper Coast with the seagrass beds to the north. If it is possible to link such marine zones with mangrove habitats, so much the better.

Dr Anderson also suggests a consolidation of sanctuary zone proposals, so far as is possible, so that for example five large sanctuary zones would be created. Those are in the north at Hare Bay, in the south at East Bowen Island, in the east at Groper Coast, in the west at Plantation Point, and at the Point Perpendicular areas of the bay. He suggested further that those sanctuary zones include multiple habitats, having regard to endangered, vulnerable and protected species, and having regard to the primary aim of the marine park, which is the protection of biodiversity.

My researcher, Jenni Emblem, has just been to New Zealand. There she had talks with people regarding New Zealand marine parks. I will be getting more information on those shortly. However New Zealand has no-take marine parks, and they have a great impact on improving the production of fish. These no-take marine parks have the support of the community, as was shown by an opinion poll. I ask the Minister to seriously consider the marine parks proposed for New South Wales, to ensure that they are in fact no-take marine parks.

## HIGHER SCHOOL CERTIFICATE

**The Hon. PATRICIA FORSYTHE** [5.06 p.m.]: Some months ago I raised in this House concerns about the new Higher School Certificate and the timing of its introduction. The view I expressed is supported by parents and teachers. At the Estimates Committee hearing I took the matter further by asking the Minister some questions about the cost of the introduction of the new Higher School Certificate, in light of the fact that there is to be no increase in the global budgets of schools.

The Minister denied that it would be at all costly. In fact, he said that it would be easily able to be accommodated by schools. That is not a view shared by many teachers and parents. I have now received a costings estimate for one science department at a North Coast high school. I would like to share that information with the House. The science department costing is pertinent because it is an area of study in which the greatest change in curriculum has occurred, no doubt accompanied by the purchase of costly texts.

The school makes the point that not only is it introducing a senior science course in 2000 but that it is at the stage of introducing a new stage 4-5 junior syllabus. So, when considering the cost, one has to keep in mind that at this stage the school is purchasing new junior science texts and equipment. The school says, for example, that this could indicate that a larger number of the dataloggers might need to be purchased across the school.

The school talks about an assumption that unspent moneys will roll over to 2000 and that the present budget allocation of the school is \$5,530. It says that if all of that money is used to fund changes associated with the new junior syllabus, the following would be a breakdown of expected costs of equipment and textbooks for implementing the new senior courses. In relation to textbooks, the school states that no textbooks have actually been written yet, but that present textbooks cover some aspects.

However, new option areas are not covered, for example medical technology. As a consequence, the school says, some books will need to be purchased relatively soon. The costings are quoted for two years, replacing both year 11 and year 12 text in that time frame. The writer says that, for physics, there are 30 texts at \$40 each, a total of \$1,200; for chemistry, 50 texts at \$50 each, a total of \$2,500; and for biology, 120 texts at \$40 each, a total of \$4,800.

The writer said that the school possibly will not run a senior science course in 2000 because it does not seem a suitable course for the previous science for life students, but if a senior science course is run for year 11 and year 12 students, the 40 textbooks at \$30 each would total \$1,200. In addition are the teacher resource books, at a cost of \$1,000. So the total cost of stage 6 texts will be \$8,500, plus \$1,000 for resource books. Further, technology equipment will need to be purchased.

The writer says that one of the many choices yet to be made is between remote dataloggers and interface dataloggers, which are more appealing to physics and chemistry students for experimental purposes. Both systems download data directly into the computer system, but they are costly. In addition, there will need to be equipment such as suitable trolleys, additions to the laboratory to carry computers, et cetera. The approximate cost of the starter pack for sense and control dataloggers is of the order of \$1,890.

Add to that the cost of a three-shelf trolley at \$395, a computer at \$400, and a number of other sensors at \$1,300, and the total cost of setting up one datalogger is \$3,985. The total cost of three dataloggers therefore would be \$11,955. In addition the school would need a magnetic levitation kit at \$185 and a videoflex adjustable lead at \$1,295.

In total, over the next two years the science department of this North Coast high school—which is an average size high school—will need textbooks, teacher resources, dataloggers, magnetic levitation kit and videoflex for one Higher School Certificate subject at a cost of \$22,935. I put that on record, because the Minister for Education and Training has consistently denied that the new curricula would represent an additional cost to schools.

The reality is that schools need to purchase new textbooks, whether they are for libraries or the new curricula. Science is the main area of change. This school is not teaching geology. However, I know, from talking with teachers from other schools, that the geology course has been rewritten with a shift away from the earth sciences approach. Everything has to be changed and teachers have to be retrained.

The Minister is in denial about the problems in his department. This will impact significantly on schools right across the State. The Minister has to get his head out of the sand and appeal to the Treasurer. Over the next two years schools will need assistance. It is not only the Higher School

Certificate subjects that are affected; junior school courses, such as science, are also being revised. It is all well and good to introduce new courses, but they have to be funded appropriately or everyone will miss out.

### REGIONAL FOREST AGREEMENT

**The Hon. M. I. JONES** [5.11 p.m.]: The regional forest agreement [RFA] for the southern region of New South Wales is one of a series of agreements being developed between the Commonwealth and New South Wales governments on the future use and management of the State's native forests. In essence, the agreement requires the States to determine the public lands they wish to either log or conserve, thereby sealing the fate of the forests for 20 years.

The New South Wales Government has taken the opportunity to assess hundreds of thousands of hectares of land as wilderness. In fact, the assessment of 316,400 hectares is nearing completion. That is in addition to the 179 new national parks and reserves the Carr Government has created since coming to office. Such an increase in wilderness areas means a further denial of access to public lands to the people of New South Wales, who ultimately pay for the national parks system.

For the last financial year the wilderness budget was \$63,000, excluding surveying costs. For the current financial year it is \$256,000. Clearly, the proposed hundreds of thousands of hectares to be assessed and identified is a foregone conclusion. We cannot accept the criteria for the reservation of 90 per cent of high quality wilderness. What does that term mean? It is not clearly defined.

Areas that have been declared wilderness in the past, such as Goobarragandra, do not meet the definition of wilderness set out in the background report. Therefore, where does the term "high quality wilderness" take us? Why should the RFA for southern New South Wales be signed? I am concerned that the use of such an emotive term is deliberately misleading, and its definition is not standard across the whole of this nation.

The term "wilderness" has a different connotation in New South Wales to other States. Sadly, in New South Wales "wilderness" generally means that an area of public land is created to exclude the general public. This is a deliberate tactic of extreme minority green lobby groups, by manipulation of the public conscience and the balance of political power, to lock up large areas of public lands and waterways, thereby making them unavailable to the average Australian.

However, the objections to this agreement do not come from regional New South Wales, but rather from a small minority of urban environmental extremists—people who are far removed from the needs of regional communities. These extreme environmental trendies, who live in their Newtown terraces sipping their peppermint tea, are content to make ad hoc decisions about the future of families and communities, about whom they do not care.

What of the term "old growth forest"? That unscientific term is also used by the extreme greens. What does it focus on? It is totally inappropriate to base an important agreement on such vague terms. Other criteria of the RFA stipulate that 15 per cent of the estimated extent of each forest ecosystem should be returned to the way it was pre-European arrival.

However, to pretend that any percentage of New South Wales forests can be returned to the way they were in 1788 is ridiculous, because of the irreversible changes and the introduction of dozens of species of noxious weeds, such as blackberries, fireweed and gorse. Both the Federal and State governments have made a commitment to identify and assess World Heritage values in the southern region as part of the RFA process. Why?

For years I have been searching for the real benefits to Australians in having land declared as World Heritage. I have consulted with former Prime Ministers, extreme greens and all sorts of supposedly knowledgeable people. No-one has put forward claims of the existence of real benefits that stand up to simple commonsense. Looking past the hyperbole and propaganda, assigning sovereignty of vast areas of land to foreigners so that they in turn can grant us the right to look after it is nonsense.

### COMMUNITY HARMONY PARTNERSHIP AGREEMENT

**The Hon. J. HATZISTERGOS** [5.15 p.m.]: On 29 October I had the privilege of attending the signing of a community harmony partnership agreement between the Ethnic Communities Council of New South Wales and Scouts Australia. The event was held at the Ashfield Civic Centre, and the two organisations were represented at their highest level. Under the community harmony partnership agreement the two peak organisations will establish a working partnership to undertake the identification of opportunities where community harmony can be promoted. The agreement will also facilitate the exchange of information and resources between the two groups towards relevant promotions.

The event also saw the launch of the Scouts Australia cultural diversity policy. This policy recognises and values the social, cultural and physical diversity of the Australian community. The policy embraces four principles: access, equity, effectiveness and training. It espouses respect for cultural values of all Australians and encourages the involvement in the scouting movement of persons from all backgrounds.

The formation of indigenous and ethno-specific scout groups is viewed as a positive contribution to both the scouting movement and our Australian society in general. Scouts Australia, through its administration, is committed to making all efforts to accommodate the culture, language and religion of all its current members, as well as potential members. The policy document also specifies that decisions made by Scouts Australia will be result orientated and sensitive to the specific needs of individuals and groups from diverse linguistic and cultural backgrounds. Training procedures within the scouting movement will also recognise the importance of a socially and culturally diverse Australian community.

There will be an increased focus on the scouting movement youth programs for the development of responsible citizens within a multicultural Australian society. The policy will apply across the entire spectrum of the scouting movement, from its youth members, through to its leaders and administration. This is a significant development for Scouts Australia.

The scouting movement, which began in Sydney in 1908, now has a membership of approximately 20,500 young people. Scout halls are now a prominent feature in areas with significant ethnic populations and the movement has much to gain in embracing this State's various ethnic groups. The policy document has been developed by the Scouts association as part of its broader strategy of encouraging ethnic community involvement.

The strategy has become a prominent goal for the scouts association over the past five years. Currently 11 different ethnic communities have involved themselves in the scouting movement. These include diverse groups such as the Lebanese, Chinese, Assyrian and Armenian communities. The principles of the cultural diversity document adopted by the scouts is one that has been produced after thorough consultation with various community groups, including the Ethnic Affairs Commission.

The evening's proceedings were well attended by members of the scouting community, as well as

representatives of various ethnic community organisations. I was privileged to represent the Premier on that occasion. The evening was also attended by Dr Bruce Munro, Chief Commissioner of Scouts Australia, Mr Paul Nicolaou, chair of the Ethnic Communities Council of New South Wales, Mr David Kinchin, Chief Commissioner of Scouts Australia New South Wales, Mr Shahadat Chowdhury, chair of the Scouting Advisory Council on International Cultural Affairs, and Ms Catherine Chung, part-time commissioner of the Ethnic Affairs Commission of New South Wales.

Those present on the evening saw a variety of entertainment from various groups which reflected the theme of cultural diversity. The Hamaz Kaine Armenian Cultural Association, the Nari Chapter Dance Group and the Cumberland Gang Show all provided commendable performances for the evening's guests. I congratulate both the Ethnic Communities Council and Scouts Australia on their stance. Partnership agreements between community organisations such as those reinforce this State's reputation as a diverse, vibrant and outward-looking community.

For a State that is the most culturally diverse in the country, such partnerships are of vital importance. This Government fully encourages such agreements between like-minded community groups. Community harmony is an important feature of life in this State. New South Wales cultural diversity has much to contribute to the growth and development of this State. I was privileged to be in attendance on such an important occasion.

### SCALDS PREVENTION CAMPAIGN

**The Hon. Dr B. P. V. PEZZUTTI** [5.20 p.m.]: I draw the attention of the House to the success of a marvellous Australiawide campaign to prevent scalds in young children. When I was Parliamentary Secretary to the Minister for Health in 1992 I had the privilege of launching the Hot Water Burns Like Fire campaign. That scalds prevention campaign adopted a multipronged extensive television education campaign. Most burns are caused by hot water in the bathtub or from saucepans, kettles and hot coffee spills. The campaign examined the design of bathroom equipment and legislative controls.

I was privileged to launch the successful campaign at the old Camperdown children's hospital in the presence of marvellous committed parents, medical practitioners, psychologists and others. Approximately 24,000 brochures and temperature testing cards were requested on the 1800 number

that was provided, which showed a great deal of interest in the community. A further 80,000 cards were distributed by other means.

Following the launch of the campaign, telephone surveys showed a huge increase in the number of people who are aware that hot water is the biggest cause of scalds. More importantly, following a series of consultations with industry and other stakeholders, a New South Wales policy recommending a maximum hot water delivery temperature of 50 degrees centigrade in new bathrooms was signed by the chief health officer in May 1994.

That policy laid the foundation for an amendment to the national plumbing code set down in Australian Standard AS3500.4, which also adopted a 50-degree centigrade maximum delivery temperature. Recently New South Wales took steps to introduce regulations to enforce that standard. This State has come a long way since 1993. More importantly, the number of children presenting with burns has dropped, and the number of bed days in hospital has dropped by almost one-quarter.

On various estimates a five-day admission to hospital for a serious burn costs between \$60,000 and \$100,000. With various methodologies it has been estimated that the reduction in burns injury from hot water as a result of this campaign has meant a saving of \$3.8 to \$6.467 million per annum, or \$7.6 to \$12.934 million during the two-year period of study. That is good news because it means that the hospital has more money to spend on other services and, more importantly, far fewer children are scarred, bruised, battered and burnt from hot water.

That result shows the value of implementing a program and evaluating it. The campaign has justified the lowering of the temperature of hot water in our bathrooms and kitchens, with the result that people will not be burned unless they are exposed to the hot water for a lengthy period of time. I congratulate New South Wales Health. This is another example of good public health and preventive measures which not only save lives but save suffering and money. Quality comes with improvements in cost savings.

The program cost very little, apart from the cost of printing a few cups and providing a few 1800 phone lines. The plumbers of New South Wales were fantastic. The response from the community, the mums and dads, was fantastic. When the requirement for a maximum water temperature of 50 degrees was introduced there was not a whimper in the community. Manufacturers produced a proper, easy-to-retrofit program. It is amazing what can be done if the community is

interested and is encouraged by a well set up program.

### WESTERN MINING CORPORATION PHILIPPINES MINE PROPOSAL

**The Hon. A. G. CORBETT** [5.24 p.m.]: A very disturbing matter has been brought to my attention and that of other members in relation to the operations of the Australian-owned Western Mining Corporation in the Philippines. Western Mining Corporation's world wide web page contains a statement of the company's vision and values, which states:

Fundamental to creating and maintaining shareholder value is our commitment to the safety, health and wellbeing of all people affected by our activities, ethical behaviour and compliance with our code of conduct, responsible environmental management, mutual understanding and respect for indigenous peoples and local communities, success in our business.

They are very commendable goals for any organisation, and I hope that Western Mining Corporation is able to uphold them. However, I was troubled to learn of complaints about the operations of Western Mining Corporation in the Philippines. A group of indigenous B'lann people from the municipality of Columbio, province of Sultan Kudarat, have made representations to some members of Parliament about the company's plans to explore in the area.

Signed statements by some indigenous people suggest that the people of the area were not fully aware of the nature of documents they had signed in relation to Western Mining Corporation operations in the area. One of the locals stated that he was given 2,500 pesos by his brother, who received the money from Western Mining Corporation, and was told the money was for the expenses of holding a family meeting.

The next day his brother asked him to sign a document which he understood merely confirmed that he had received the 2,500 pesos. He later found out that he had, in fact, signed a statement confirming his attendance at a meeting that had already taken place, and that the discussion that took place at that meeting involved the entry of Western Mining Corporation into the area. He also stated:

I do declare to confirm and clarify that I have continued and will continue to oppose the entry of Western Mining Corporation in our area.

The leaders of the B'lann tribal council have stated that the council is strongly opposed to the entry of Western Mining Corporation onto their land, and is concerned that the B'lann people are being manipulated by the company. It is my understanding

that there are several other statements documenting similar instances of indigenous people claiming that they were asked to sign documents which they were told authorised payments for various purposes.

In reality, the documents involved the entry of Western Mining Corporation onto the land of the B'lann people for the purposes of exploration. I sincerely hope that Western Mining Corporation is truly living up to the principles embodied in its statement of vision and values, and is not deceiving the indigenous people of the Philippines in the course of its business practice.

#### SMITH FAMILY FUNDRAISING DINNER

**The Hon. HELEN SHAM-HO** [5.26 p.m.]: I bring to the attention of the House the fundraising dinner for the Smith Family which was held at Parliament House on the evening of 25 October. I had the pleasure of attending the dinner together with the Hon. A. G. Corbett and the Hon. H. S. Tsang. The dinner was held to raise funds for the holiday retreat for disadvantaged children at Tea Gardens, which is run by the Smith Family. The Smith Family has been operating for 77 years, and I commend the valuable work it has done for so many underprivileged and disadvantaged groups.

The retreat was established by Mrs Lyn Chaikin and her husband, Emeritus Professor Malcolm Chaikin, six years ago to accommodate at-risk disadvantaged children. They eventually donated the retreat to the Smith Family. Education and retreat camps are run there as part of the Smith Family Learning for Life program, which is a long-term, proactive initiative aimed at breaking the poverty cycle for Australian families through education.

The camp is a place where children and young adults from all nationalities and backgrounds can relax and bond with their fellow Australians in a tranquil bush setting. It is special because it is sometimes the only place where they have ever had a holiday, where they can forget the traumas of their past and once again learn to trust and care in a peaceful environment surrounded by an abundance of nature. During the evening a young Cambodian boy spoke about his positive experience when he stayed there last year. Mrs Chaikin also runs the Indochinese Refugee Youth Support Group at Tea Gardens for Vietnamese, Cambodian, Chinese and Timorese students.

The Chaikins are to be congratulated on their wonderful and enduring commitment over past years. They are dedicated to helping underprivileged people from throughout the world to adjust to the Australian way of life. The Chaikins also run the

491 Club, which gives adults with schizophrenia holidays in a calming environment.

The guest speaker at the dinner that evening was the former Children's Magistrate Barbara Holborow, who was a fantastic, passionate speaker. Ms Holborow is a fellow graduate of the University of Sydney Law School. She was the principal in a law practice in Glebe for many years before serving as a Children's Court magistrate for 12 years. In the Children's Court she was confronted by the best and worst that humanity has to offer.

Since her resignation from the bench in 1994 she has remained one of Australia's most outspoken and committed advocates on the rights of children. Ms Holborow, whom I have known for a number of years, gave a lively and poignant speech expressing her deep concern for and commitment to children's issues, particularly the issues important to Aboriginal and Asian children. She knows about children. She stresses that the issues are not just about the future; they are about the care and protection of children today.

I recommend Ms Holborow's recent book *Kids: Loving For Life* and her other book *Those Tracks on My Face*, of which I have a copy. Those books are inspirational appraisals of her years as a magistrate and of the issues she holds dear. More recently she has become known for her media commentary, appearing on both television and radio, and reported in the press. I pay tribute to Ms Holborow for her wonderful work and tireless effort.

If there were more people like her, the world would be a much better place. The second dinner speaker was Ms Elaine Henry, former chief executive officer of the Cancer Council and current chief executive officer of the Smith Family. I have known Elaine for many years, since my days in social work. She has done much to raise the profile of those organisations and their contribution to society.

She is to be commended for her dedication. The auction held at the dinner raised the significant amount of \$23,000. The Hon. A. G. Corbett and I together raised \$700. The leading Sydney auctioneer and chief auctioneer of Laing and Simmons, Mr David Scholes, conducted the auction with great flair. We were also entertained by the compere for the evening, Mr Tim Shaw, who is famous for his television advertisements. [*Time expired.*]

**Motion agreed to.**

**House adjourned at 5.31 p.m. until  
Tuesday 16 November 1999 at 2.30 p.m.**