

Second Reading

Debate resumed from 30 May 2007.

The PRESIDENT: I inform members and visitors in the galleries that the Hon. Michael Veitch is about to make his inaugural speech in this House. I ask that the customary courtesies be extended to him.

The Hon. MICHAEL VEITCH [5.11 p.m.] (Inaugural Speech): I wish to acknowledge that this august Chamber of democratic decision-making is located in the Eora nation and, more specifically, is on Gadigal land, and I pay my respects to the Elders, past and present. Mr President, I would like to commence my inaugural speech in this Chamber by congratulating you on your election as President. A number of years ago you kindly extended the political hand of friendship to me. You have been a reliable source of genuine assistance, wise counsel and solid companionship. Along with your wonderful wife, Jan, you have provided truly valuable support to my political endeavours. I know that all who sit in this Chamber are confident and comfortable in your capacity to professionally and sincerely oversee our deliberations. Well done, Mr President.

I come to this Chamber having never worked for a union, having never worked for a politician and having never been a paid political party official. In fact, my background is purely working class. This however, in no way reduces or deflects from my strong belief and support for the union movement and the right of individuals to collectively negotiate their employment conditions. Nor does it in any way deflect from my commitment to social justice issues. I have always proudly been a financial member of the union of my calling, and I would have it no other way!

I was born on the lands of the Wiradjuri nation and I continue to live on the lands of the Wiradjuri nation, more specifically Burrowmunditory land. I have immense respect for the way our indigenous friends have cared for the land and for their close affinity with nature over many thousands of years. The first people on this land have a connection, an understanding, of how to exist and treat our land that is tangible and real. In my view, we Europeans are a little slow to learn the many valuable lessons held by our indigenous friends. For example, it took us white folk quite a while to find our way over the majestic Blue Mountains when in fact the local inhabitants had been crossing them for thousands of years. Why was it that we could not garner the respect and dignity within ourselves and simply ask them to show us the way? I firmly believe that communicating with the indigenous community about the way forward should be paramount for the progression of this country as a whole. However, for too many years there has been just talk, with little or no action. Even today, the vital issue of reconciliation remains in an indeterminate state. I believe that this is a blight on our nation and must be put right if Australia is to move forward emotionally and physically, as well as economically. Reconciliation, however, cannot be successful without an explicit commitment to inclusiveness.

Accordingly, my trust in our indigenous friends to help lead the way forward for this great country is unshakeable. There are lessons to be learnt from all sides of the reconciliation divide. We should be moving forward together as peers and not as combatants or protagonists.

Recently the Hon. Linda Burney spoke about the fortieth anniversary of one of the greatest, if not the greatest, constitutional referendums conducted in this country. Obviously, I am referring to the 1967 referendum that has rightly been referred to on a number of occasions this week in the House; the referendum that recognized Aboriginal citizenship. In her moving address, Ms Burney reminded us of the injustices perpetrated on the First Peoples in the so-called building of our nation. In my opinion, the 1967 referendum was the first step in embracing the First Peoples of this land as equals, but is by no means the only step. We must strive to continue down the path of reconciliation arm in arm with our friends in the indigenous community. Whilst the journey has commenced, it is far from completed.

I have a very deep sense of community, and a firm belief that the fabric of society is not merely a collection of atomistic individuals. If I can be so bold as to challenge the central tenets of Thatcherist ideology, I would say emphatically that there is such a thing as society and that

society as we know it is under threat in 2007. Accordingly, I believe that communities once empowered and adequately resourced can establish the framework under which they will operate. I talk not just of geographic communities but also communities of like-minded people pursuing common goals. I also believe that communities should "look after their own" as no-one should be left behind in the scramble that has become modern life.

It saddens me greatly to have seen over the past decade or so a radical move in Australia toward what the Federal Labor leader refers to as the "me, myself and I" mentality—a mentality where everyone is considered a single economic unit. From my perspective, the social engineering through economic rationalist policy is overturning the great strengths that have historically differentiated Australia from many other countries. The strengths I refer to are compassion, fairness and social justice.

On the contrary, we now, for example, live in a society where materialism reigns supreme regardless of personal debt levels. More importantly, we live in a society whereby "mutual obligation" does not mean that the citizens of this country hold our governments accountable for full employment and general prosperity, but rather certain governments are allowed to vilify and attack those in the community that are in most need. This is the nth degree of economic rationalist theory and it is driving a huge chasm into every community in Australian society. In my view, not only is this ideological zealotry seriously flawed, it is unfair, unjust, and unnecessary.

When a society cannot look after its own, when people must wait years to see a dentist because of the Federal Government's ludicrous and mean decision in 1996 to stop funding public dentistry, when the needs and wishes of our disabled people are not being properly considered in public policy federally, when our public schools are being funded less and less using economic rationalist funding models, when budget surpluses and election war chests are used as election "sweeteners" at the very same time ordinary citizens cannot make ends meet, there comes a time to question the assumptions that underpin the flawed logic that is economic rationalism. That time, I believe, is now.

There are Australian parents who seriously cannot put food in the lunchboxes of their children, who cannot travel to the next town or suburb for a child's sporting activity because of their financial situation, who cannot afford to support their teenagers at a university. These are the real tangible outcomes of dry economic rationalist funding models. These models are all too readily applied irrespective of the economic and social consequences that they bring.

Accordingly, I believe there are several threads to the fabric of society that form the functional community that I strive to find; that I strive to develop. I will refer to some of these important threads. The first is the family. Every man, woman and child cannot continue to fight for themselves as individuals without negatively impacting on one of the foundations of society. My wife, Adrienne, and I are foster parents of some 10 years service to the community. In fact I am only the second foster parent to come into this Chamber, following the Hon. Penny Sharpe. At least we are the only members to come into this place who have openly indicated our foster parent status. Foster parents experience firsthand, and often in a very confronting manner, the unintended consequences of our modern society.

Young parents are working a number of jobs and lengthy hours in an attempt to support their families. In many cases this inevitably leads to frustration, stress and tension. Too often, and regrettably, this frustration is released through alcohol and drugs. Accordingly, governments must actively support parents to enable them to spend more valuable time with their young families and not, on the contrary, engineer a system that further reduces the time we spend with our loved ones. As an aside, we as legislators need to be mindful of the fact that criticism of the Department of Community Services is also an inadvertent attack on foster parenting. We must do more to support and recognise the endeavours of foster parents, who serve a very special need that many, in fact most, families will not even consider. Although foster parenting is indeed a most charitable, yet rewarding sacrifice, it must be duly recognised by the community and by governments.

Another thread to our community life under serious attack is public education. I was quite heartened to hear the Hon. Trevor Khan and Dr John Kaye speak at length and with obvious passion in their inaugural speeches about the need to support public education and public education practitioners. I agree with them 100 per cent. Public education is paramount to a well-functioning, well-developed and mature society. Public education makes a far greater

contribution to any community than just simply education. For example, our public school teachers support and supervise extra-curricular activities after school hours of every weekday. It is an indictment on the Federal Government that our national system of funding schools is entrenching social disadvantage in rural and suburban Australia, as reported by Anna Patty in the *Sydney Morning Herald* on 17 May 2007.

It appears that Australia is the only OECD country that disproportionately funds non-government schools to the extent that they do. Although I wholeheartedly support the policy of my party that stipulates funding based on need, I believe that public education must be sufficiently funded to correct the resource imbalance that is now entrenching disadvantage. It is not only the public funding gap that must be addressed, but also the sullied reputation of public education. For too long those who wish to denigrate the great contribution made to public education by the teaching profession have mischievously propagated that perception. One could almost assume an unnatural bias or a degree of entrenched discrimination being put into play. All of my children are public school educated. I have had the opportunity to experience firsthand the outstanding contribution, the genuine commitment and the compassion of public education practitioners. I thank the public school profession. I appreciate their valuable daily contribution to the betterment of our society and to the fabric of our community. Many other important elements, or threads, to the fabric of our society are being undermined by the application of economic rationalism. These include, but in no way are restricted to, the not-for-profit sector, volunteering, local government and health. I had the absolute privilege to sit on the State and National Executive of the Association for Competitive Employment [ACE]. This great organisation is the peak body for specialist disability employment providers across Australia. I served as the national president of the organisation for some time. I have seen and experienced firsthand the dilemmas and paradigm shift being experienced by this sector because of the implementation of outcome-based funding models developed by the economic rationalists in Federal Treasury. With two decades of economic rationalism before us I will never be convinced that bringing every aspect of society, including its people, down to a single economic unit is good policy. Likewise, I am not convinced that it is good governance. Nor am I convinced that budget surpluses in perpetuity are good economic management when infrastructure in Australia remains at such deficient levels.

If the House will indulge me I will say a bit about myself. I was born at Gundagai. My father, Bob, was 20 years of age at the time and my mother, Val, was 17. My father was the youngest of 11 children. My mother was also one of 11 children. Through various marriages I finished up with 40 uncles and aunts. With such a big family it is inevitable that everywhere I travel I seem to run into family. Is the Hon. Matthew Mason-Cox in the Chamber? I am the oldest of five children, and I have four children of my own. I also have a beautiful daughter-in-law. And—I can say this because I am the grandfather—I have the most gorgeous granddaughter known to mankind.

I am the second Gundagai-born parliamentarian to take a seat in the New South Wales Parliament. The other was George de Salis, who sat in the other place in 1885. I was educated at Adelong Central School. Again, I am only the second individual to be educated at Adelong to sit in the New South Wales Parliament. The other was Walter Boston, a Labor member of the Legislative Assembly who was elected in 1913. My high school education was undertaken at Tumut High School.

I worked as a shearer, and I am the fifth shearer to sit in this Chamber since the commencement of responsible government in 1856. The most recent shearer to sit in this place was Ernest Farrar, who was elected in 1912 and who died while still in office in 1952. Hopefully I can match that. I also worked as a railway porter, or station assistant. I finished as an Assistant Station Master in 1990. I worked at Rydalmere and Toongabbie stations as an Assistant Station Master. It is there that I met Bob McDonnell, a proud Vietnam veteran and loyal friend. Every month I would travel with Bob by train from Sydney's western suburbs into the city for monthly meetings of the Australian Transport Officers Federation. I am only the fourth station worker to hold a seat in this historic Chamber.

I grew up in the Eilerslie Valley along the Yaven Creek on a property called Coorumbene. My father worked as a farm labourer, shearer and barman in an attempt to provide enough income to raise his young family. My mother also took the odd job working at the Mountain Maid Packing House in Batlow, or undertaking domestic duties for other people. I can remember playing with the Reynolds boys—Matthew, Michael and Andrew. I also fondly remember rabbit

trapping, working with dad during school holidays, and the many fishing expeditions with Uncle Will and Uncle Leo at Burrinjuck Dam or on the banks of the Tumut and Murrumbidgee Rivers, idling away many an hour waiting for that magic moment when the one big fish—hopefully a Murray cod, Yellow Belly or trout—would provide the evening dinner.

I distinctly remember there was never a lot of money. I also distinctly remember my father's penchant for a party or a barbeque. He passed away at age 57, his life surely shortened by his ethic of working very hard and playing even harder. My mother, Val, was, and remains, a strong woman. Mum, she is here this afternoon, we can be proud together that you have been mentioned in Parliament. Once leaving school, my work history was very itinerant. I inherited my father's penchant for a party, and I spent the next 10 years doing just that—partying. However, this time in my life was also one of reflection, and I started to formulate the beginnings of my political beliefs. Shearing suited my carefree attitude, but it is also a vocation of many lessons, some of them hard ones. Shearing remains one of the hardest, if not the hardest, way of earning an income in this country. I could work hard all day earning a living and then party at night. I continue to have great respect for shearers: They are down to earth and remain close to my heart.

It was not until I met my wife, Adrienne, that I realised I really wanted to make a difference; that I really wanted to help people who had less than I had. Adrienne is an outstanding individual, a wonderful partner and an unbelievably patient parent. Adrienne has a subtle and gentle way of making a point. I can honestly say I do not remember an argument in our 17 years of marriage. Adrienne, thank you for your support since election night 1990, which was our wedding day by the way. It is a little ironic that I was elected to Parliament on our seventeenth wedding anniversary, 24 March 2007.

Of course, everyone in this Chamber understands the impact that public life has on families. I have been in local government since 1995, and my children have already made a number of personal sacrifices in the name of dad's career. Family has become extremely special to me. I have been blessed with four fantastic children, each making their individual mark and each just as special to me as the others. I will strive to leave a community service legacy that my children and grandchildren will be proud of.

My eldest son, Mark, and his wife, Melissa, are here today. They are a young couple who are raising a young family, and I am so proud of their commitment to hard work and their acceptance of the responsibility that comes with raising a family. Mark works two jobs and Melissa works as a casual child care worker as well as taking whatever else she can to help make ends meet. They are the real people in society who the Prime Minister believes have never had it so good. I would say that attitude shows how out of touch the Prime Minister is. Heaven help people if things happen to get any worse!

I thank Mark and Melissa so much for making the trip today. They make me so proud, and I love them both so very much. My teenage daughter, Madlen, is also here today. Madlen is still laughing at the thought that her father could even remotely be referred to as "the Hon.", though my son, Patrick, still thinks it is all very cool. My younger children, Gareth and Alicia, are also here this afternoon to share in this special moment.

Influences and mentors in my life have been few. I lacked a real mentor as a teenager and look back at a large number of missed opportunities that may not have been squandered, had I received elder counsel. Nonetheless, my uncle, Patrick Taylor, was definitely one of the biggest influences in my life, even if he is not aware of it. He is a great free thinker who enjoys ideological discussions about Leftist politics and the plight of everyday working Australians. The spirit and the commitment to public education of Pat Taylor are second to none—a true and passionate practitioner in the interests of all students, not just a select few.

I will change tack somewhat to acknowledge a great Labor parliamentarian in Terry Sheahan. Terry was the member for Burrinjuck when I was a young boy. A little gesture by him as the local member toward my family made life just that little bit easier for Mum and Dad. I reflect upon that one action now and can see what a difference a good local politician can make, without getting any publicity. Many people from all sides of politics, grassroots members and senior politicians, still pull me aside and mention how much respect they have for Terry Sheahan. They invariably go on to explain just why he was a great local member of Parliament. I am certain the same will be said about the Hon. Ian Armstrong, who retired at the last State election after many years representing the people of the Central West. Ian was also a very

effective local member. Hopefully, he will not be lost to public life just yet.

There are many thank-yous to say, and the risk is forgetting someone—so I thank everyone who in some way has assisted me along my journey to this august Chamber! Specifically, however, I extend a thank-you to the union movement as a whole for its contribution and advocacy to society, as well as to the Australian Labor Party. I also make special mention of the rank and file members of the Australian Labor Party, whose tireless endeavours assisted in my election to this esteemed Chamber. I also wish to extend my appreciation to Luke Foley for his hard-nosed and forthright advice—often whether I wanted it or not! To Geoff Derrick from the Finance Sector Union, I send a thank-you for his genuine friendship and counsel on industrial matters— There are many thank-yous to say, and the risk is forgetting someone—so I thank everyone who in some way has assisted me along my journey to this august Chamber! Specifically, however, I extend a thank-you to the union movement as a whole for its contribution and advocacy to society, as well as to the Australian Labor Party. I also make special mention of the rank and file members of the Australian Labor Party, whose tireless endeavours assisted in my election to this esteemed Chamber. I also wish to extend my appreciation to Luke Foley for his hard-nosed and forthright advice—often whether I wanted it or not! To Geoff Derrick from the Finance Sector Union, I send a thank-you for his genuine friendship and counsel on industrial matters—and his very poor rugby league judgment! To Sally McManus and all at my union, the Australian Services Union [ASU], thank you. Sally has been a fantastic supporter and the Australian Services Union is a great union for its members, particularly in the social and community services programs.

But I must reserve a special thank-you for Senator John Faulkner—a true believer and devotee of the labour movement. I first met John many years ago in his capacity as the duty senator for Hume. I believe Senator Faulkner is moving toward legend status within the Australian Labor Party. To have had John as a supporter certainly makes me feel humble. Moreover, Senator Faulkner has provided the prompting, the reality checks and the brutal facts along the journey that has led me to follow the footsteps of some 680 individuals who walked this way before me since the introduction of responsible government. Thank you so much, John.

I look forward to the banter and interjections during my future addresses to the House. In particular, I look forward to some verbal jousting with my friend the Hon. Duncan Gay—who has indicated there will be no easy rides for me as a newcomer to this Chamber. I am certain some old lessons from the shearing sheds will come in very handy! I follow in the footsteps of just 680 other individuals since responsible government commenced in 1856 to deliberate in this Chamber. I am also just the 201st member of the mighty Australian Labor Party since 1856 to have won a seat in this Chamber. I take my place with pride and with a great degree of humility. Like everyone else in this Chamber, my intention is to genuinely serve New South Wales for the betterment and progress of the people of New South Wales, and to do so responsibly with understanding and compassion.

The Hon. CATHERINE CUSACK [5.36 p.m.]: The Anti-Discrimination Amendment (Offender Compensation) Bill was introduced in the Legislative Assembly at 4.26 p.m. last Tuesday, agreed to in principle and passed by 10.30 a.m. the next day, yesterday. The first I knew of it was at approximately 5.00 p.m. yesterday when it was introduced and read a second time in this Chamber. The bill will undoubtedly pass through all stages today and thus will have flown through Parliament in 48 hours. By any standards, that is rocket-like progress.

I note that the intent of section 17 (1) (a) and (b), to be inserted by schedule 1 [3] of the bill, is that the amendment will take effect for all orders for damages made on or after 29 May 2007. There is a note in the bill stating that 29 May 2007 is the date on which the notice of the motion was given in Parliament for the introduction of the bill for the amending Act. It is arguable that the effect of the bill is retrospective because it captures a category of cases that were brought before the Anti-Discrimination Commission prior to 29 May 2007. The effect of the bill will be to potentially alter the outcome of those cases where orders have not yet been made, but we do not know because the Government has omitted to tell us how many cases are affected and, of those, how many cases, if any, are yet to be determined, and how many cases, if any, have had a determination made against the State, with a compensation order still pending.

I suspect that this information, which has not been shared with the Parliament, could reveal the Government's true motivation for the urgent passage of this bill. This is all very peculiar. In seeking to understand the haste and timing of the bill, I closely read the Minister's second reading speech as well as the debate in the other place. The only explanation offered by the Minister was to ensure that the Victims Compensation Fund is the immediate benefit of this

proposal. But there is no explanation of why the fund needs the immediate benefit of this proposal. I suspect that the real motivation of the bill is that a single notorious case is about to erupt into political controversy. Hardly anybody who is involved in this Parliament would want to unwittingly tread on a political landmine, and I have no wish whatsoever to defend or offer comfort to any notorious criminals; but nor will I obstruct efforts to close loopholes that allow abuse of our compensation system. Of course, if called to a vote, I will certainly vote in favour of the bill. But at the same time I place on the record my fear that the Government's mismanagement of issues is causing us to deal with the problem in a way that tramples on many important principles.

I dislike the fact that I will be supporting the bill while not knowing its true motivation and impact. I greatly dislike statements by the Government that prisoners lose their rights when they go to jail. I simply cannot agree with that proposition. Prisoners lose one right, and that is their right to liberty, although they lose many privileges associated with deprivation of liberty. I suppose the issue is: What is a right and what is a privilege? In my mind a right is universal and the State cannot pick and choose rights for any of its citizenry. If we did pick and choose which people have rights and which people do not, that would seem contrary to the spirit and definition of rights.

I expect prisoners to serve time in custody as punishment for their crimes—no more, no less. Our prisons should not be holiday camps, but it is far beyond the punishment imposed by the courts for people to emerge from prison with brain injuries as a result of assault, infected with hepatitis C as a result of rape, or suicidal as a result of bullying and abuse. I expect the State to administer its prison system in a humane way, uphold basic human rights, and abide by the laws that they are charged to administer—including anti-discrimination laws. I do not believe that our prison system has a perfect record or even a good enough record in meeting those expectations.

The major cause of imprisonment in my home region of Richmond-Tweed is traffic offences, usually relating to driving without a licence. More than 100,000 licences are cancelled annually due to fine default or loss of points. The *Sydney Morning Herald* recently reported that 970 people went to prison last year for traffic offences. Many people, especially a disproportionately large number of young men, are very vulnerable in our prison system, and I fear for the safety of anyone who goes to jail. To my mind, freedom from discrimination is a right and not a privilege. Importantly the bill does not remove that right altogether. It is my view that it is diminished, and I certainly dislike that, but at least it is not altogether removed.

Some members have stated that the effect of the bill will be to ensure prisoners cannot profit from their crimes. I find that to be a strange attitude. Our anti-discrimination laws apply to public-sector agencies and, to quote the overview section of the bill, provide for "compensation for loss or damage suffered by reason of conduct of certain public sector agencies while the person was an offender in custody (or for failure to comply with orders made in connection with any such conduct)". In the past, if compensation was paid to prisoners it was clearly determined by a tribunal and was legally warranted as a result of misconduct on the part of the State. That is not a profit of crime, it is not accurate to say that it is a profit of crime, because that brushes over unlawful behaviour by the State.

The system is only in part about compensation. The more significant outcome of these cases should be improved standards and behaviour. That is always desirable in our prison system and I fear that this bill will not help that cause. If our anti-discrimination laws are sloppy, if their administration is second rate, perverse decisions and outcomes can result. The Government should directly address those problems. This is, if you like, the hard road, but it is on principle the better road for the Government to take. The inferior approach, which I suspect we are following today, is to reduce those rights for a category of persons so that if the laws are being rorted, at least that will not be by prisoners who caused embarrassment to the Government. That fixes the political fallout, but it fails to solve the underlying problems.

It is no secret that I believe that the administration of our anti-discrimination laws by the Administrative Decisions Tribunal has had some farcical outcomes. Last year we had to pass special legislation overturning a ruling by the tribunal that State Rail was racist in its treatment of overseas students because it did not allow them travel concessions that are available only to New South Wales citizens. I do not know whether it was the law, or the application of the law, that lacked commonsense. I do recognise that we have a legal system— It is no secret that I believe that the administration of our anti-discrimination laws by the Administrative Decisions Tribunal has had some farcical outcomes. Last year we had to pass special legislation

overturning a ruling by the tribunal that State Rail was racist in its treatment of overseas students because it did not allow them travel concessions that are available only to New South Wales citizens. I do not know whether it was the law, or the application of the law, that lacked commonsense. I do recognise that we have a legal system—and not a justice system—and that commonsense does not seem to be a requirement of that system. I suppose that is what keeps us in employment as parliamentarians.

If the Anti-Discrimination Act 1977 were working effectively and in step with community expectations, this extraordinary bill would not be necessary. The Act has had a significant and positive impact upon our community; but it is 30 years old and it seems that an increasing number of stop-gap measures are needed to keep it within the boundaries of community expectations. These measures, presumably such as this bill, offend the principles of transparency and good government. I wonder how many more bills will be needed before the Government addresses the core problems by reviewing these laws and getting them right. I am uncertain about the applicability of his bill. According to the definitions, an "Offender in custody" and "protected defendant" have the same meaning as in Part 2A (Special provisions for offenders in custody) of the Civil Liability Act 2002. That definition includes detainees as defined by the Children (Detention Centres) Act. It is my understanding that that definition in turn includes children on remand. In other words, it appears that people aged under 18 who have not at any time been convicted of any offence are covered by this bill. On the other hand, people aged over 18 who are on remand appear to have been excluded from the definition. I am not sure whether it was the intention of the Government to include children on remand, but not adults on remand. I would appreciate the Minister's guidance on that point. This type of error can happen if this bill is rushed through and the net has been cast very widely.

A final issue highlighted by the bill is the unfortunate situation whereby the Attorney General, whose job it is to draft these laws, is also the Minister responsible for administering the laws in our prison system. I mean no disrespect whatsoever to the Hon. John Hatzistergos, who is a very capable Minister. If we have to have one person doing both jobs, I would prefer that it be him. However, I am uncomfortable that one person is responsible for the integrity of our anti-discrimination laws, the tribunals that administer them and the staff in the prison system who are supposed to be bound by these laws. It seems a clear conflict of interest. I do not know which hat the Minister is wearing in this debate, and that places him, the Executive and the Parliament in an undesirable position when legislating on matters affecting prisoner welfare. In conclusion, I restate that it is not my desire to argue the case of any notorious prisoner; indeed it is to the contrary. The concerns I raise relate to principle and good governance. I do not agree with legislating to catch a single case; that is the unstated purpose of the bill, although the effect is wider. I do not agree with legislating in anticipation of a single quasi-judicial decision. I do not agree with retrospectivity.

I do not agree that the Attorney General should also be running our prisons, and I cannot agree with secret agendas that cannot be disclosed to Parliament in Minister's second reading speeches. I especially dislike the use of the tactics that allow for a bill to appear without notice and rocket through both Houses in the near record time of 48 hours. All those things are offensive to good governance, but that is the reality of the situation we are placed in by the Government. I thank the House and the shadow Attorney General for the opportunity to place these concerns on the record.

Reverend the Hon. FRED NILE [5.48 p.m.]: The Christian Democratic Party supports the Anti-Discrimination Amendment (Offender Compensation) Bill 2007. This is an important bill and we support its objects, which are to provide that damages awarded to a person under the Anti-Discrimination Act 1977 as compensation for loss or damage suffered by reason of conduct of certain public sector agencies while the person was an offender in custody, or for failure to comply with orders made in connection with any such conduct, are not to be paid to the person and instead are to be paid into the Victims Compensation Fund to be used for the purposes of that fund. Payment into the Victims Compensation Fund discharges a public sector agency's liability to pay the damages concerned.

We do not consider this bill to be a response to radio shock jocks, as some members have claimed, or media headlines. The bill reflects a widespread view within the community that prison inmates should not be able to make money from appeals under the Anti-discrimination Act. Tribunals assess those claims and in some cases their awards have been questionable. In some cases there is suspicion that the prisoner manufactured the event that led to a claim; in one case even having another prisoner attack the claiming prisoner, but not kill him, so he could then put in a claim. In another case, because of a faulty bed in a cell, a prisoner fell out of

that bed and put in a claim. There have been many questionable claims of prisoners trying to benefit financially from the Anti-Discrimination Act, which was designed to benefit citizens in the community, not for persons in prison. The Christian Democratic Party supports the bill and the provision that damages go to the Victims Compensation Fund, which does a great deal of good work in our society.

The Hon. JOHN HATZISTERGOS (Attorney General, and Minister for Justice) [5.49 p.m.], in reply: I thank honourable members for their contributions to the debate. I take this opportunity to acknowledge particularly the cooperation of the shadow Attorney General in facilitating the fast passage of this legislation. I make a couple of points in response to some of the matters raised in the debate.

First, I must debunk the contention that somehow this legislation involves a dilution of anti-discrimination laws. It does not. The anti-discrimination laws as they stand and the obligations of departments, including the Department of Corrective Services, are unaltered by this legislation. The only difference that is achieved by this legislation is that obligations for any compensation payment that the Administrative Decisions Tribunal may order to be paid by an agency that has been the subject of an adverse finding are to be discharged by payment into the Victims Compensation Fund. In other words, all other orders that the tribunal may potentially make in the case of a finding of anti-discrimination will not be affected, including an order for compensation. The difference is that it will be discharged by payment into the Victims Compensation Fund.

To that extent it should be said also that the prospects of adverse publicity which the Hon. Catherine Cusack referred to in her contribution are not affected either because the case can run, the tribunal can hear all the evidence and can make all the orders, including the order for compensation. The only difference is that the discharge of that compensation order will be made by a payment into the Victims Compensation Fund. I do not see anything obnoxious or abhorrent in that concept; I think it is perfectly reasonable. People who are in prison and who have committed serious criminal offences invariably have victims who are compensated out of the Victims Compensation Fund. It is very difficult in many of those cases to get money from the prisoner to recompense the fund for that payment. This is an opportunity for us to provide that an order for compensation made to a prisoner will benefit the Victims Compensation Fund and the prisoner's victims.

A number of comments have been made in relation to the definition of offenders. We borrowed the definition of offenders in the Civil Liability Act for precisely the reason that it is already there and there should be a level of consistency. But, reflecting that there may be a case that gives rise to particular issues that may require us to take a somewhat different approach in relation to an offender or a class of offender, there is a capacity in this bill for a regulation to be made—incidentally, it will be potentially disallowable by either House of Parliament—exempting a particular case or group of cases from the legislation. So there is that flexibility built in.

The other argument that has been raised is that somehow this is retrospective legislation. It is not retrospective at all. It is entirely consistent with the approach we have taken in other compensation-type legislation where we make the announcement that the legislation will date from a particular date, the Parliament ultimately passes that legislation and it applies from that date. It applies prospectively to any order for compensation that may be made from the date of the announcement; it does not affect any cases and any compensation that has been paid prior to those announcements. There is no retrospectivity, there is prospectivity.

For all those reasons I believe it is important to support this bill. I make one other observation about anti-discrimination generally, particularly in relation to the contribution of the Hon. Catherine Cusack. I believe that anti-discrimination laws, and indeed all the laws we have, depend ultimately for their validity on community support. If anti-discrimination laws are undermined perverse outcomes result; for example, prisoners being able to benefit. Anti-discrimination laws would be undermined because people will not accept that result. What I am doing here and what this Parliament is doing today is reinforcing anti-discrimination laws and preserving community support for them.

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

The House divided.

Ayes, 25

Mr Ajaka Mr Brown	Mr Hatzistergos Mr Khan	Ms Sharpe Mr Tsang
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Mr Clarke Mr Colless Ms Cusack Ms Ficarra Miss Gardiner Mr Gay Ms Griffin	Mr Lynn Mr Macdonald Mr Mason-Cox Reverend Nile Ms Parker Mrs Pavey Ms Robertson	Ms Voltz Mr West Ms Westwood <i>Tellers,</i> Mr Donnelly Mr Harwin
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Noes, 4

	Ms Hale Dr Kaye <i>Tellers,</i> Mr Cohen Ms Rhiannon	
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Question resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Third Reading

Motion, by leave, by the Hon. John Hatzistergos agreed to:

That this bill be now read a third time.

Bill read a third time and returned to the Legislative Assembly.