

LEGISLATIVE ASSEMBLY

Friday 22 November 2002

Mr Speaker (The Hon. John Henry Murray) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Business Names Bill
 Courts Legislation Miscellaneous Amendments Bill
 Crimes Legislation Amendment (Criminal Justice Interventions) Bill
 Election Funding Amendment Bill
 Retail Leases Amendment Bill
 Security Industry Amendment Bill
 State Revenue Legislation Amendment Bill
 Strata Schemes Management Amendment Bill

The following bill was returned from the Legislative Council with an amendment:

Statute Law (Miscellaneous Provisions) Bill (No 2)

Consideration of amendment deferred.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report: Matters Arising from the General Meeting with the Commissioner of the ICAC Held on 27 November 2000

Mr GIBSON (Blacktown) [10.03 a.m.]: I believe this report is one of the most damaging reports, and it is about a person who is a former Commissioner of the Independent Commission Against Corruption and currently a judge in the Supreme Court. He is the public face of the New South Wales justice system. As the Commissioner for the Independent Commission Against Corruption [ICAC], Barry O'Keefe set a standard and a code of conduct which he applied to the letter of the law. Unfortunately, he failed to meet his own standard. He fell on his own sword. In his case, greed replaced logic. He is the gamekeeper who used his office to become a poacher.

He is a great example of a person who loves administering the law, but who chooses not to abide by it. The report of the Committee on the Independent Commission Against Corruption proves beyond doubt that Justice Barry O'Keefe has told lies to the committee and to the ICAC, he has committed fraud, he has given misleading information on a visa application, and he is corrupt. At best, he is manipulative and, at worst, he is a scoundrel. A full inquiry must be held to examine the conduct of this person who holds one of the most important offices in this State.

Mr Tink: Point of order: I draw attention to page 17 of the standing orders. Standing Order 81 (2) states:

"81. A Member shall not use offensive words against...

(2) A member of the judiciary...

I refer also to page 118 of *Decisions from the Chair*.

Mr Gibson: He was not a member of the judiciary.

Mr Tink: He is a member of the judiciary. I just feel obliged to take a point of order.

Mr SPEAKER: Order! The point of order relates not only to what the honourable member for Blacktown said about the report but to the allegedly offensive words he used in relation to Justice Barry O'Keefe. I ask the honourable member for Epping to explain which words he found offensive.

Mr Tink: There were a whole lot of words.

Mr SPEAKER: The Chair cannot rule on the standing order unless there is a specific reference.

Mr Whelan: I heard the honourable member for Epping say that he is just making the point. He has made the point.

Mr Tink: May I leave it on the basis that I have taken the point of order. I was concentrating on taking the point of order, rather than on recalling precisely what the honourable member for Blacktown said. I do not want to take up the time of the honourable member for Blacktown. I have made the point.

Mr SPEAKER: Order! There is no point of order.

Mr GIBSON: Such is the scathing nature of the report that, if I am returned after the next State election, I will be moving a motion in accordance with the standing orders for a joint sitting of both Houses for the removal of Justice Barry O'Keefe from his position as a judge. The committee's report proves what I have been saying. A full inquiry must be held to examine the conduct of this person who holds one of the most important positions in this State. Justice must not only be done, but must be seen to be done. This is one of the most serious cases of corruption to come before this Parliament. I make a very simple call for justice for all.

Barry O'Keefe went to Zimbabwe between 4 and 7 October 1999. He gave no explanation to the ICAC for his trip and he made no report on the trip. No invitation had been received by Barry O'Keefe or by the ICAC. The committee and the ICAC sought advice. The committee wrote to Barry O'Keefe on 30 January 2001 seeking answers to many questions. In a display of arrogance, six months later, on 22 June 2001, then Commissioner O'Keefe advised the ICAC that he was in Zimbabwe on commission work, which included the writing of reports that had to be completed by 1999. He had to go to Zimbabwe to write reports for the New South Wales Independent Commission Against Corruption! In subsequent letters to the Independent Commission Against Corruption, he changed the reason for the trip and said that he had attended a meeting of the African Heads of State, but that when he arrived he was prevented from attending by an incident involving President Mugabe. That made two reasons that he had given for visiting Victoria Falls in Zimbabwe.

Seven months later, on 19 July 2001, a letter from Barry O'Keefe to the ICAC stated reasons for the Zimbabwe part of the trip—the third version—and he virtually said that a decision was made on the spot. The reason he finished up in Zimbabwe was that there were no appropriate aircraft seats. In the letter of 19 July 2001, Barry O'Keefe gave a further explanation of why he was there. The letter stated in part:

Attendance at the ABD/OECD Conference in Manila was for the purpose of the ICAC representing Australia.

He had gone up a notch as well. The letter also stated:

The Manila Declaration was an important anti-corruption step for the region...

The letter continued:

It was found that following the Conference in Manila there were no appropriate aircraft seats...

I take it by that comment that there were no first class seats for the judge. He would not have been able to sit in a business class seat or economy seat. The letter states that there were no appropriate aircraft seats for himself and his director on the return trip. The letter stated:

It was decided to utilise this short interval by attending the meeting of African Heads of State which was to be held at a resort in Zimbabwe...

It just so happens that it was opposite Victoria Falls. He went on to say:

The comparison between the stances adopted in relation to corruption—

This is very important for New South Wales—

by President Mugabe of Zimbabwe on one hand and President Festus Mogae of Botswana on the other, promised to be interesting in the light of the approaches to corruption...

That is the reason he went to Zimbabwe, but he failed even to get in. He went on to say:

However, at the last moment... because of an incident involving President Mugabe, the public and observers were excluded... I was therefore not able to attend it and I spent the majority of time between arrival and commencement of the Interpol Conference in Durban... working on ICAC reports...

Very good! But what he does not realise is that the ICAC committee had received correspondence from business and leisure travel specialists Travelforce, a company that he used, again not according to the rules. It wrote to him on 10 September 1999, weeks and weeks before he left. Bear in mind that he said it was only a last-minute thing and he went there for this great conference. The company wrote:

Please find attached the updated itinerary—

The updated itinerary, on 10 September, weeks before he went—

All flights are now confirmed, even the Sunday flight from Johannesburg-Victoria Falls.

As mentioned previously the fare for the whole of the attached itinerary will be \$10815.00, plus taxes, so please let me know who will be ticketing what.

It seems a funny way to do business. The document also states:

I understand you would like a daily rate at The Mandarin Oriental in Hong Kong....

I am in the process of finding what's available at the Victoria Falls Hotel. I think you should make this the base for the 4 nights and do excursions from there.

Are you alright for accommodation in Durban????...

For the weekend out of Durban I would suggest The Selborne Park Hotel, which is 40 minutes South, and [has] an outstanding golf course.

He was going to Zimbabwe to attend a conference and weeks and weeks before he had planned an itinerary to do excursions. The travel agency also wrote on 22 September 1999. Amongst other things the letter stated that the new itinerary had been set up. It continued:

On the Monday afternoon at Victoria Falls I would recommend the Sunset Cruise on the river. This can be included. You can then do a walk of the falls—

and some game observing as well. The letter continued:

I need the ok on these African arrangements asap...

That letter was dated 22 September yet the judge told us that he found himself in Zimbabwe wanting to go to this great conference on corruption. It was also stated that the cost of the four days he was in Zimbabwe would be \$7,378.13 plus taxes. He also claimed expenses for this part of the trip. On 22 June 2001 O'Keefe wrote to the ICAC and said he was not on holidays for that four-day period; he was doing commission work—another lie. The ICAC wrote back to O'Keefe and said it could not find any mention of this part of the trip in general or any discussion that he had had with any ICAC officials and that as well the commission could not find the report. The commission also advised Commissioner O'Keefe that 4 October was a public holiday, for which he also claimed expenses. This bloke has got his snout, his body and everything in the trough. On 19 June 2001 the ICAC wrote back and said that the report that O'Keefe had asked for could not be found anywhere and nobody at the ICAC knew anything about it. Mr Speaker, could I have an extension of time?

Mr SPEAKER: Order! There is no provision in the standing orders for an extension of time.

Mr GIBSON: In the few seconds left to me let me say that there is a red light flashing over this man's conduct and he must be judged. Judges must be beyond question. They have the freedom and liberty of citizens in their hands and justice must be seen to be done. As I said, soon after the next State election I will move that a joint sitting of both Houses of Parliament be held and that, under the standing orders, this judge be sacked from his position. [*Time expired.*]

Report noted.

JOINT SELECT COMMITTEE ON BUSHFIRES

Report

Mr PRICE (Maitland) [10.13 a.m.]: It was my pleasure to present the report of the Joint Select Committee on Bushfires. The committee was constituted on 19 March, by agreement of both Houses, and was instructed to report by 28 June. On 20 March, I, as chairman, met with my colleagues the Hon. Tony Kelly, the deputy chairman, the Hon. Ernie Page, Mr Russell Smith, Mr Richard Torbay, the Hon. John Tingle, and the Hon. Richard Colless. I place on record my appreciation for the passion and commitment with which committee members approached the inquiry. The report and its recommendations are supported unanimously by the committee. The committee was able to complete its work in the very short time allocated partly because of the solid foundation of the nine bushfire-related investigations conducted since 1994, including the inquiry into the Rural Fire Service conducted by General Purpose Standing Committee No. 5 of the Legislative Council in 2000.

During the last two weeks we have all been following the news of the horrendous firestorms that have recurred in this State. Several months ago fires in Arizona and Colorado in the United States of America caused incredible damage, loss of property and loss of life. The committee's work has contributed to reducing such incidents in this State. The Government's changes to legislation have brought about significant improvements, and the rules currently being implemented will make a tremendous difference. The recommendations in this report provide the opportunity to safeguard the people of New South Wales from bushfire catastrophes such as have occurred recently. The bushfire event of Christmas 2001 and January 2002 was a massive test of the changes made to the management of bushfire fighting in New South Wales since 1994.

In the 1994 fires we suffered four fatalities, 205 houses were destroyed and 800,000 hectares were incinerated in 16 days. In the 23 days of the Christmas bushfire event 753,000 hectares of bushland were burned, the number of dwellings destroyed was limited to 109 and no lives were lost. During the inquiry we received and read 199 submissions. These submissions—from individuals, groups, associations, government departments, farmers, scientists and firefighters—confirmed almost unanimously that all aspects of bushfire fighting, co-ordination, equipment, technology, communications and training in New South Wales had improved significantly since the 1994 fires. Phil Koperberg, as Commissioner of the Rural Fire Service, has earned the thanks and commendation of the people of New South Wales for the determination with which he has driven, and continues to drive, these improvements.

That is not to say that some finetuning is still not required in respect of our firefighting services, and that is reflected in our recommendations. Hazard reduction—how much is required, how often, by what means and who should do it, and how to protect our unique biodiversity in the process—was the critical issue for the inquiry. The committee noted the Federal Government's announcement in April this year of the establishment of a National Co-operative Research Centre for Bushfires. This is a long overdue and sorely needed initiative. That initiative and the proposal to co-ordinate, on a national basis, the acquisition and deployment of aircraft in firefighting have our full support.

The committee fully endorses the simpler and more disciplined approach to hazard reduction enshrined in the proposed amendments to the Environmental Planning and Assessment Act 1979 and the Rural Fires Act 1997 recently passed by this Parliament. Another key issue is the massive increase in urban development in close proximity to bushland parks and reserves. This expansion of the urban bush interface has created new difficulties in the task of keeping people and property safe, while preserving the unique bushland environment which attracts residents to live in those areas.

The committee sees a clear need for greater community engagement so that individual property owners take on the responsibility of protecting their own property from bushfires. We have recommended a co-ordinated, statewide communication and education strategy regarding bushfire protection. New South Wales is notoriously fire-prone because of its climate and vegetation. Every citizen who lives here should know what that means and how to deal with it. We are succeeding in our efforts to improve the fighting of bushfires in this State; it is now time to work at preventing wildfires.

The report of this committee outlines a program of research, communication, and continuing co-operation between public and private landowners which should enable us to meet this objective, to the benefit of our environment, our economy and the safety of our people. In commending this report to the House I acknowledge the invaluable assistance to the project by committee staff Angela Bollard, Cassandra Adams, Kylie Rudd and Jim Jefferis; committee manager, Merv Sheather, and committee clerk, Les Gönye. Their

professionalism and diligence made the committee's task so much easier. Given the recent bushfires I am very grateful that the committee's recommendations are being followed closely by the relevant departments. We do not have it all together yet, and perhaps never will. However, if we continue to finetune the procedures, the community of New South Wales will be much safer, our firefighters will be better protected and, hopefully, the loss of life will be reduced to almost zero.

Mr R. H. L. SMITH (Bega) [10.21 a.m.]: I was a member of the committee that investigated the fires of the Christmas period of 2001-02. Probably the worst of those devastating fires were just to the north of my electorate, around the Shoalhaven, in the electorate of South Coast. In my electorate, the final burn was in the Deua National Park involving 100,000 hectares. I commend the honourable member for Maitland for his chairmanship of the committee. I praise the work of the other committee members, the honourable member for Coogee, the honourable member for Northern Tablelands, the Hon. Rick Colless, the Hon. Tony Kelly and the Hon. John Tingle. At the start of the inquiry there was a lot of emotion, and it was to the credit of committee members that they were able to put aside their prejudices and get on with the real work of ensuring that the recommendations would alleviate some of the difficult problems encountered when many people, organisations and public bodies are involved, particularly the National Parks and Wildlife Service [NPWS].

The NPWS has the conflicting interests of looking after the ecology of the area while making it safe for people and property. One major concern for me was that the service has dramatically reduced its overall hazard reduction operations. The NPWS has said that it is no longer doing mosaic-type burns across large acreages; instead, it is undertaking hazard reduction around built-up areas in an endeavour to save property and personal injury in the event of a fire. From my experience the NPWS should quickly return to the practice of extensive hazard reduction in autumn and spring. At that time the hazard reduction burns can be carried out slowly and carefully, thus preserving native flora and fauna, in anticipation of the summer conditions. It seems to me that every year we experience more and more bushfires.

Already this year approximately 100 fires are burning, ahead of the usual bushfire season. We are hoping for rain to put out those fires. As it is likely that these early bushfire conditions will become the norm in future, we must take every precaution to reduce the damage. To date we have been well served by the Rural Fire Service, and we were a little lucky that more lives and property were not lost in the recent massive fires. As a farmer I have experienced many fires. In the Bombala area a fire that started at a power pole burnt out a third of the shire. With other people, I was fighting that fire and sleeping on site until it was contained. I certainly know what damage fires can cause and how devastating it is for people who own freehold land to have that land totally burnt out—their livelihood is taken away.

We all offer assistance, but at the end of the day we forget how catastrophic it is for someone who has lost everything in the bushfires that are part of our Australian climate. I again congratulate the committee on its work and thank all the staff for their hard work. The committee received about 200 submissions and the staff did a wonderful job sorting through them and developing recommendations. Initially, committee members were not all of the same view, but in the end a good result was achieved.

Report noted.

STANDING ETHICS COMMITTEE

Report on s13B of the Constitution Act 1902

Mr PRICE (Maitland) [10.26 a.m.]: In November 2000, at the request of Mr Speaker, the Standing Ethics Committee commenced an inquiry into the obstacles presented by sections of the Constitution Act which relate to office of profit. The Legislative Council Standing Committee on Parliamentary Privilege and Ethics had commenced a similar inquiry into sections 13 and 13B, so the committees resolved to examine section 13B jointly. In any event, the committees reported separately, with the Legislative Council tabling a report in March this year recommending repeal of section 13B. The Legislative Assembly committee concurred with the Legislative Council committee's finding that section 13B is vague and unworkable, and that the archaic term "office of profit" should be dispensed with. However, the Legislative Assembly committee recommended redrafting the section to ensure the important constitutional principle of the independence of Parliament.

The committee made seven recommendations in all, which can be briefly described as follows: first, section 13B should be clear, precise and unambiguous in its terminology; second, the term "office of profit" should be dispensed with, although the principle retained; third, instead of using the term "office of profit", the

offices which members of Parliament should not hold should be listed by name, for example, members should not be able to be appointed as judges, commissioners, to statutory positions such as departmental heads or to boards of statutory authorities with executive or policy-making roles; and fourth, the current exemptions recognised in section 13 should continue. For example, members can be appointed to certain positions under the Crown where they are not entitled to remuneration, apart from fees for attendance or reasonable expenses.

The fifth recommendation is that members should be able to be councillors in local government; sixth, any future draft legislation amending section 13B should be referred back to our committees for consideration; and, seventh, candidates should be supplied with clear information on the disqualification provisions in the Constitution. The formulation of those recommendations involved considerable debate amongst committee members, and I thank all members of the committee, in particular, the community members, for their work on this inquiry. It is not every day that we are required to think about the constitutional basis for our system of government, and the textual framework as expressed in the Constitution is not straightforward. However, it was a good opportunity to look at changes that have been made in other jurisdictions, and to know that this is a real opportunity to improve a much amended section of the Constitution.

Disqualification of members is, understandably, of enormous importance to all candidates and members of Parliament. Ours is not the first committee to have examined the provisions in the Constitution that set the minimum requirements expected for continuing membership of the Parliament, or that govern relationships between elected members and the Executive. The Independent Commission Against Corruption reviewed section 13A of the Constitution Act and reported in 1998, recommending substantial changes. The various parliamentary committees that have reviewed sections 13A and 13B of the Constitution over the years have been consistent in their finding that these important provisions urgently require redrafting.

Members have been unduly restricted and uncertain about their ability to participate in advisory or consultative activities, and anomalies exist between similar advisory positions, often depending on whether or not a body has been established pursuant to statute. The consequence of the disqualification of a member's seat is too severe to rest on definitions as imprecise as "office of profit", "Crown" and "pension from the Crown". As noted in both the Legislative Assembly and Legislative Council committee reports, many Australian jurisdictions and the House of Commons have modernised similar disqualification provisions that originated in British constitutional law. The Legislative Assembly Standing Ethics Committee believes that the statutory provisions that could give rise to ethical dilemmas should be clearly expressed and as unambiguous as possible. I commend the report to the House.

Report noted.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Report

The following report was noted:

Voices: The Education Experience of Children and Young People in Out-of-home Care

PUBLIC BODIES REVIEW COMMITTEE

Report

The following report was noted:

Study of International Jurisdictions—July 2002

PUBLIC BODIES REVIEW COMMITTEE

Report: Accountability for Unforeseen Performance Outcomes and Use of Budget Supplementation

Mr ORKOPOULOS (Swansea) [10.34 a.m.]: The report of the Public Bodies Review Committee entitled "Accountable and Unforeseen Performance Outcomes and Use of Budget Supplementation" was tabled yesterday in this place. The committee's terms of reference were to inquire and report on whether New South Wales public sector agencies adequately account for all significant outcomes of their operational and financial activities in their annual reports as well as through other means of public disclosure where applicable; whether

the use of different kinds of budget supplementation is adequately accounted for in agencies' annual reports and through other forms of government reporting; how those accountability issues are dealt with by public sector agencies in other Australian jurisdictions; and the manner in which the public reporting of unforeseen performance outcomes is addressed by major companies in the private sector.

This is an important report, particularly with respect to the way in which this committee regards the ability of public sector enterprises to properly account for not only the good information but also the bad information they gather. The inquiry into performance reporting in the New South Wales public sector has identified a number of major legislative, policy, organisational and institutional issues that have impeded the production of good reporting by a majority of agencies. To assist agencies to move to the best practice position over time, the committee has recommended that the Government adopt a comprehensive strategy containing key elements. First, there should be a complete revamp of the existing legislative framework for performance reporting to bring it into line with best practice standards adopted by governments in other jurisdictions and major changes to the internal organisational and administrative processes of each agency to ensure that there is a strong commitment from top management to excellence that is marked by a high degree of transparency and disclosure.

Second, top management should be closely involved with the annual reporting process, and that process should be adequately resourced. Third, a mechanism should be put in place to ensure continuous review and refinement of key performance indicators. Fourth, a senior person should be allocated with a special responsibility to co-ordinate the preparation of annual reports and other forms of communication with stakeholders. Fifth, ongoing information on performance results and significant events should be published on the agencies' web sites and through other forms of communication.

The committee further recommended that Treasury introduce a government-wide framework for performance reporting and provide more practical guidance, training and support to government agencies. The Auditor-General should be provided with the legislative power to audit the key performance indicators in agencies' annual reports and also to conduct an annual assessment of the performance reporting of a select sample of agencies. Further, the Public Bodies Review Committee should expand its current practice of focusing not only on agencies' performance reporting but also on their planning processes by reviewing their strategic and corporate plans. The committee strongly believes that the adoption of the proposed strategy will lay the foundations for a consistent and effective performance reporting approach across the New South Wales public sector. The strategy is also designed to provide a signpost for the future direction of performance reporting. In addition, the committee is confident that it will create an impetus for agencies to strive continuously for excellence in reporting as part of their organisational culture and good corporate governance. I commend the report to the House.

Mr MAGUIRE (Wagga Wagga) [10.37 a.m.]: As a member of the Public Bodies Review Committee I make the following points. The committee identified a number of deficiencies, including inadequate legislative and policy frameworks, inadequate policy leadership, guidance and support from Treasury, an absence of a cultural and organisational philosophy that is founded in openness and accountability for performance outcomes, insufficient external scrutiny and validation of performance reporting, lack of incentives for good reporting or sanctions for poor reporting, lack of explanations provided in agencies' annual reports of the reasons for the use of budget supplementations, and lack of whole-of-government reporting on the use of budget supplementations covering all agencies for the financial year. Supporting what I said about the faults identified in this report and the need for fundamental change is none other than the Auditor-General's last report, which states:

Taxpayers have the right to expect governments to spend their tax dollars efficiently and effectively. They have the right to expect governments to be accountable.

It is clear from this damning report from the Auditor-General that this is a Government of secrecy. It certainly has not lived up to the Auditor-General's expectations. This committee report is designed to ensure that it does. It is unfortunate that the Government has not acted on it, but the work put into it will establish the framework for the incoming Brogden Government to provide guidance with better accountability and transparency. The Auditor-General went on to say:

Accurate and timely information on a public sector agency's finances is important for analysing its performance. But financial information is usually not enough, particularly in the General Government Sector where agencies are more concerned with service delivery than profit-making. What is also needed is information on how well those services are designed and delivered.

The review found that the quality of performance data in annual reports sampled was generally poor. Most important, not a single agency had attempted to rate itself against similar agencies elsewhere. The Auditor-General referred to the fact that the 2000 findings of the Public Bodies Review Committee's examination of aspects of annual reporting in the public sector were equally critical. He quotes the committee's report as follows:

'... undue emphasis on internal processes rather than performance and outcomes. Usually only "good" news was included and no setbacks and problems ...'

I can vouch for that because I was a member of the committee at the time. The reports I have seen and reviewed are not worth the paper they are printed on; they are picture books that contain very little factual information on which to judge how the sector is performing. The Auditor-General continued:

Yet two years later, public sector agencies in New South Wales—with very few exceptions—are still reluctant to publish meaningful performance information.

In closing he said:

If individual agencies in this State feel no need to be more accountable, then the Government must accept a major part of the responsibility for this situation.

Despite my recommendations of two years ago, there is still no whole-of-government approach to performance reporting in New South Wales.

The Government continues to deceive the people of this State by its unwillingness to accurately report government expenditure of taxpayer funds and bad news about public sector agencies not benchmarking or delivering outcomes that taxpayers deserve. I urge the Treasurer and the Premier to come out from that veil of secrecy, and encourage accurate reporting that clearly indicates to the people of New South Wales how their money is being spent and the problems that are encountered. It is about truth in the public place.

Report noted.

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

Report: The Jurisdiction and Operation of the Administrative Decisions Tribunal

Mr LYNCH (Liverpool) [10.42 a.m.]: I am delighted to have the opportunity to speak to the report of the Committee on the Office of the Ombudsman and the Police Integrity Commission entitled "Report on the Jurisdiction and Operation of the Administrative Decisions Tribunal". The report originally arose from a referral to the committee, which I chair, in June 2000 to conduct an inquiry into the operation and jurisdiction of the Administrative Decisions Tribunal pursuant to section 146 of the Administrative Decisions Tribunal Act.

The call for a comprehensive Administrative Decisions Tribunal has been around for a very long time. Wearing my partisan hat for a moment, it is certainly true that it was a Labor Party policy provision many years ago and has been spoken about for a considerable period. The history is quite extraordinary. In 1973 the New South Wales Law Reform Commission recommended that a Public Administration Tribunal be established. In 1977 the Wilenski report, otherwise known as the "Review of New South Wales Government Administration: Directions for Change", supported the Law Reform Commission's recommendation. In 1982 the Wilenski report entitled "Review of New South Wales Government: Unfinished Agenda" reiterated its support for the recommendation.

In 1989 a discussion paper released by the New South Wales Attorney General's Department entitled "Discussion Paper on Civil Procedure" recommended the establishment of an Administrative Appeals Tribunal in New South Wales. Some 25 years after the call was first made, the Administrative Decisions Tribunal Bill was introduced to the New South Wales Legislative Assembly. Following its passage through the Parliament, the bill received Royal assent on 10 July 1997, and the Administrative Decisions Tribunal commenced operations in 1998—which was a long delay, granted the demands that had been made.

When the Administrative Decisions Tribunal was established in 1997 the then Attorney General, Jeff Shaw, indicated that in the following 18-month period the government would review all administrative decisions made under State legislation to determine which matters should be reviewable by the Administrative Decisions

Tribunal—in other words, whether the tribunal's jurisdiction would be extended. That comprehensive review of administrative decisions has not yet taken place. Clearly, the intent of the Attorney General when he introduced the bill was to consider expanding the jurisdiction of the tribunal, in accordance with a demand that had been in place for 25 years, but that did not happen.

The committee commenced its deliberations from that point. A discussion paper was released some time ago and tabled in this place. The report flows from the responses to that discussion paper. The committee's view has largely been that there should be a considerable expansion and consolidation of both the review and the original jurisdiction of the Administrative Decisions Tribunal—that is, the original call for a comprehensive tribunal to review administrative decisions should be pursued and implemented.

There are a number of reasons for that. Whilst existing New South Wales tribunals often have very different functions and operating methods, there is the opportunity for those tribunals and their users to benefit from a greater integration and coherence of their operations in the delivery of services, while preserving the existing rules and procedures through the establishment of separate divisions of the Administrative Decisions Tribunal. Expanding the jurisdiction of the Administrative Decisions Tribunal will elevate its prominence and status, and facilitate the role of tribunals as an equal component along with the courts in dispute resolution. That is significant, because there are a number of limitations within the court system and it is useful to have an alternative, less-expensive, less-formal process.

Additionally, an expanded Administrative Decisions Tribunal would give a greater consistency of tribunal decision making, which would allow a unity of approach to be fostered amongst the various divisions of the tribunal. A merger of tribunals would enable tribunal members to broaden their skills and knowledge, and potentially to sit on other tribunals and different divisions within the Administrative Decisions Tribunal. Tribunal members would have greater variety and flexibility in their work environment, and this would lead to improvements in the delivery of tribunal services generally.

These are significant reasons that the original aim of the Administrative Decisions Tribunal should be acknowledged. There is obviously an economic argument, which is not normally an argument associated with me. Economies of scale would be achieved from the integration of existing tribunals, and this would clearly benefit the people of New South Wales, particularly users of these types of tribunals. The committee's first recommendation provides:

Legislation should be brought forward to merge separate tribunals with the ADT, unless there are reasons why such inclusion would be inappropriate or impractical, with particular consideration being given to merging all professional disciplinary tribunals with the ADT, as part of a separate professional disciplinary division.

The committee followed a similar theme in relation to the merits review jurisdiction of the Administrative Decisions Tribunal. Recommendation 2 provides:

- a. Explicit criteria for determining those classes of administrative decisions which would appropriately fall within the external merits review jurisdiction of the ADT should be developed by the Attorney General, in consultation with the ADT, in the first instance, as an interim measure pending the establishment of an Administrative Review Advisory Council.
- b. The Attorney General's Department should consult all departments and agencies to identify those classes of administrative decisions which currently meet such criteria and which should, therefore, be subject to external merits review by the ADT, having regard to the work going by the Commonwealth Administrative Review Council in this area.
- c. Legislation should be introduced to confer review jurisdiction on the ADT in respect of those decisions which currently meet the agreed external review criteria.

From that recommendation it is clear that the committee recommends the establishment of an advisory body that can provide some strategic development for the Administrative Decisions Tribunal. Of its very nature, a parliamentary committee does not have an ongoing role in this sort of issue. However, it is important that someone looks at the long-term strategic development of the tribunal; otherwise the atrophy that has affected this issue for the past 30 years or so will simply continue. I would like to place on record my thanks to the other members of the committee. It is a matter of some pleasure to me—and, I dare say, disbelief to people outside this place—that in the four years that I have been Chair of the committee there has not been a divided vote on any issue before it. That says something about the committee, which I believe works effectively, and it also says something about the sensible and proper view that its members bring to committee work.

I particularly place on record my thanks to the committee secretariat, who are the most professional and competent group of people I have ever had the pleasure to deal with. I extend my thanks to Helen Minnican, the

committee manager, Prue Sheaves, the project officer, Hillary Parker, the committee officer, and the most recent person to join the team, from what I describe as English-occupied Ireland, Jenny McVeigh. They are all extraordinarily capable people, and it has been a pleasure to work with them.

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Report: Delegation by the Minister for Health

Mr TRIPODI (Fairfield) [10.49 a.m.]: The delegation in question related to the Minister's power to determine what amount, if any, is to be paid from the budget to area health services each year. This power is in section 127 of the Health Services Act 1997. The allocation of moneys may be exercised only after considering the recommendation of the director-general of the Department of Health. In practical terms, this is a very important power. The amounts involved are approximately \$6 billion annually. The Minister had delegated this decision-making power to senior officers in the Department of Health. They were: the director-general, the deputy director-general and the chief financial officer. The delegation to the director-general was later revoked on legal grounds, but the others remained. The Auditor-General reported on this delegation in his 2001 report to Parliament, volume 7. The report stated that the Audit Office believed the arrangements were inappropriate. It noted:

Officers who work to the director-general cannot be expected to review his recommendations as critically at the Minister might.

Under section 57 (1) of the Public Finance and Audit Act 1983 the committee has the power to follow up Auditor-General's reports. The committee resolved to follow up a number of issues arising from financial audits, which were discussed in Auditor-General's reports. This delegation was the first of these inquiries. There will be several more in the coming weeks.

Initially the committee thought the inquiry would be straightforward and revolve around whether the delegation should stay. However, as the inquiry progressed it appeared that the delegation had been revoked before the Auditor-General's report was published. The inquiry then addressed the reporting practices of the Audit Office and communication between the Audit Office and the department. The issue of communication between the Audit Office and the agencies it audits is a serious issue, and it became the most important aspect of this inquiry. If the Audit Office and agencies are not communicating, it raises concerns about the effectiveness of audits in improving the operations of government. The committee has included audit communication as one of the terms of reference for its triennial review of the Audit Office.

In preparing its report to Parliament, the Audit Office raised its concerns about the delegation with the department through a number of reports between September and November 2001. These included the client service report, the statutory audit report and the management letter. The Minister had, in fact, revoked the delegation completely in July that year. However, the department did not advise the Audit Office of this fact. It noted only that the delegations were legal and had not been used during the previous two years. Therefore, the Auditor-General's report to Parliament stated that the delegation existed when it had already been revoked. Communication between the Audit Office and the department, both formal and informal, was not effective.

The committee recommended measures to improve communication between the two organisations. These included: improving the quality of the department's responses to management letters; more frequent and regular meetings during the audit period with appropriate levels of management so that issues can be dealt with effectively; and a review of the effectiveness of audit committee meetings in promoting communication between the Audit Office and the department. By improving audit communication, the committee trusts that these recommendations will help to improve the effectiveness of audits generally.

Later,

Mr TORBAY (Northern Tablelands) [11.14 a.m.], by leave: In speaking to the report of the Public Accounts Committee report entitled "Delegation by the Minister for Health", I refer to the fact that the Minister delegated powers to less senior officers in his department to consider the director-general's recommendations. That delegation was illegal. Admittedly, the Health Services Act 1997 requires the Minister to consider the director-general's recommendation in making the allocation. However, the Health Administration Act 1982 gave the Minister the power to delegate any of his powers, other than the power of delegation. Clarifying the legal position of the delegation was an extended process. In November 2000, the Crown Solicitor advised that the

delegation was wholly invalid. However, the Crown Solicitor then provided amended advice in February 2001, incorporating the Health Administration Act 1982. This second advice stated that the delegation to the deputy director-general and chief financial officer were valid.

The delegation to the director-general was invalid. That delegation, which was required to make the initial recommendation, could not be expected also to review it. That meant that the Auditor-General did not report the issue in his 2000 report to Parliament. It was instead reported in the 2001 report to Parliament, volume 7. That department has hundreds of individual delegations operational at any one time. The department is so large that it would not be possible to operate without them. Interested parties can examine the department's web site to inspect its delegations manual and confirm that for themselves. The Audit Office raised concerns about one delegation in particular that related to allocating the health budget to area health services. As the chairman noted, the sums involved are very large.

The first issue is that the delegation relates to an important decision-making power. If delegated offices had exercised the power, the director-general and other officers would have allocated \$6 billion annually. It would be more prudent to require that sort of decision to be taken at the ministerial level. The second issue is that the delegation represents an inappropriate division of duties. Otherwise, officers junior to the director-general would have the power to determine funding allocations. These junior officers may have found it difficult to independently judge the director-general's recommendations because of the nature of their relationship. The delegation has now been revoked. The third issue is that similar arrangements could be made in future. In providing his advice on the legality of the delegation the Crown Solicitor noted that it seems undesirable that the decision maker could be a departmental officer junior to the person making the recommendation.

It appears that the Health Services Act 1997 is attempting to establish a decision-making framework for the distribution of health funds. The general delegation power under the Health Administration Act 1982 is necessary for the majority of the operations of the department. However, it may not be consistent with this decision-making framework. In evidence, representatives from the department noted that they took professional pride in using public money properly. They stated that they had developed a reputation for that approach. However, they could not guarantee that their successors would take a similar attitude. No-one in that position could make such a guarantee. Therefore, changing the legislation to specifically preclude such a delegation would be prudent.

The committee recommended that the Health Services Act 1997 be amended to exclude the delegation of section 127 (3) powers. Such an amendment would be technical in nature. In recent times, this House has had the pleasure of passing statute law miscellaneous provisions legislation twice a year—legislation that contains purely technical amendments that are passed on the basis that they include no policy proposals. The committee's recommendation could be easily incorporated in this type of legislation. I commend the report to the House.

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Review of Reporting Requirements for Small Agencies—Discussion Paper

Mr TRIPODI (Fairfield) [10.53 a.m.]: I would like to speak briefly about the discussion paper for the Public Accounts Committee's inquiry into reporting requirements for small agencies. This paper was prepared as the first stage of an inquiry into the efficiency and effectiveness of accountability arrangements for small agencies. The committee resolved to hold this inquiry because we learnt that there had been no progress in response to a recommendation from a review of the Audit Office in 2000. This review identified the cost of auditing small agencies as a potential source of inefficiency. The review recommended that the Auditor-General discuss with Treasury alternative arrangements for auditing small clients. The committee has decided to conduct this inquiry in order to follow up this recommendation. We plan to conduct a comprehensive review of reporting and auditing requirements for small agencies and to bring any improvements we identify to the attention of Parliament.

The committee considers it vital for Parliament to have assurance of the sound financial management of public funds through financial reporting and auditing. However, in the case of small agencies engaged in low-risk activities there may be a need to balance accountability against the sometimes burdensome cost of auditing and preparing reports. There are economies of scale for financial reporting and auditing. For instance, as part of auditing agencies' accounts the auditor must be assured that the accounts are materially correct. For smaller

agencies this can mean spending a great deal of time addressing issues that would not be material to larger agencies or the State accounts as a whole. For example, \$10 million may not be material to the accounts of the Department of Education and Training but it is more than the budgets of some other agencies. In some cases the costs of audit are almost absurd. For instance, in 1998-99 the Cowra Japanese Garden Trust paid the Audit Office \$2,500 for audit services when its income was \$49,000.

This inquiry will examine taking a risk management approach to financial reporting issues. This is consistent with other Government practices, such as the move to table the total State sector accounts earlier in the year. The Audit Office responded to this development by allocating priorities based on the materiality of agencies to the entire budget. The committee notes that this inquiry may assist the Treasurer in the ongoing fundamental review of financial management legislation. It may also inform discussion for the forthcoming review of differential reporting planned by the International Accounting Standards Board.

In conducting this inquiry the committee will consult widely with all interested groups and agencies. As a first step the committee has prepared this discussion paper. It describes the legal requirements for reporting and canvasses issues relating to the efficiency and effectiveness of reporting arrangements. It asks a number of philosophical questions in order to stimulate public debate. For instance, it examines the reasons for preparing financial reports and asks who the users of this information are. It asks whether there is a need to know the detailed financial information of very small agencies. The paper asks whether there are any advantages and disadvantages to requiring less detailed information for very small agencies. It also seeks factual information. For instance, it asks about the costs of preparing financial statements and annual reports and of auditing. It asks whether the Audit Office has added any benefit in its audits of very small agencies by identifying accounting control issues or other financial management problems.

The current committee may not be able to complete the inquiry prior to next year's election. If we do not finalise it we hope that the committee appointed after the election will continue this inquiry and bring any recommendations to improve financial reporting and auditing to the attention of Parliament. The discussion paper will be distributed widely and be available on the committee's web site or by contacting the secretariat. I invite submissions to this inquiry from all parties interested in public sector financial management. The committee is seeking submissions to this inquiry by 7 February next year. I commend the discussion paper to the House.

Later,

Mr TORBAY (Northern Tablelands) [11.20 a.m.], by leave: I wish to discuss the legal requirements for financial and annual reporting and the need to balance the public's reasonable expectation of accountability for public funds against the need for efficiency. I should point out that this inquiry is not about the level of fees the Audit Office charges agencies for its services. Rather, this inquiry will examine the reasons for financial reporting and auditing. It will also examine whether there is a need for these functions to be performed for all agencies covered by the Public Finance and Audit Act 1983 and the regulations. It asks whether there is a better way to manage small amounts of money than through full-scale annual reporting and auditing where the costs of these processes are disproportionate to the size of an agency's budget.

All agencies listed in schedules 2 and 3 to the Public Finance and Audit Act 1983 are required to prepare annual financial statements in accordance with the Act, public sector requirements and the Australian Accounting Standards. These statements are then audited by the Auditor-General. These requirements also apply to agencies controlled by other parent agencies. The Annual Reporting Acts for departments and statutory bodies state that they apply to all agencies listed in these schedules. The exemption is for agencies controlled by parent agencies which do not prepare separate annual reports. This means that listing agencies in the schedules to the Public and Finance Act links requirements for annual report preparation with requirements for financial reporting and auditing.

The discussion paper asks whether it is necessary to link these two requirements or if there is some better way to approach accountability for public funds. The paper also asks whether, for small agencies controlled by parent agencies, the information needs of the public would be addressed just as well by preparing concise financial statements for small agencies; or by only requiring auditing as part of the parent agencies instead of separate audits. As well as the schedules, there are agencies listed in regulations to the Public Finance and Audit Act. The list represents additional agencies that are audited by the Auditor-General. While some of these agencies are large and perform complex transactions, many are very small with low-risk activities. The discussion paper asks whether the Audit Office has identified many accounting or control problems with these

small agencies. It also asks whether there should be regular revision of the organisations included in the regulations. I want to add my encouragement to the chairman's invitation to all people interested in public sector financial management to make submissions to this inquiry. I commend the discussion paper to the House.

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Report: Follow-Ups of Auditor-General's Reports to Parliament 2001: Omnibus Volume

Mr TRIPODI (Fairfield) [10.57 a.m.]: I would like to discuss the committee's omnibus volume of follow-up inquiries into Auditor-General's reports to Parliament. The three issues covered in the report are as follows; the qualification of the accounts of the Building and Construction Industry Long Service Payments Corporation due to its recognising changes in the value of investments as profit or loss—the Australian accounting standards limit this treatment to superannuation funds—the fact that the Department of Public Works and Services is spending much of the year in overdraft; and the need for the Sydney Catchment Authority to improve its accounting procedures and cash position. The committee followed up a number of financial audit items from the Auditor-General's reports tabled in Parliament in late 2001 and early 2002. This collection represents issues that the committee did not progress, for a range of reasons, beyond the submission stage.

I would like to discuss the first part of the report, which covers the qualification on the accounts of the Building and Construction Industry Long Service Leave Payments Corporation. The corporation provides a long service scheme to workers in the building and construction industry. It manages a pool of investments to provide long service leave to construction workers based on their length of service and income. Over the past 10 years the corporation has recognised changes in the value of its investments as income. However, the Australian accounting standards allow only superannuation companies to use accounting treatment. The Auditor-General has had no option but to qualify the corporation's accounts. The previous Auditor-General regarded this as only a technical qualification. The Auditor-General has qualified the financial statements of WorkCover and the Workers Compensation (Dust Diseases) Board for similar reasons. Despite the Auditor-General's recommendation to amend the standards, no conclusive action has been taken by the relevant authorities.

By initiating this inquiry the committee hoped to act as a circuit-breaker. We envisaged holding a roundtable as part of this process. We were planning to invite representatives from the Audit Office, Treasury, the corporation and the Australian Accounting Research Foundation. After commencing the inquiry, however, the Financial Reporting Council announced that Australia would adopt the international accounting standards [IAS] from 1 January 2005. These standards include a proposed standard on recognising and measuring financial instruments—IAS39. This standard will allow the corporation to recognise increases in the value of its investments as income. Reductions will be recorded as expense.

The shift to international accounting standards has created some uncertainty in the accounting industry. In some cases, however, we stand to gain by the change. This will be one of those cases. Looking at the big picture, it is clear that the shift to the new standards will be far reaching, especially for certain industries. Now is the time for both the public and private sectors to look ahead. Everyone must start managing the risks. I trust that this case study into the effects of the new accounting standards will prompt people to start planning now.

Later,

Ms ALLAN (Wentworthville) [11.07 a.m.], by leave: I also speak in debate on the omnibus report of follow-ups of reports of the Auditor-General to Parliament in 2001. In particular, I refer to the Auditor-General's concerns about the Department of Public Works and Services going into overdraft for much of the financial year. Between 1999 and 2001 the department's average cash position deteriorated by \$113 million. At the end of this period the average daily balance was a negative \$20 million. One of the effects of this practice was that the department had to pay interest effectively to borrow that sum of money. The department provided the committee with a comprehensive submission on this matter. The agency identified a number of reasons why its cash position deteriorated. They include: payment of a special dividend to Treasury of \$22 million; various capital expenditure, including Y2K, of \$15 million; delayed payments by customers, due to the GST, of \$40 million; and delayed billings due to staff shortages caused by the Olympics, and other management changes of \$30 million.

Although these numbers sound like large sums of money they should be placed in context. The department has an annual cash flow of \$1.8 billion, which equates to \$35 million per week. A one-week delay in

billing clients, or similar interruption, will worsen the department's cash position by this amount. In response to the Auditor-General's concerns the department reviewed its collection procedures. Some of the reforms include: issuing a new policy for debtors; setting targets for debtor balances exceeding 60 and 90 days, which are monitored by top management; amending senior managers' performance agreements to incorporate debtors' targets; and reviewing all suppliers' payment terms to ensure payments are not made earlier than commercial terms.

These strategies have improved cash balances during 2001-02, particularly during the second half of the year. From January to August 2002 the average daily balance has been a positive \$65 million. The Auditor-General's report suggested that the overdraft may have been due to the department operating on a commercial basis. The department did not agree with this assessment, noting that it has operated on a commercial basis since 1992-93. I congratulate the head of that department, Dick Person, who has been a creative and visionary director-general of that agency since its commercialisation began in the early 1990s. As a whole, the committee congratulated the department on addressing the Auditor-General's concerns. In addition, the department provided the committee with a comprehensive submission that allowed the committee to complete the inquiry without expanding further resources. This case represents a good example of an agency making use of the Auditor-General's work and comments to improve its performance.

Later,

Mr TORBAY (Northern Tablelands) [11.22 a.m.], by leave: I want to discuss the third chapter of the committee's omnibus volume of inquiries following up the Auditor-General's reports to Parliament. This section covered the need for the Sydney Catchment Authority to improve its fundamental accounting procedures and cash position. The authority provided the committee with a thorough submission, which demonstrated that it had taken appropriate corrective action. Accordingly, the committee did not progress this inquiry beyond the submission stage. For example, the Audit Office suggested that the authority's audit committee needed greater financial and accounting experience. The Minister has now appointed new members, with this experience, to the authority's board and audit committee. Representatives from the Audit Office, the authority's internal audit and chief financial officer attend each audit committee meeting as invitees.

The authority has also addressed most of the 18 internal control issues identified by the Audit Office. These actions include training staff to perform accurate, monthly reconciliations; installing an anti-virus system to protect all of the authority's computers; reviewing the financial system to ensure it has appropriate segregation of duties throughout; implementing control procedures to ensure that only approved transactions are recorded in the investment and operating accounts; reviewing financial authorisations and obtaining their approval by the Minister and chief executive; and reviewing the outsourced payroll function and ensuring that payroll costs and employee entitlements are recorded directly in the general ledger.

Finally, the authority has addressed its liquidity issues. It has developed a cash flow monitoring system and, during 2001-02, had to borrow on only two occasions. These were short-term borrowings and were repaid within the year. In its report, the committee congratulated the authority on promptly addressing the Auditor-General's concerns. The comprehensive submission also allowed the committee to fulfil its accountability role without expending large quantities of resources. The submission has been included in the committee's report. I commend the report to the House.

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Report: Valuation of the Australian Museum's Collection Assets

Mr TRIPODI (Fairfield) [11.01 a.m.]: I speak in debate on the report of the Public Account Committee entitled "Valuation of the Australian Museum's Collection Assets." In recent years the Auditor-General qualified the accounts of the total State sector because the museum had not valued its collection. This qualification also extended to the museum's financial statements. As part of its role in following up Auditor-General's reports, the committee visited the museum to examine the progress of the valuation. The committee found this visit to be highly informative and extremely important for drawing its conclusions. I thank the museum for making the time of staff available for the committee.

The report largely reflects the information discovered on that visit. The museum has a vast and diverse collection of specimens of cultural, anthropological and scientific interest. The collection includes samples of

minerals, plants, fish, reptiles and mammals, as well as a large collection of archaeological remains. It also has significant holdings of cultural items from the South Pacific. Valuing such a diverse collection has proved to be a challenging task. In addition, the committee recognises the inherent value of this collection. Some aspects of its value and interest to people cannot be quantified. There is a danger in knowing the price of everything and the value of nothing. However, the committee was pleased to find on its visit that the museum's management is committed to the work of valuation.

As at 7 November 2002 the project was almost complete. On current estimates that collection appears to be worth between \$500 million and \$550 million. That is considerably below the previous estimate of \$4 billion. The previous estimate was not included in the accounts, but was mentioned in a note attached to the accounts. The final valuation was not ready in time for the 2001-02 accounts. At this stage, however, it appears it should be ready for 2002-03. The valuation will assist the museum in managing the collection. For instance, it will now be more confident that it has secured the appropriate level of insurance. The previous estimate of \$4 billion, if formally included in the accounts, may have distorted these decisions. I congratulate the Australian Museum on its progress to date. I commend the report to the House.

Later,

Mr TORBAY (Northern Tablelands) [11.04 a.m.], by leave: This inquiry arose because of the repeated qualification of total State sector accounts, as well as the accounts of the museum, because the collection has not been valued. The committee was aware that there has been a debate about whether valuing museum assets is worthwhile. The committee did not attempt to answer that question but did establish that through the valuation exercise the museum had developed a clearer understanding of the value of the more than 11 million items it holds. This information has enabled it to manage its risks better, including ensuring that it has appropriate insurance cover.

The committee understands that the valuation exercise is time consuming and requires both external help and diversion of staff. The committee was interested in finding out whether it would be feasible for any collections to be sold to provide funds for the valuation exercise. For instance, some items may hold relatively little scientific interest. The museum staff told the committee that they would be unlikely to dispose of any part of the collection for this purpose. They stated that zoological and geological collections have continuing scientific merit. Material collected for scientific purposes does not usually serve a single purpose and therefore has no use-by date.

Cultural material held by the museum consists largely of Aboriginal artefacts and material from neighbouring Pacific States. Although the museum considers these collections to have the highest market value, it would never consider selling these items on the open market. That is because they do not consider the museum owns this material. Rather, staff have stated that the museum holds Aboriginal material on behalf of the indigenous communities of Australia as part of its statutory function as a safe repository. It would only consider disposing of those items to the relevant communities.

The collections from the Pacific countries are held on similar terms. These items are from colonial times and are held on behalf of these countries. In the case of Papua New Guinea, the Australian Museum is a de facto national repository of these items because the museum has better conditions and more expert staff than any museum in Papua New Guinea. Other items have been donated to the museum and it would be inconsistent with the donor's wishes to sell these objects. The committee agreed with these reasons for not disposing of the collection for monetary reasons. We also considered that the cost of the valuation exercise was not prohibitively high and was being performed as quickly and thoroughly as possible. I, too, congratulate staff of the museum on their strong commitment to performing the complex and demanding task of valuing such a diverse collection. I commend the report to the House.

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Report: Case Studies and Issues in the Private Financing of Public Infrastructure and Services

Mr TRIPODI (Fairfield) [11.11 a.m.]: The report identifies the experiences of different countries with public-private partnerships [PPP]. I am sure all honourable members will be pleased to know that Australia is a world leader in public-private partnerships. We had the opportunity to go to France, the United Kingdom and

the United States of America to examine and compare their PPPs. It is fair to say that the development and understanding of public-private partnerships in America and its capacity to ensure value for money for taxpayers in its different States are way behind Australia. France has had PPPs for more than 100 years, but it is nowhere near the numbers that exist in Australia primarily because the French jurisdictions do not use accrual accounting for financial reporting. Therefore they cannot identify liabilities. Initially, because of contractual relationships, they appear to be liabilities of private companies, but they are liabilities of the State, the local province, the local government, or the nation. France is not very advanced in identifying where the liabilities lie or the risks associated with contractual relationships.

The United Kingdom comes closest to Australia in understanding these issues. The committee visited United Kingdom partnerships. Many Ministers and Australian representatives have been to the United Kingdom to learn about its PPP experience. Many press reports in the United Kingdom reveal that, although it considers itself to be a world leader, the State has incurred substantial liabilities. So the United Kingdom is not as good as it thought it was. Even though we have made mistakes striking contracts with the private sector, Australia has the best understanding of government liabilities and risks when it enters into contractual relationships. Australia is a world leader in this area. We have a lot to teach, even though we still have a lot to learn. Australian banks and other institutions can be proud of their understanding of these issues and of the leadership role they played on the world stage in negotiating, striking and benefiting from these kinds of arrangements. The report is valuable in that sense. I commend the report to the House.

Report noted.

REGULATION REVIEW COMMITTEE

Report: Travel Agents Amendment (Amendment of Trust Deed) Regulation 2002

Mr HICKEY (Cessnock) [11.25 a.m.]: In this report the committee outlines its concerns about a regulation which amends the trust deed governing compensation which is payable to customers of travel agents. Among other things, the amendment enables emergency compensation to be paid to people dealing with unlicensed travel agents. While the Department of Fair Trading advises that the amendment was made in order to clarify the board's existing powers to pay emergency compensation in respect of unlicensed agents, the committee is concerned that such payments will have an adverse impact on the business of licensed agents who will pay for compensation arising from unlicensed trading.

The Australian Federation of Travel Agents Limited [AFTA], which represents the majority of travel agents, is strongly opposed to the amendment and believes that it was made to cover up the failure by the Department of Fair Trading and the board to take adequate steps to prevent unlicensed agents from trading. It appeared to the committee that while the regulation complies with the object of the Act to enable the trust to apply to persons who carry on business as a travel agent, it has an adverse impact on the business of licensed agents who would suffer a competitive disadvantage if persons who use unlicensed agents receive the same emergency compensation as their clients.

That is particularly so as licensed dealers have to pay the up-front registration fee of \$8,893.50, which comprises the fund contribution of \$7,430.00 in addition to annual licence fees, and have to comply with extensive financial and reporting requirements for registration. The committee also considered that it makes little sense for a purpose of the trust to be to ensure that only persons with sufficient financial resources can participate in the fund if agents who act without such resources can still benefit from the fund.

The long title of the Act is "An Act to provide for the licensing of travel agents and the regulation of their operations; and for other purposes". The majority of its sections concern the requirement for travel agents to be licensed and deal with the issue of licences, disciplinary proceedings, reviews by the tribunal, and the conduct of business. The compensation scheme is not integral to the Act; it is only enabled by regulation under section 57 as stated above. While the regulation is technically within the power of this section, the committee considers that it may not comply with the spirit of the Act to ensure that agents are registered. Extending emergency compensation to those who use unlicensed travel agents from funds provided by licensed travel agents appears to impose an unfair burden on those who comply with the law.

At the same time, the committee notes that the Travel Compensation Fund has been operating, and continues to operate, under the belief that it has a discretion to provide compensation to those who deal with unlicensed agents. Given this practice, it would be anomalous for that compensation not to be also available in

emergency circumstances. The examination of these issues raised a number of concerns. The apparent conflict of views between AFTA and the department about the purpose of the fund is of concern and may be symptomatic of a lack of communication between the industry and the department. The committee was further concerned about claims that the need for the compensation of people dealing with unlicensed travel agents arose from insufficient effort to prevent the trading of unlicensed agents. The relative lack of prosecution of unlicensed agents was consistent with this claim.

The fact that licensed travel agents were paying to compensate those who dealt with unlicensed agents raised equity and policy issues. It appeared to the committee that these matters warranted further attention but, as they did not relate directly to the regulation in question, the committee did not pursue them. The committee believes that direct consultation with AFTA should have preceded the making of the amendments to the trust deed. The committee recommends that the Minister liaise with AFTA on how best to ensure that the travel compensation fund does not result in licensed agents suffering a competitive disadvantage by paying for the compensation covering unlicensed agents, and provide incentives for customers to use only licensed agents.

Report noted.

REGULATION REVIEW COMMITTEE

Report: Royal Botanic Gardens and Domain Trust Regulation 2002

Mr R. W. TURNER (Orange) [11.30 a.m.]: As a member of the Regulation Review Committee it gives me great pleasure to give this report on the Royal Botanic Gardens and Domain Trust Regulation 2002. In this report the Regulation Review Committee found that an inconsistent approach had been taken to the charging of fees for access to the three gardens controlled by the Royal Botanic Gardens and Domain Trust. While access to the gardens in Sydney is free, people visiting the gardens at Mount Annan and Mount Tomah are charged an admission fee. Furthermore, the lack of any clear justification within the regulatory impact statement [RIS] prepared for the regulation meant that this disparity was inequitable.

While the Sydney garden is free, the fees for the sites at Mount Annan and Mount Tomah are \$4.40 for an adult, \$2.20 for a student or pensioner and \$3.30 for a seniors card holder. During consultations on the regulatory impact statement the Camden Active Seniors Program submitted that it was inequitable that visitors to the Mount Annan and Mount Tome sites had to pay entry fees while entry to the Sydney site was free. In its analysis of the submissions on the RIS, the trust said:

The Sydney site and the Mt Annan and Mt Tomah sites have different histories which have led to the different approaches to charging. The Sydney site has long been established as a free entry site for everybody, including those residents in the Mt Annan and Mt Tomah areas.

It is also free for members of Parliament, including me, who walk through the botanic gardens early in the morning. I acknowledge that it is free, and I support that. The trust continued:

The revenue derived from parking fees not only contributes to the proper stewardship of the Sydney sites but also contributes to Mt Annan and Mt Tomah. As additional sites with relatively recent histories, the costs of operating Mt Annan and Mt Tomah Botanic Gardens cannot be covered without a contribution by users. The decision to provide sufficient revenue to cover the operating costs of these sites is not within the scope of the Regulation.

The committee is of the view that the setting of fees by the trust should be according to public and rational factors. It is further of the view that material in the regulatory impact statement and the comments made in response to submissions on the draft regulation do not reveal an adequate rationale for the differing imposition of fees. The committee also held the following concerns relating to the adequacy of the regulatory impact statement prepared for the draft regulation. The RIS does not give meaningful objectives for the regulation. It states that the objectives of the regulation are to give full and proper effect to the Act. It then goes on to outline the objects of the trust under the Act and set out the regulation's enabling section.

Reciting these sections of the Act is an indication of what may be permissible within the regulation but does not provide a coherent statement of what the regulation is meant to achieve. Without such a statement it is difficult to assess what options, including non-regulatory options, could best achieve the desired objectives. The RIS does not identify reasonable options by which the objectives may be achieved. The Subordinate Legislation Act 1989 requires "the identification of alternative options by which those objectives can be achieved (whether wholly or substantially)"—clause 1 (b) of schedule 2—in addition to "an assessment of the costs and benefits of each alternative option to the making of the statutory rule"—clause 1 (d) in schedule 2.

The committee is therefore of the view that, in addition to an assessment of non-regulatory options, an RIS should canvass the reasonable options for achieving its substantive objectives. The RIS prepared for the regulation reduces the options for achieving the objectives to a consideration of non-regulatory options and consequently fails to provide a justification for these substantive matters within the regulation. On the basis of the material published to justify the making of the regulation, the committee concluded that the case for imposing fees in Mount Annan and Mount Tomah gardens while not imposing fees in Sydney has not been made out, and that this inconsistent charging of fees appears to be inequitable. The committee recommends that the Minister exempt seniors from fees for access to the Mount Annan and Mount Tomah gardens and review the policy for these gardens as soon as possible. I commend the report to the House.

Report noted.

REGULATION REVIEW COMMITTEE

Report: Protection of the Environment Operations (Clean Air) Regulation 2002

Mr R. W. TURNER (Orange) [11.36 a.m.]: As a member of the Regulation Review Committee I present the report on the Protection of the Environment Operations (Clean Air) Regulation 2002. This report looks at the requirements for vertical exhausts for diesel trucks and buses over 4.5 tonnes gross vehicle mass. In particular, it focuses on the question of whether vehicles that comply with the Australian Design Rule [ADR] 80/00 emission standard should be exempt from the requirement. The committee concluded that the costs to the industry and the environment of the requirement were not justified by the marginal benefits to amenity and health that might result. The requirement for vertical exhausts for heavy diesels was introduced in New South Wales in 1976. At that time there were no emission standards for diesel engines and diesel fuel that has a very high sulphur content.

With the advent of improved emission and fuel standards, the Protection of the Environment Operations (Clean Air) Regulation 2002 has begun phasing out the vertical exhaust requirement. Vehicles that meet the ADR 80/01 standard are no longer required to have vertical exhausts. All new model vehicles in Australia will meet the ADR 80/01 emission standard from 2006, and the standard will apply to all new vehicles from 2007. The Environment Protection Authority [EPA] has concluded that, because of the high emission standards of these vehicles, requiring them to be fitted with vertical exhausts is not justified.

A number of transport industry groups have sought an exemption for vehicles meeting the ADR 80/00 emission standard. From this year the standard has been required for all new model vehicles, and from 1 January 2003 it will apply to all new trucks and buses. Diesel fuel standards are also tightening, with low sulphur diesel being mandatory from the end of this year and ultra-low sulphur diesel being required from 2006. The purpose of diesel exhausts is to speed up the dispersal of exhaust fumes. They have no positive effect on the amount of exhaust emitted but can reduce the local concentration of pollutants that people by the roadside are exposed to when a vehicle passes. They are therefore seen to have benefits for the health and amenity of pedestrians, cyclists and people working by the roadside.

On the downside, they add expense to the transport industry in fitting, maintenance and efficiency costs. According to EPA figures, the financial cost to the industry over the next four years is likely to be at least \$5 million. Industry estimates lead to figures of more than \$31 million. Another negative impact is that by decreasing engine efficiency, fitting vertical exhausts can result in an increase in the total diesel emissions, contributing to ambient air pollution levels. On some projections, the vertical exhaust requirement could result in more than an extra 100 million litres of diesel being used in New South Wales over the next four years.

While the evidence of the harm resulting from diesel emissions is overwhelming, there is little evidence that vertical exhausts have a significant positive health impact. The main study conducted on the subject in 1993, well before any emission or fuel standards, concluded that the significance of exhaust exposures under its tests in terms of increased risk in lung cancer were found to be small. It appears that no other jurisdiction in the developed world has ever required the fitting of vertical exhausts except Victoria. I understand that that State is reviewing a similar regulation.

The committee's examination of these issues led it to the conclusion that the vertical exhaust requirement for ADR 80/00 vehicles was not justified. It has therefore strongly recommended that an exemption for ADR 80/00 from the requirement be considered. The committee further noted that the Federal Government has given a commitment to provide incentives of 1¢ a litre for ultra low sulphur diesel from 1 January 2003,

rising to 2¢ a litre from 2004. Such incentives should result in a significant early take-up of ultra low sulphur diesel and would add even more weight to the case for exempting ADR 80/00 vehicles from the vertical exhaust requirement. I thank my colleagues on the committee. I thank the committee staff. I thank especially the industry representatives and Environment Protection Authority representatives who gave evidence to the inquiry. I commend the report to the House.

Report noted.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Reports

The following reports were noted:

Promising Practice Strategies for Family Foster Care and Current Policy Challenges
The Fatal Assault of Children and Young People
Review of the New South Wales Child Death Review Team Legislation

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Reports

The following reports were noted:

Discussion Paper on Investigations and Prosecutions Undertaken by the Health Care Complaints Commission
World Congress on Medical Law Study of International Jurisdictions (July-August 2002)
The Handling of Health Care Complaints in Western Australia (July 2002)

STANDING COMMITTEE ON PUBLIC WORKS

Report

The following report was noted:

The National Conference of Parliamentary Public Works and Environment Committees 2002, Adelaide, South Australia

Pursuant to resolution private members' statements taken forthwith.

PRIVATE MEMBERS' STATEMENTS

AUBURN ELECTORATE MULTICULTURALISM

Mrs PERRY (Auburn) [11.43 a.m.]: Today it is my pleasure to speak on a most timely and important issue that also happens to be a passion of mine: education, multiculturalism and cultural harmony. Since 11 September 2001 we have heard with regularity of the notion that the world is now a different place. Terrorism is now a prime concern of leaders the world over, and in its latest grotesque display of barbarity claimed the lives and psychic wellbeing of our very own. Australians are hurting, and many are asking why. The answer to this question falls way beyond the confines of today's proceedings, but this much can be said: Terrorism is the manifestation of rage, desperation and ignorance, and a sign of the darkest form of discord and animosity imaginable. Victims of terrorism and those suffering anxiety about the prospect of it may be tempted to lash out blindly at its perceived perpetrators and become suspicious and withdrawn.

The Premier has issued warnings and spoken quite forcefully about such reactions, and rightly so. To me, as a member of an electorate compromised of a very strong and diverse blend of cultures and faiths, this issue is of paramount concern. It is of utmost priority for me to see that Auburn remains firmly on the path to prosperity, harmony and cultural enrichment, and I believe this can be achieved primarily through proper education, starting in our schools. Thus, I am delighted to pay special tribute to the efforts of Auburn North Public and Auburn West Public schools. Each year, under the fine leadership of the respective principals, Mr Mark Harris and Mrs Barbara Reynolds, and their wonderful teaching staff, students and parents celebrate in the sharing of food, dance and art, and that which is unique about their cultural backgrounds.

Auburn North have called their day "Community Festival Day" and Auburn West hold their own annual "Intercultural Day"—both, in essence, expressions of the same spirit and idea: that, through sharing and educating ourselves about the other, we acquire the understanding and appreciation that engenders humanity and intimacy and precludes ignorance and disunity. I am proud and pleased to say that the principals, teachers and support staff of both schools carry these ideals into their classrooms and indeed infuse their teaching and nurturing with its demands and rigours. Barbara Reynolds's leadership was summed up when she said, in introducing Intercultural Day 2002 at Auburn West:

This day is always a highlight of our school year. It is a day when we all—students, parents and teachers—show that we are proud to be members of the multicultural school that is Auburn West. The many cultural groups that are represented give our school the richness which makes it a special place. Our students learn in an environment of harmony and tolerance, which is a model for all society.

At Auburn North, which has students that come from 30 different cultural backgrounds and teachers from 11 different cultural backgrounds, principal Mr Mark Harris put it quite eloquently when he said:

Our school culture has within it all that's best about our country. At Auburn North, we embody and reflect our nation's cultures, expectations and values. Our school, like Australia, is friendly, honest, inclusive and fair. At Auburn North, we embrace and celebrate our differences. We are truly United Nations at Auburn North.

He went on to say:

What dreams do we share? I think we all dream and wish that the example we set at Auburn North would be used to build a more peaceful and harmonious world. In these troubled times, most nations could learn from Auburn North that all children and all people can, should and must live, learn and play together peacefully, where differences are celebrated.

As a local lifelong resident of Auburn and their member of Parliament, I feel honoured to be in partnership with such wise and marvellous people. Their initiatives perfectly exemplify and complement my work and vision, and I thank them deeply for their efforts. Together we can develop and promote the creation of a world characterised by greater colour, diversity and interest, as opposed to one inhabited by the fear of terrorism and discord—even if it begins at a local level—in the hope that one day it goes global.

SOUTHERN HIGHLANDS ELECTORATE SERVICES

Ms SEATON (Southern Highlands) [11.47 a.m.]: I would like to advise the House of local priorities in the Southern Highlands electorate. I have been working very hard with many people in my local community. We have made progress on a lot of local issues, but there is a lot more to be done. High on the list, of course, is policing and crime and safety. More local police are needed, especially to cover areas such as Bundanoon, The Oaks, Appin, and northern and southern villages. We have had many recent problems in Mittagong, Picton, Bargo and Exeter—all of which point to the need for dedicated beat policing to be made a priority in local policing management. And police need to know that when they do make an arrest after tracking offenders down a proper sentence will be imposed if the offender is found guilty. Many people in my electorate have, for a long time, wanted tougher penalties, and I am pleased to say that the Liberal-National Coalition has responded with an effective compulsory minimum sentencing policy.

I refer to health issues. We desperately need local renal dialysis facilities, specialist cancer services and other specialist services, including urology and geriatric services. We need some indication of how the Government intends to improve the helicopter/medical retrieval situation at Bowral Hospital, which is unsatisfactory at the moment. Camden District Hospital, which has been the subject of a good deal of controversy over the past couple of days, needs urgent attention. We need to stop the continual downgrading of Camden hospital. I would like to see maternity services available at Camden hospital. The Government needs to create the conditions under which additional aged care beds can be built and provided at Queen Victoria Memorial Hospital for local people. Our hospitals are vital. Our nurses are the backbone of our health system. Too many nurses are leaving the system. They are overworked and underpaid, and they are working double and triple shifts. Our nurses need to be paid more, and I will support them in that effort.

We need a new local high school. I have raised the subject many times in this place and the Labor Government refuses to believe that the need we have demonstrated is justified. That will be rectified with the election of a Coalition government. An additional primary school is needed in the Bowral area. That has been a discussion point in this place for many years. An increasing number of primary school age students need accommodation. Additional halls, classrooms and library facilities are required at schools in Bargo, Picton, Appin, Mittagong and Moss Vale. Moss Vale High School needs a bigger hall and upgraded facilities. Bowral High School needs upgraded toilet and canteen facilities to meet the code. Many families and teachers in my

area have made a case for smaller class sizes. The Leader of the Opposition has committed himself to this if the Coalition is successful in the election next year. Some of our schools are outgrowing their facilities. Last month I met with the student council at Tahmoor Public School. Students demonstrated that there are 200 more students at the school than the hall was designed to accommodate.

Transport is high on the local agenda. We need clean, safe, reliable trains. We need to restore confidence in our rail service after months of delays and the dangerous derailment at Bargo. The Liberal-National Coalition has committed to undertake a feasibility study on the electrification of the southern railway line. Many of our local stations—such as Wingello, Penrose and Exeter—are no longer manned. I would like to see greater community use of station buildings, which will become prime magnets if we are not careful. Picton station needs improved level access arrangements, which the Government has ignored.

Overdevelopment, or fears of inappropriate development, are serious concerns in my electorate. We live in a great area, and many people want to come and live in our region. We need to strike a balance between sensible growth, job creation and the protection of our precious environment, which is why many people are attracted to live in our area in the first place. There is an overwhelming desire in my community to make sure that we retain the rural, neighbourhood, town and village character for which our area is justly famous. We need to work with councils to achieve this. More particularly, we need to demand from State planning authorities a full and open discussion about what they have in mind for our area. They must be open with us. Nobody wants to see our area become an extension of the urban sprawl.

We must also plan a future for farmers in our area, with flexibility to allow farmers to develop value-adding industries and links with tourism, to make sure that they are not forced to sell up for housing. Our rural industries are part of our history and lifeblood. Access to national parks continues to be an issue for many local people, especially tourism operators. A lot of work has to be done to achieve better access for responsible users, such as four-wheel-drive enthusiasts, mountain bikers and fire service volunteers, who maintain fire trails and enhance bushfire management. I hear all too often of the National Parks and Wildlife Service locking gates and blocking fire trails. Kangaroo Valley, one of the most beautiful parts of my electorate, needs more police services and a commitment from the State Government in relation to the ambulance station—for which \$100,000 has been raised by the community. [*Time expired.*]

DUNGOG SHIRE MOBILE PHONE COVERAGE

Mr PRICE (Maitland) [11.52 a.m.]: I draw the attention of the House to the difficulty in the Dungog shire of obtaining reception to code division multiple access [CDMA] mobile telephones. While this is a problem for Telstra—indirectly the Federal Government has made a commitment—every effort is being made to facilitate this service in my electorate. I speak particularly about the western side of the Dungog shire, which is the Paterson-Gresford area, where extreme problems prevail. Telstra has committed to construct towers on Mount Richardson and Mount George. This will service the whole of the Paterson River and Allyn River valleys to the north of Maitland and will transform the area by providing reasonable communications.

People must remember that, like many other rural areas, my community is widespread. In many cases people live on isolated properties, and conduct a variety of businesses that require them to be in the bush and in open paddocks. A number of them are associated with transport of various types within the area, not only for the transportation of cattle and dairy products but also for the general servicing of the shire. These people need to have urgent telephone communications if for no other reason than personal safety in case of accidents. One of my neighbours fell ill. Because of a flood in the Allyn River and telephone lines being down, he had to rely on other people to pass the message by shouting across the river so the alarm could be raised. A helicopter was flown in to remove him. This problem can be overcome if CDMA coverage is available. We have it in certain parts of the western side of Dungog shire, but it is intermittent. If I stand in a 20-metre circle in a paddock near my home I can sometimes pick up CDMA messages, but I have to be lucky. We need more certainty than that. Some 1,500 people are affected.

I have particular concern for the Rural Fire Service and the State Emergency Service. Communications are vital when those people are out in the field. They do not always have the opportunity to get back to their vehicles to use the radio, therefore a cell phone would be a distinct advantage to them. It is a major safety issue. I am concerned with the approval processes for these things. I am concerned that Telstra still has not submitted its development application to the Dungog Shire Council. The council was concerned that the application was being held up by the Department of Land and Water Conservation. Upon investigation, that was found not to be the case. The hold-up was the council's local environmental plan requirements, and the zoning provisions in

those two areas would not allow that sort of construction to proceed. Once that was pointed out, council recognised the problem, put an amendment to the plan on public display until 4 October, and at the next council meeting the plan was approved and put forward to the Department of Urban Affairs and Planning. I was able to assist in having the matter expedited so the approval was granted in a fortnight, which is pretty rapid work when one considers the size and complexity of the department and the range of things it has to do.

It now comes back to Telstra. Telstra must recognise the problem and proceed accordingly. All the obstacles appear to have been overcome, but once the development application is put before Dungog Shire Council there is still a further approval process. Given that we are now approaching the Christmas-New Year break, council will be suspended and we may lose one monthly meeting. Unless these things are handled by delegation there will be even further delays and it will be well into 2003 before the matter is resolved. I ask everybody associated with this matter in the Dungog shire to appreciate the urgency when the application comes in and deal with it promptly. I make a special request in support of the Gresford Community Group, who have already raised the issue directly with the area manager of Telstra Countrywide. This is an important facility for my electorate. It is an important function for country Australia, and these delays cannot continue to be hidden by bureaucratic bungling. I hope this message gets through to the right authorities.

COWRA DISTRICT HOSPITAL HELIPAD

Mr R. W. TURNER (Orange) [11.57 a.m.]: Today I support the Cowra community's ongoing plea for a helipad at the Cowra District Hospital. The community is forever telling me and others about the extra trauma and time in transferring patients by road ambulance from the hospital to Col Stinson Park, which is a couple of kilometres away, to connect with a helicopter service. This could lead to an unnecessary death or extra trauma and cost. This is no longer acceptable. I am assured that a suitable site within the hospital grounds can be found to allow a helicopter to land safely, even if that involves demolishing buildings that are not being used. There has been strong community support, especially from Lions International and the Child Flight committee, particularly from Corinne Mews, who is soon to be a mother. She is a very strong advocate for this helipad.

I call on the State Government to acknowledge the urgent need for construction of a helipad as close as possible to the main hospital. Col Stinson Park has been made available by the council, but it is completely unsuitable, especially in wet weather. Ambulances have become bogged. Although that has not happened for some time, the time will come when the park is once again covered in water, and during inclement weather there is no protection from the rain for patients. Canowindra and Orange have helipads and the Peak Hill District Hospital has a helipad. A helipad is an absolute necessity to meet modern standards. There is a CareFlight helicopter base and retrieval team at Orange, so helicopter transport for patients is becoming an accepted and desirable medical facility that country people should have. A helipad at Cowra would be used not only by CareFlight but also by Child Flight to transfer patients to Sydney when necessary. I believe that the residents of Cowra deserve upgraded health facilities.

Cowra is a classic example of a community that should have helipad facilities. The people of Cowra are tired of seeing the facilities that they once had being transferred to Orange. At times surgeons have resigned and have not been replaced, and the residents of Cowra have been forced to travel to Orange to seek obstetric and other specialist treatment. Establishment of a helicopter service in Cowra would demonstrate to the people of Cowra and surrounding districts that the State Government is committed to upgrading and maintaining medical services. A helipad is a facility that the people should be provided with, and it is not an unrealistic expectation. Cowra's population of 12,000 deserve modern facilities.

A helipad is not an enormously expensive item and in any event Lions International and Child Flight are just two of the organisations in Cowra that are prepared to contribute financially. All that is needed is a commitment from the State Government to provide an area within the hospital grounds, instead of putting obstacles in the path of obtaining the facility. The State Government and the Mid West Area Health Service should adopt a positive approach to the provision of a site for the helipad. If preparation of a site involves the demolition of buildings that are no longer used, that is what should be done. The State Government should support the residents of Cowra in their request to obtain a helipad at the Cowra District Hospital.

GOSFORD CITY COUNCIL LAND ACQUISITION PROPOSAL

Ms ANDREWS (Peats) [12.02 p.m.]: I draw the attention of honourable members to a deplorable proposal by Gosford City Council to acquire approximately 140 properties under its open space plan. Councillors of Gosford City Council received information on the proposed land acquisition on 19 June 2002 and

were to consider the recommendation at the ordinary council meeting of 25 June 2002. Not one councillor who was present at the meeting wished to discuss the proposed item, and therefore it was adopted as is. The meeting that included this resolution lasted all of 13 minutes so that a number of councillors could attend the Australia A versus France A rugby union game at the Central Coast Stadium in Gosford. It is obvious that councillors did not carry out their responsibilities to ratepayers at this meeting. Councillors who were present at the meeting were Mayor Robert Bell, Debra Wales, Chris Holstein, Judith Penton, Daniel Cook, Craig Doyle, Malcolm Brooks and Lynn Bockholt. Gosford City Council has a lot to answer for to its ratepayers on the Woy Woy peninsula for not being more up front with people.

Together with a large number of local residents, I attended a public meeting held at Ettalong Beach on 19 October to discuss elements of the council's draft foreshore plan. Not one mention was made on that day that council proposed to acquire land for open space or recreational purposes. In addition, a plan for the proposed regional aquatic and recreational centre in Woy Woy did not indicate that it involved land acquisition. In all of the discussions in which I have been involved concerning this regional centre, never once was land acquisition mentioned. Honourable members may be sure that, if it had been mentioned, I would certainly have raised the alarm bells on behalf of my constituents. To own one's home is still a goal to which most Australians aspire. To own a home on the Woy Woy peninsula is like having a dream come true. With a single stroke of a pen, Gosford City Council effectively destroyed that dream for a large number of residents in Ettalong Beach and Woy Woy.

In a letter dated 7 November 2002, Gosford City Council advised the affected ratepayers that council had designated their properties to be purchased in the future for the purpose of extending the existing nearby open space area. The letter went on to state that the full details of the plan were available for perusal at Woy Woy and Umina libraries from 13 November to 18 December 2002, and that submissions would be received up to 20 December 2002. The ratepayers were also advised by council that the proposal will not affect their ability to sell their land to other parties besides council. The council's proposal is long term, up to 30 years. To say that a large number of my constituents were terribly shocked and upset about receiving the letter through the mail from the Gosford City Council is very much an understatement. Council intends to purchase the land for open space or build recreation facilities by using funds that have been raised from contributions by developers who are building on the Woy Woy peninsula. Surprise, surprise!

Soon after Gosford City Council's letter was received by the shocked ratepayers, a leaflet was distributed in the area headed, "Thinking of selling your property?" The leaflet contains an offer of a market, or above market, price for the property. I will quote from the leaflet because it is very relevant to the subject matter in question:

We are not—

and the "not" is all in capital letters—

real estate agents, we are an Australian development firm and we are currently in your area actively purchasing residential development sites.

Many of the residents living within the affected areas are either senior citizens or long-established families. Honourable members would appreciate how distraught and distressed these people were to receive the letter through the mail informing them that the council wanted to buy their homes. This action was an extremely irresponsible one, which only goes to compound the latest annual report by the Ombudsman showing that the Gosford City Council has the highest number of complaints—30 in all—made against it of any council in the entire State. Gosford City Council's letter was extremely irresponsible and totally lacking in compassion. This is yet another example of Gosford City Council's poor service to its ratepayers. The properties included in the council's proposal are located along the Ettalong Beach foreshore, Broken Bay Road and side streets surrounding Lemon Grove Reserve.

Properties that back onto the existing Woy Woy pool are also earmarked for acquisition to add to open space on the Woy Woy peninsula, along with a number of homes at Alma, Waterloo, Florida and Miami avenues. I give to the affected constituents, and all my other constituents who are concerned about this outrageous proposal by the Gosford City Council, my unswerving support in fighting the open space and recreation plan. I will be holding a public meeting in the main hall of the Ettalong Senior Citizens Centre on Saturday 30 November at 9.30 a.m. All ratepayers who are affected by the council's proposal are invited to attend. Residents will be satisfied only when Gosford City Council withdraws its proposal altogether. *[Time expired.]*

HORNSBY SHIRE BUILDING DEVELOPMENTS

Mr TINK (Epping) [12.07 p.m.]: I draw attention to concerns surrounding State environmental planning policy [SEPP] 5 as it applies to parts of the Hornsby shire, particularly the Beecroft area, and specifically on behalf of Mrs Jane Jackson who wrote to me about a very contentious application for a SEPP 5 development in Copeland Road, Beecroft. She wrote on behalf of a number of other people, namely, Alan and Anne-Marie Jansen, Brown Evans, Malcolm and Elizabeth Bryant, Miri Wilson, Lionel and Jane Jackson, Lorraine and David Orr, Jane and Roger Boyd, Fran Ritchie, Mary Harada and 475 other people who have contacted Hornsby council regarding this development.

Suffice it to say that consulting town planner Ken Willis, who has extensive experience in the area in providing retirement housing and housing for older people, concluded in a report that the proposal does not provide housing that meets the needs of older people or people with disabilities, which is one of the aims of SEPP 5. I will deal with wider issues associated with SEPP 5 so far as they relate to Hornsby council, which is the relevant local government authority. The then Mayor of Hornsby council, Steven Pringle, wrote to me on 19 December 2001 indicating that back in April 2001 council received a letter from the Department of Planning outlining draft criteria for exemptions to State environmental planning policy 5. Amongst other things the letter states:

Since the release of the draft criteria, Council has written to both the Minister for Planning and the [Department of Planning] on numerous occasions to seek further details of criteria for exemption...

At that time none had been received. On 13 March 2002 SEPP 5 exemption guidelines were announced and the then shadow Minister for Planning, the present Leader of the Opposition, made the point:

Councils that apply for exemption face massive costs in complying with the complex range of matters specified under the exemption guidelines.

The Minister has failed to give a guarantee exemptions will be granted to Councils even if those criteria are complied with. Nor has he set down a timetable for when applications for exemption will be considered.

All [he] has done is create a costly and complex process for councils to seek an exemption from SEPP 5.

That was a prophetic statement about the current state of play. Hornsby council subsequently assiduously moved to get an exemption based upon providing alternative housing strategies for older people. In the April 2002 Epping Civic Trust newsletter the mayor wrote:

Residents can be assured that Council is totally committed to the preparation of a submission to seek exemption from SEPP 5 as soon as possible...

The release of the exemption guidelines allows Council to continue developing a submission to seek permanent exemption based on the criteria and demonstrate that a sufficient choice of housing will exist to cater for elderly and disabled residents.

I understand that at this time preparation of that exemption is still in train. I hasten to add that I do not blame the council or its officers for that. I think that they are doing their best in circumstances which make it very difficult, if not almost impossible, to deal with the criteria set by the Department of Planning and by the Minister for Planning, Dr Refshauge, and the present New South Wales Labor Government. In the meantime some applications that have huge question marks hanging over them, such as the one in Copeland Road, Beecroft, continue apace. The Coalition takes the view that SEPP 5 is not working for its original purpose. Rather than muck around with exemptions that take years to be drafted before they can be complied with, SEPP 5 ought to be done away with completely.

SEPP 5 developments no longer need to be close to shops or medical or community facilities but only need to be 400 metres from transport. There is no requirement for the developments to be close to weekend transport services. I understand that the requirements are effectively unenforceable and local councils have no power to ensure that these developments are purchased or lived in by older or disabled people. They do not have to comply with local planning zones or development regulations. They require less parking and allow greater density. I understand that they may not even require payment of developer contributions. The answer to the problem is to stop the mucking about, stop the hurdles with the exemptions, stop the delays for exemptions to be created and stop the angst in places such as Beecroft: do away with the plan and start again. It is not working. It is getting worse. It has got to be scrapped. We have to start again. [*Time expired.*]

SAMOAN COMMUNITY OUTRIGGER CANOE CARVING PROJECT

Mr MILLS (Wallsend) [12.12 p.m.]: I congratulate the Newcastle Samoan community on the progress of its outrigger carving project. I had the pleasure of attending, with my wife, a function on 26 October to launch

the project. The project was blessed prior to the commencement of the carving. The ceremony was held on a drizzly day in the Birabahn Indigenous Higher Education Centre at the University of Newcastle. After the ceremony the people who attended walked the 200 metres across to the opposite side of No. 4 oval at the university to watch commencement of the carving.

The Samoan community has been formulating a project that would develop employment opportunities by teaching traditional skills to young men and women to enable them to share their heritage with the community at large. The University of Newcastle offered to support the Samoan community by providing dead trees on location and the area to carry out the carving of the canoes on the university site. Special acknowledgement was given on the day to Mim, one of the university gardeners. She was commended for the great work she had done landscaping around the Birabahn Indigenous Higher Education Centre.

The Samoan community in the Hunter is a very peaceful and progressive community with strong links with the Migrant Resource Centre and the former Ethnic Affairs Commission, now the Community Relations Commission. The President of the Newcastle Samoan community, the Reverend Setu Amosa, introduced the day. A number of songs and hymns were sung. The prayer at the beginning was read by Reverend Samuelu Tuiolemotu. There was then a kava ceremony, the kava being prepared on the spot and shared about. Guest speakers included the Lord Mayor of Newcastle, Councillor Tate, me as the State member for Wallsend, and the Samoan High Commissioner from Canberra, Dr Kilifoti Eteuati. Also among the guests was Professor John Lester, the head of the Wollotuka Aboriginal education unit at the University. The leaders of the Samoan community, as is their way, gave orations around the kava ceremony. After some food was served we were treated to Samoan singing and dancing. Then we watched the commencement of the carving of the canoes.

The community's own resources were mostly used. I understand that there was a grant for some of the woodworking tools that were prepared in the traditional manner for the project. I spoke to Setu Amosa this morning and he advised that all five logs have been carved out already. A few minor repairs have even been carried out. It is hoped that the painting can be started early next week. With any luck the canoes will be launched before Christmas. It has been a good project. Not only does the community get canoes to reinforce its cultural heritage, especially to the younger people here Australia; the people are working together and going to the university every day for a real community project.

The Samoan community has high ideals about what the project will achieve for all Pacific Islanders. The aim is to develop a combined South Seas community in the Hunter with many people from other parts of the South Pacific who are now living and working in Australia and in particular in the Hunter. Theatre groups and traditional dance classes for the general public are envisioned. Samoan choirs and contributions to singing around the Hunter Valley have been enormous. People travel long distances to hear people singing these beautiful songs.

Mr Orkopoulos: They rival the Welsh.

Mr MILLS: They compete more than well with Welsh singers. They are thinking of moving into hospitality training and food preparation so that they can provide their young people with employment. They hope that canoe manufacture, carvings, craft and jewellery, screen printing and related skills will also lead to future employment for their children. I congratulate the Newcastle Samoan community on this wonderful community project. [*Time expired.*]

QUEANBEYAN DISTRICT HOSPITAL UPGRADE

Mr WEBB (Monaro) [12.17 p.m.]: A major concern for the people of Monaro and particularly the people of Queanbeyan and surrounding districts, as the House and the Minister for health have heard from me many times before, is Queanbeyan District Hospital. We will not stop calling for the New South Wales Government to immediately provide funding to address the problems at the hospital. Over the past few weeks I have presented petitions to the Parliament on the subject with more than 7,000 signatures. The petitioners are calling on the Government to take notice of the rundown conditions at Queanbeyan District Hospital that make it unpleasant for both staff and patients. There is a serious decline in health service generally, and underutilisation of facilities. I have spoken previously about the very poor use of the hospital's theatres.

The petitioners supported my call for the New South Wales Government to give Queanbeyan hospital the number one priority on its upgrading program. I accept what the Minister said about other hospitals having higher priority, but I ask the Government to place the upgrade of Queanbeyan hospital high on the priority list. I

support the people of Queanbeyan district in this important call. In the Australian Capital Territory there are approximately 350,000 people and the Queanbeyan hospital and the Australian Capital Territory health system work hand in hand to provide them with medical services.

According to John Stanhope, the Chief Minister of the Australian Capital Territory, Canberra's hospital system could not operate efficiently without the support of medical services from the surrounding areas of New South Wales—but that goes two ways. The New South Wales system should be augmented so that the nursing services, the aged care services and other services in the region can alleviate the waiting lists of the Australian Capital Territory in low-risk to medium-risk health services. It has been suggested that the refurbished Queanbeyan hospital could include a medical school, which would give medical students the opportunity to train in a regional district hospital. In that way students could experience the whole range of services that a regional hospital provides.

The Queanbeyan hospital is very well supported by its doctors, nursing staff and other medical practitioners in the area. Once the hospital is upgraded it will be able to offer other services to the community. The Southern Area Health Service has a budget of well over \$200 million. Reversing a quarter of its funding, about \$50 million, from going to the Australian Capital Territory on an annual basis, would allow an upgrade of mental health, community health, and a full clinical upgrade of other services at the hospital. Between \$5 million and \$10 million of that funding could be used to support the soon-to-begin construction of an ambulance station at the Queanbeyan hospital site.

I acknowledge that neurology, cardiac and regional trauma services at the high-risk level of medical care are best provided by Canberra. However, Queanbeyan hospital can play a vital role in offering low-risk to medium-risk day surgery including obstetrics, gynaecology, and urology services. I have worked hard to support the people of the Queanbeyan district and its petitioners. I thank all those petitioners for placing their names on the record.

I take this opportunity to thank my staff, people and businesses who have worked with me to bring this together. I thank my senior electorate officer, Jennifer Thompson, for her commitment and work over the past three years. Previously Jen worked with Peter Cochran and Gary Nairn, who gave an unfailing commitment to the people of Queanbeyan, Canberra and the Monaro area. I once again call on the Minister for Health to heed this call and provide funding for the urgent upgrade of Queanbeyan hospital. [*Time expired.*]

MUSLIM WOMEN CLOTHING

Mr LYNCH (Liverpool) [12.22 p.m.]: I take this opportunity to raise a very serious issue about which I have been contacted by numerous constituents in the past 24 hours. Reverend the Hon. Fred Nile called for a prohibition on Islamic women on wearing a garment they wear for religious and/or cultural reasons, the chador. Reverend the Hon. Fred Nile not only sought to prohibit the wearing of the chador but did so on the preposterous basis that it poses a terrorist threat. That call by Fred Nile is wrong, stupid and offensive. In my view the attitude of Fred Nile is fundamentally and thoroughly unAustralian. When one thinks about this for more than 30 seconds it is patently clear that it is discriminatory.

A whole range of people wear clothing that is similar to the clothing that Reverend the Hon. Fred Nile is objecting to. Indeed, his fellow party member, Reverend the Hon. Dr Gordon Moyes, pointed out that Catholic nuns wear that sort of clothing. One is inclined to think that Fred Nile is anti-Catholic as well as anti-Islamic. Indeed, 100 years ago the sort of treatment that Fred Nile is dishing out to the Islamic community was dished out to the Catholic community in this country. Frankly, he is an old-fashioned, sectarian bigot and the sooner he is exposed as that the better. A whole range of people wear clothing that would fit into a similar category. In winter the businessmen and public servants who wear bulky overcoats and carry bags are in exactly the same category as women who wear the chador.

Ms Meagher: What about Santa Claus?

Mr LYNCH: Yes, as the honourable member for Cabramatta interjects, what about Santa Claus! This is an extraordinary attitude for Reverend the Hon. Fred Nile to adopt. It is particularly concerning to me that he fundamentally misunderstands the nature of Australian society. Pre-eminently we are a society of migrants, apart from the indigenous inhabitants of this country. Beginning approximately 200 years ago immigrants have brought a whole range of cultures and traditions to this country. For Fred Nile to try to exclude some sections of our community from Australia is fundamentally unAustralian. He does not understand the history of this

country. He is replicating the behaviour of the original governors of Australia, who used to flog convicts if they would not go to Anglican church services.

It is that sort of religious intolerance and bigotry that Reverend the Hon. Fred Nile is representing. He does not understand the nature of the multicultural society that we have developed. Anyone who understands, even slightly, anything about middle-eastern politics would understand that oppression, repression, attacks and vilification result in nothing but a militant response. The Islamic community in Australia feels under threat at the moment, partly because of the unrelenting attack upon it by some sections of the media and by some conservative politicians. The surest way to guarantee a militant response is to continue to oppress, vilify and marginalise sections of our community.

By carrying on in the way that he does, Fred Nile runs the very real danger of contributing towards causing precisely the phenomenon that he is attacking. We will not have a peaceful and civilised society by vilifying and attacking particular sections of it; that results in creating the very problem we are trying to avoid. Anyone who has the slightest knowledge of middle-eastern politics would understand that. It is a matter of considerable concern to me that Fred Nile has decided to attack the Islamic community, which is feeling considerably under threat at the moment. This sort of nonsense does absolutely nothing to help.

I record my disquiet at the Prime Minister's response yesterday. Initially, the Prime Minister did not condemn the proposal put by Reverend the Hon. Fred Nile, and seemed to indicate that he would give some credence to it. Unfortunately, that is redolent of what happened with Pauline Hanson. When this sort of nonsense happens, it must be opposed at the highest levels of society. Responses such as, "I will think about it", or "Maybe there is something in that", or "Maybe lots of people think that way", are utterly inappropriate and, frankly, intolerable in a non-sectarian, democratic society. We do not live in theocracy; we live in a secular society. It is utterly inappropriate for Fred Nile to try to impose his theocratic doctrines upon us. I would have thought that western society had finished with that in the wars of the Reformation. Fred Nile has no base on which to put this sort of stuff; he is a blight upon this Parliament. His comments are a disgrace.

Mr McMANUS (Heathcote—Parliamentary Secretary) [12.27 p.m.]: I agree with most of the comments of the honourable member for Liverpool about yesterday's statements by Reverend the Hon. Fred Nile. Not to make light of it, where do we stop? With a name like McManus, of Scottish background, do I tell the Scots that they are not to wear their kilts, or ask them what is in their sporran? It was a ridiculous statement by someone who should have more sense. I understand that Reverend the Hon. Fred Nile promotes himself as a God-fearing person but his statements yesterday were ridiculous. Politicians need to show leadership. I agree with the sentiments expressed by the honourable member for Liverpool.

[Private members' statements interrupted.]

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide:

- (1) the postponement of further private members' statements until after the consideration forthwith of the Legislative Council's amendment to the Statute Law (Miscellaneous Provisions) Bill (No 2); and
- (2) at the conclusion of the consideration of private members' statements the Speaker to leave the chair until the ringing of one long bell at 10.00 a.m. on Wednesday 11 December 2002.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No 2)

In Committee

Consideration of the Legislative Council's amendment.

Schedule of the amendment referred to in message of 21 November

Page 13, Schedule 1.9 [2], lines 12-21. Omit all words on those lines.

Insert instead:

- (1) Following a determination under Division 5 of Part 5 of the EPA Act, the Minister is to revise the draft fishery management strategy for the designated fishing activity concerned and make any amendment that is necessary to reflect the result of the determination.

Legislative Council's amendment agreed to on motion by Mr Whelan.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

PRIVATE MEMBERS' STATEMENTS

[Private members' statements resumed.]

NORTHERN RIVERS WESTPAC LIFE SAVER RESCUE HELICOPTER SERVICE

Mr GEORGE (Lismore) [12.31 p.m.]: I rise with a good news story. I am pleased that the Parliamentary Secretary for Health is in the Chamber. I congratulate the Northern Region Westpac Life Saver Rescue Helicopter on its 20 years of service. It has a very proud and enviable record of saving many lives and reducing the long-term suffering of thousands of people. Indeed, this anniversary is a milestone that stands testimony to its dedication and support of the community. The occasion has certainly been celebrated. Shiela Avelin and Robyne Jack were patients transferred by the helicopter for more definitive patient care. As neighbours, good friends and people who are extremely grateful to the helicopter rescue service, they joined forces and became a formidable team in organising a thank-you walk from Tintenbar to Lismore for the twentieth anniversary celebration held last Sunday 17 November.

This morning I have heard other members refer to their local helicopter services and their requirements. The former member for Lismore Mr Bruce Duncan, as chairman, and myself as a past director of the organisation know that the current chairman, Warren Tozer, Perry Wells, employees and volunteers of the service have developed an outstanding service which I believe is the envy of other services in the State. I am very proud of it. It was great to see the service hold a celebration last Sunday to thank the community, which has been 100 per cent behind the service since its establishment. The cost of running it is shared equally by the Government and the community. Fundraising events held throughout the region are always well supported.

The special guest on the day was Lisa Chappell, who plays Claire McLeod in *McLeod's Daughters*. She was a tremendous hit and signed autographs all day. When offered the opportunity to take a spell, she declined. Other activities on the day included displays by the Lismore City Pipe Band, the Emerald Hill Big Band, Gregarious Chance, Ava Belle and Noel Wright, David Hallet and the Lismore Poet's Cup winner, Elizabeth Lord and Leigh James, the Roy Ainsworth Band, Monkey and the Fish, endangered species projects, Swanky Dee, Mal and the Longboarders, and Col Finley and his band. Col Finley is a well-known country music artist who provided great entertainment. He has been a great supporter of the service over the years and is very appreciative of its work. The community relations officer, Howard Atkinson, said that it was a chance for the helicopter rescue service to thank the community for its support. Many people enjoyed the day. The helicopters were on the ground and most of the service clubs offered support. It was an opportunity for the service to thank everyone who has made a contribution over the years.

Unlike cities, remote regions do not have ready access to ambulances. The help provided by the helicopter service is unequalled. It has saved many lives, because it is the golden hour that counts. Transporting someone from as far west as Inverell, south-east to Coffs Harbour, up to Lismore and Brisbane when required has saved many lives. My dear father, Ned George, owes his life to the service. On behalf of everyone, I thank the Northern Region Westpac Life Saver Rescue Helicopter for 20 years of service. We are all proud to be part of the team that makes the community of Lismore a better place.

Mr McMANUS (Heathcote—Parliamentary Secretary) [12.36 p.m.], in reply: I congratulate the member for Lismore. Over the past couple of years in my role as the Parliamentary Secretary Assisting the Minister for Health one of my prime responsibilities has been aeromedical retrieval. I have worked very closely with the honourable member for Lismore in this area. I know the work that he, Warren Tozer, Perry Wells and the committee have done in setting up the Westpac Life Saver Rescue Helicopter service. The Westpac helicopter is an integral part of the aeromedical retrieval system in New South Wales. It is second to none in the world. Along with other community-based organisations such as the Royal Flying Doctor Service of Australia, it provides a very special service by transporting people to hospital, particularly those suffering trauma and major

illness. It is the forerunner of ambulance services in this country in the next 20 years. Those who are involved today are the pioneers of something very special in the future. I congratulate Warren Tozer, Perry Wells and the organisation on its 20 years of service.

POLICE RECRUITMENT SCHOLARSHIPS

Ms MEAGHER (Cabramatta—Parliamentary Secretary) [12.38 p.m.]: Today I will outline a worthy proposal put forward by Cabramatta High School to establish recruitment scholarships to encourage young people to join the Police Force once they have completed high school. Recommendations from the upper House inquiry into policing in Cabramatta highlighted the need for officers at Cabramatta Local Area Command to reflect the diversity within our community. To his credit, the Minister for Police has been running an extensive recruitment campaign to attract people to the Police Force. We have seen record numbers graduate this year. However, the Minister acknowledges more needs to be done to attract people from non-English speaking backgrounds and those who speak a second language. That is why at a recent Police Minister's Advisory Council meeting held in Cabramatta the Minister specifically referred to recruiting candidates for the Police Force from non-English speaking backgrounds and asked the students attending about their attitude to such a career choice.

A representative from Cabramatta High School who attended the meeting outlined a proposal for scholarships to encourage local youth to consider taking up policing as a career. The proposal included various strategies. To overcome family resistance, the scholarship should be prestigious and substantial because students from this area are very aware of monetary incentives and would view such an award highly. With the approval of the family and the Police Association, these scholarships could be linked to former police officers from this area; for example, the David Cart Scholarship Fund. The scholarships would be for university and living expenses and would require an agreement to serve the force for a period. The scholarships may even attract private funding because there may be private enterprises that would like to support such a worthy initiative. The proposal looks at eliminating barriers for our local youth to join the Police Force, while also focusing on increasing the number of officers of non-English speaking background.

Cabramatta High School has found that on many occasions greater understanding can be achieved and solutions to problems found by utilising people of similar ethnic backgrounds to expedite discussion. They feel that having such people available within the Police Force will eventually provide mid- to long-term solutions to the cultural divisions currently being encountered in our area. They believe that until we start to recruit applicants of this type, barriers will never be entirely removed. Once the first few applicants succeed, then of course others will follow.

It is most encouraging that local students are looking at ways to encourage local youth to join the Police Force. It demonstrates the respect they have for the hard work and dedication that front-line officers devote to our community. This is a most worthy proposal, and I give it my support. I have pursued this recruitment scholarship proposal by Cabramatta High School with the Minister for Police, and I look forward to working with him to ensure that recruitment scholarships become a reality. I thank the Hon. Michael Costa for coming to Cabramatta to hear what locals think about policing and to ask for our opinions and ideas on how to address the problems we face as a community.

CRONULLA ELECTORATE POLICING

Mr KERR (Cronulla) [12.42 p.m.]: I bring to the attention of the House an incident that occurred in my electorate of Cronulla—an incident that the Parliamentary Secretary Assisting the Minister for Health, who is at the table, would be aware of—which resulted in police resources at Cronulla police station being reduced for some time. On 4 and 5 April 1998 police attached to the Sutherland Local Area Command and surrounding commands arrested and charged approximately 10 males in the vicinity of McDonald's at Menai. I emphasise that the incident occurred in April 1998 and that it is now November 2002.

Following the incident a number of males appeared before a magistrates court in Sydney, when at least one of the offenders complained that he had been assaulted by police and bitten by a police dog. The complaint was referred to the Ombudsman's Office, and an internal inquiry was commenced. The Ombudsman was not satisfied with the outcome of the inquiry, and subsequently a task force was formed to investigate the complaint. The task force was conducted from Cronulla police station, and was headed by senior commissioned officers, as well as two detective sergeants. This took up much of the police resources of the police station.

Members may recall that at about that time a murder was committed at a service station in Cronulla. It would be interesting to ascertain the amount of police resources that murder attracted. I understand that the offender has not been apprehended in relation to that offence. As a result of the inquiry the careers of a number of officers were ruined, yet no finding was made against any of them. So far as I am aware, after years and years the internal inquiry has finally concluded, a number of police officers left the Police Force, and the community was deprived of the services of a number of valued officers.

Civil proceedings have now been commenced in relation to these officers. I ask that a statement be issued in relation to the outcome of all police inquiries in this matter. I understand that the reputation of these officers remains intact. However, after this period of time there should be closure in relation to the inquiry. There is some doubt as to whether the Crown Solicitor will provide legal assistance in relation to the civil proceedings. As I am sure all honourable members would understand, these officers are suffering a great deal of stress as a result of simply having performed their duty. We should remember that they are society's front-line troops. In the lead-up to the next State election we will hear a lot about law and order issues. It is about time consideration and practical assistance were given to people who put their lives at risk.

Mr McMANUS (Heathcote—Parliamentary Secretary) [12.45 p.m.]: I am aware of the incident to which the honourable member for Cronulla refers. However, it is not my portfolio area and I am not aware what proceedings have taken place in the Police portfolio. Given that civil proceedings are allegedly under way, I undertake to seek information from the Minister for Police.

MUSLIM WOMEN CLOTHING

Mr STEWART (Bankstown—Parliamentary Secretary) [12.45 p.m.]: Over the past few days much debate has been generated by statements made by Reverend the Hon. Fred Nile in another place about the wearing of traditional religious clothing by women of Islamic faith. As has been reported, Reverend the Hon. Fred Nile asked that women of Muslim faith refrain from wearing the traditional hijab and clothing that he regards as being of concern to the wider community. Reverend the Hon. Fred Nile's comments are extremely ill-informed and display his total ignorance of the faith of Islam and the wider community's view on the issue. Unfortunately, the honourable member's comments have inflamed the issue and generated unnecessary debate. Australians are a multicultural community with an understanding of tolerance and harmony, and these sorts of comments do not support that community spirit.

We are all aware that following the events of September 11 and Bali, national security should be paramount. However, we must be rational in the way we approach this issue. We must be understanding. We must acknowledge that many people of Islamic faith are law-abiding citizens and are as Australian as me or anyone else in this place, and we have to treat them reasonably and fairly. It greatly concerns me that following Reverend the Hon. Fred Nile's comments, yesterday in another place the Hon. David Oldfield said:

The dress of Muslim women is used to mask the tools of death carried by terrorists.

I am absolutely appalled by that comment, which serves to further inflame debate on this issue. It simply reflects the low-level political life that the Hon. David Oldfield leads. He calls himself a One Nation representative. If this is One Nation's policy platform, thank goodness that the rest of the Australian community has walked away from that party. It is an extremely misinformed perspective, following the comments of Reverend the Hon. Fred Nile.

We are all extremely aware of the need for national security, but we must work together as a community, as brothers and sisters, in a fair and reasonable manner to achieve this. The Hon. David Oldfield has exploited political opportunism by seeking to stereotype people and misinform the community. He seems to feed on the emotions of fear and anxiety, which is not acceptable. Members of the Islamic community, which is predominant in my electorate, are law-abiding, caring people. They are also Australian—as Australian as any of us. Indeed, that is what they put first and foremost. For the Hon. David Oldfield to make such a statement at this time simply misrepresents our needs with regard to national security.

Neither the Hon. David Oldfield nor Reverend the Hon. Fred Nile have taken the trouble to visit the communities of other races to observe, for example, the wearing of saris, the Jewish community and the sheiks wearing their traditional religious dress, and so on. The Hon. Elaine Nile's handbag is pretty big; indeed, it is bigger than most handbags I have seen women carrying. What could possibly be in that handbag?

Mr McManus: The mind boggles.

Mr STEWART: It certainly does. Those sorts of nonsensical, ill-informed comments generate fear and concern in the community. We must focus on the issue of national security positively and constructively. I urge the community to disregard those comments and to throw them in the garbage where they belong. I also point out to the House that Hon. David Oldfield in another place totally discredits this Parliament.

VAUCLUSE ELECTORATE ABANDONED VEHICLES

Mr DEBNAM (Vaucluse) [12.50 p.m.]: I also want to talk about security threats and the related matter of abandoned vehicles. However, I must first agree with the honourable member for Bankstown: that provocative, divisive statement was one of the most extraordinary that I have heard in the past 48 hours. Today I will voice the concerns largely of the Jewish community, who I am sure would join me in dismissing the past 48 hours commentary on the Muslim code of dress as absurd, unnecessarily provocative, divisive and ridiculous.

I have raised several times in this place the issue of the security threat posed by abandoned vehicles. In fact, abandoned vehicles were mentioned specifically in the legislation that passed through the House last night. I have forgotten how many times I have raised the issue with this Government. I urge the Premier to move beyond his rhetoric and do something about this problem. I received another telephone call this morning from a concerned citizen who pointed out, as I have done on numerous occasions, that abandoned vehicles litter our residential streets and shopping centres. Many such streets in my electorate are terrorist targets as a consequence of the large Jewish community presence in the area.

It would be so easy for the Government to arrange to remove abandoned vehicles. We must take action in areas of concern—of which my electorate is one. We must boost police resources—as I said in my speech last night on the Terrorism (Police Powers) Bill—and install video camera technology to support the police. I have called for its introduction for several years in my electorate. Bondi Beach is a hot spot for crime. Video cameras were installed during the Olympics and should not have been removed when the Games ended.

I have also called continually for the immediate removal of abandoned cars from our streets. It is obvious to everyone that the cars are abandoned; it is not necessary to wait six weeks or three months to prove it. There are two reasons why abandoned cars are not removed. First, the Government has resisted, year after year, providing a central impounding yard. We must provide such facilities in Sydney and in other regional urban centres to discourage the use of residential streets and shopping centre car parks as de facto impounding yards. The cars should be removed as soon as it becomes obvious that they have been abandoned.

Secondly, every now and then when a car is removed its owner will complain and inquire as to its whereabouts. We must indemnify local councils to remove vehicles from our streets. It is a simple procedure. The legislative structure exists to permit the removal of abandoned vehicles but it is not happening. Parliament and local councils continue to leave abandoned vehicles in our streets to pose a security threat. I regularly receive complaints from my constituents—the most recent was this morning—about vehicles that have been abandoned in an extremely security-conscious area. I will raise this matter again with the police and the council this afternoon and ask them to please remove those vehicles.

I urge the Premier to move beyond his statesman's rhetoric. The Coalition agrees totally with the terrorism powers that this Parliament has passed but we also need to see action on the ground. I ask the Premier, first, to telephone the Minister for Police and the Minister for Local Government this afternoon and demand that councils remove those vehicles that pose a serious security risk. Secondly, I ask him to arrange with local government and/or the police to establish a central vehicle impounding yard in Sydney. I have made that suggestion countless times in this place.

Thirdly, the Premier should talk to local councils about indemnifying them against outraged owners in the 1 per cent of cases when a vehicle is removed that was not abandoned. That is a simple process that would involve indemnifying councils to the tune of a few thousand dollars in the event that a car is removed and later scrapped against an owner's wishes. We need that action on the ground. I have made this call countless times but during this period of heightened tension world wide and in Australia—especially in my electorate—I want to see it happen today, on Friday afternoon.

Mr McMANUS (Heathcote—Parliamentary Secretary) [12.54 p.m.]: I have some sympathy with the concerns expressed by the honourable member for Vaucluse about abandoned vehicles. However, as a former Parliamentary Secretary Assisting the Minister for Police and as a former councillor on Wollongong City Council, I know that local government has adequate powers to order the removal of those vehicles. The

honourable member draws a long bow in blaming the Premier for inaction in this regard. I also know from personal experience that insurance companies often seek information about abandoned vehicles—particularly those that have been burnt out—regarding the likely perpetrators of any damage, and this causes a delay in removing these vehicles.

Notwithstanding those points, I agree with the honourable member's concerns. At Lady Wakehurst Drive in Otford there are three abandoned vehicles—one of which has been burnt out—within 200 yards of my home. They have been there for more than a week, and I call on Wollongong City Council to remove those vehicles before they are damaged further. On previous occasions vandals have set fire to the fuel tanks of abandoned vehicles parked for extended periods in close proximity to my home, causing an explosion. Abandoned vehicles invite acts of vandalism, if not terrorism, and the problem must be resolved. I agree that something must be done but local government already has the power to act in this regard.

WYONG SHIRE COUNCIL STATE OF THE SHIRE FUNDING

Mr ORKOPOULOS (Swansea) [12.56 p.m.]: I wish today to express my disgust at the decision taken by Wyong Shire Council on Wednesday 23 October to withdraw allocated funding for necessary expenditure on much-needed community programs. Rarely do I raise in the House the decisions of local governments. There are two in my electorate: Lake Macquarie City Council and Wyong Shire Council. However, Liberal Party and so-called Independent councillors on Wyong Shire Council, led by failed Liberal Mayor Doug Eaton, have sought successfully to withdraw approximately \$350,000 from the State of the Shire funding. This money is to be put in a kitty in case Wyong Shire Council, which is situated on the Central Coast of New South Wales, needs to use it to protect State Government assets, such as the two power stations in my electorate—Vales Point and Munmorah—from terrorist attack.

This \$350,000 in council money, which was to be allocated for specific programs, plus \$300,000 of Federal Assistance Grant money, has been set aside from the Wyong Shire Council budget just in case it is needed next year to spend on anti-terrorism measures. Councillor Eaton, the failed mayor of Wyong Shire Council, said:

Security is a huge issue in terms of the future of this shire.

We need to think about our response and assess the risks posed to us.

If terrorists are going to target power stations ...

And the councillor went on to name the two power stations in my electorate. At the time of the incident in Bali when security issues were at the forefront of community concern the Premier addressed the security of power stations. This issue is a furphy. Let me detail the worthwhile projects that have been cut as a result of the council's decision. Some \$100,000 for bush regeneration programs, \$75,000 worth of conservation initiatives, \$50,000 for an environmental education worker position, and \$65,000 for a homework aid centre for working-class children in the area have been withdrawn in order to fund security measures for State Government-controlled assets.

The list continues: \$20,000 for the Smith Family Learning for Life project, and \$27,500 for a community transport plan. The actions of this council, especially Councillor Eaton, in corralling this money and preventing it from being spent on worthwhile initiatives in the community was opposed by three Labor councillors, Councillor Bill Thompson, Councillor Kath Foster, Councillor Neil Rose, and also Independent Councillor Fay Brennan. Of course they lost because the Tories and the crazy people who are now in control of Wyong Shire Council have demonstrated that this money will not be spent on the community. That is an outrage!

Last night the Parliament passed the Terrorism (Police Powers) Bill. This State, through its Police Force, and the Commonwealth through its powers, must ensure that there is security at our main installations. It is not the task of Wyong Shire Council, with its tinpot councillors, in particular Councillor Doug Eaton, to corral and throw out \$50,000 that is to be used for an environmental education worker, \$65,000 for a home work aid centre, \$20,000 to the Smith Family Learning for Life project—what has Councillor Eaton got against the Smith Family?—and \$27,500 for a community transport plan. Clearly, Wyong Shire Council needs to wake up. I have written to the Minister for Local Government to ensure that he investigates those aspects of the council. I believe that the council, which has exceeded its powers and duded the community, ought to be condemned.

WOOLCOTT COURT AND Mrs EDNA STEWARD

Mrs HOPWOOD (Hornsby) [1.01 p.m.]: Today I raise a serious matter—an issue that I have raised before, but one that has not been addressed by the relevant Minister—which has become significantly more critical. The matter concerns Woolcott Court, the aged care hospital in Wahroonga. I represent Mrs Edna Steward who is 80 years old and who lives alone at Woolcott Court. She sought my help because members of her family live in country areas. She has been left alone to cope with the situation in which she finds herself, with long-distance support from her family.

Mrs Steward, who was living in a Castle Hill retirement village, was encouraged to move into Woolcott Court in Wahroonga. She paid \$130,000 of a larger amount that she used to move into Castle Hill to secure her right to reside at Woolcott Court under a leasing arrangement. Unfortunately, that leasing arrangement was never legalised. After spending that large amount of money in good faith she was left with no secure tenure arrangements for the unit. A number of unsuccessful attempts have been made to sell Woolcott Court, which is not very full. Only a few units are occupied at the moment. An administrator was appointed by the Department of Fair Trading but he has not been able to provide the services that were previously provided. Residents now provide their own food and they have minimal cooking facilities in their rooms. That is one area where Mr Steward is not receiving the services she expected.

Mrs Steward's niece was recently informed that a Department of Fair Trading tribunal meeting would be held on Wednesday 27 November at which meeting the matter would again be raised. It appears that the mortgagor is seeking permission to have vacant possession of Mrs Steward's unit, with no apparent mention of compensation or relocation, but the mortgagor is prepared to relocate residents who have registered leases. However, the mortgagor has experienced difficulty in gaining vacant possession so that the property can be disposed of.

Mrs Steward, having no legal lease, faces an uncertain future. Not very much has been done to address this situation since I first raised this issue. Mrs Steward also faces the loss of her original payment for a Castle Hill residence and the loss of the legal expenses that she paid for the lease, which was not registered. She is living in fear and needs the assistance of the Department of Fair Trading and the Minister. She needs to have immediate action taken on her behalf to ensure that her future is not as grim as it currently looks. In the past month little appears to have been done. If Mrs Steward is required to leave her unit she would find it impossible to vacate the premises as she has no available funds and no means of finding alternative accommodation.

The security of Mr Steward's finances has not been mentioned, nor has compensation. This lady has been living under a great deal of stress for a number of months. There is no obvious answer to her problems. She does not appear to have been assisted by the Department of Fair Trading as she should have been. The meeting that is scheduled to take place next week might make a decision about her future that she might not be able to cope with. She might have to face leaving the premises where she currently resides. Even though I have been assured by the Department of Fair Trading that that will not happen in the near future, she is still faced with the fear of losing her home. I again call on the Minister for Fair Trading to address this serious situation.

LAKE MACQUARIE ELECTORATE ROAD IMPROVEMENTS

Mr HUNTER (Lake Macquarie) [1.05 p.m.]: Today I refer to improvements that are being undertaken along Main Road 217. Recently I was pleased to announce that two important road projects, designed to improve safety and traffic flow in Morisset along Main Road 217, had been funded by the State Government. An amount of \$150,000 has been allocated to undertake these road projects. The State Government committed \$60,000 to improve the Fishery Point Road and Macquarie Street intersection on Main Road 217, just to the north of the Morisset township. Work that is currently being undertaken will see the southern side of Fishery Point Road widened to provide separate lanes for traffic turning left and right. When the work is complete these improvements will provide smoother traffic flow out of the Fishery Point Road at peak times.

In addition, the Government has committed \$90,000 to create a right turn bay for traffic turning from Dora Street, which is Main Road 217, into Bridge Street. The right turn bay will separate turning and through traffic at that narrow and congested point on Dora Street. The right turn bay at Bridge Street, which will significantly improve traffic flow, will be welcomed by local residents, shopkeepers and visitors to the area. Work on that intersection is currently under way. These improvements to the main street have been designed to fit in with possible future improvement options for Dora Street. Planning for future work along the length of Dora Street through the shopping area has been extended to consider bus access and drop-off points and safety

issues around Morisset railway station. Options for further Dora Street improvements will be displayed for community comment by the Roads and Traffic Authority [RTA] later this year.

The RTA reviewed the proposals for traffic lights in the main street after I approached the Minister for Transport, and Minister for Roads, the Hon. Carl Scully, to request the involvement of CityRail, the Rail Infrastructure Corporation, State Rail, the Department of Transport and the RTA in the planning process. The works that are proposed for the main street could include additional work to improve access to the railway station. Two on-site meetings have been held to establish how the installation of traffic lights could be included in the plans to improve access to and parking at the railway station. Lake Macquarie City Council also attended the last on-site meeting.

Representatives of the Morisset Chamber of Commerce met with me prior to the last meeting and put forward a number of proposals. I passed those proposals on to government officials at the on-site meeting. I was advised this week that the Department of Transport is drawing up plans for improved pedestrian, bus and car access to the railway station, together with increased car parking. The Roads and Traffic Authority has proceeded with the Bridget Street intersection upgrade, and it is working with plans for traffic lights at other intersections. In the next few weeks we hope to display the RTA plans for community consultation and comment.

The other project that was recently approved by the State Government is a \$26.7 million upgrade on Five Islands Road, also part of Main Road 217, which runs between the suburbs of Booragul and Speers Point. The upgrade will widen the road from two lanes to a four-lane divided carriageway between the Speers Point roundabout and the Booragul roundabout, which is about 1.7 kilometres in length. The Minister for Planning has imposed more than 60 conditions on the approval to ensure the protection of local residents and the adjacent sensitive natural environment. Some of those conditions include the management and protection of the wetlands, careful management of marine sediments to minimise water quality impacts, stringent construction and operational noise controls, preparation and implementation of comprehensive construction and operational environmental management plans, and establishment of a community liaison group to discuss measures to minimise impacts arising from construction works.

The approval conditions are currently on display at Lake Macquarie City Council, Speers Point and Toronto libraries, and the Toronto Motor Registry. The upgrade of Five Islands Road to provide a 1.7 kilometre dual carriageway will be a major improvement to Main Road 217. This road is a vital link between the growing western areas of Lake Macquarie and Newcastle. This \$26.7 million upgrade will improve traffic flows, reduce delays and improve road safety for road users, including cyclists and pedestrians.

Mr McMANUS (Heathcote—Parliamentary Secretary) [1.10 p.m.]: I congratulate the honourable member for Lake Macquarie on his enthusiasm and dedication to his electorate. As today is the last formal sitting day of the fifty-second Parliament I would like to steal some time to make a valedictory statement. As at 22 March I will no longer be a member of this auspicious place. I would like formally to say thank you to staff, committee members and, particularly, Hansard for the kindness shown to me during my 16 years in the Legislative Assembly. I wish them all the very best. To my colleagues in the Parliament, I hope that they are able to successfully run the next New South Wales government, no matter which party is in government.

Private members' statements noted.

PRINTING OF PAPERS

Motion, by leave, by Mr McManus agreed to:

That the following reports be printed:

Final Report of the Ombudsman regarding FOI application for documents relating to the future of Hunters Hill High School, dated 22 October 2002
Art Gallery of New South Wales Trust for the year ended 30 June 2002
Australian Museum Trust for the year ended 30 June 2002
Board of Veterinary Surgeons of New South Wales for the year ended 30 June 2002
Chipping Norton Lake Authority for the year ended 30 June 2002
Dams Safety Committee for the year ended 30 June 2002
Department of Corrective Services for the year ended 30 June 2002
Department of Fair Trading for the year ended 30 June 2002 (Volumes 1 and 2)
Department of Land and Water Conservation for the year ended 30 June 2002
Department of Local Government for the year ended 30 June 2002
Environment Protection Authority for the year ended 30 June 2002

Guardianship Tribunal for the year ended 30 June 2002
Historic Houses Trust of New South Wales for the year ended 30 June 2002
Legal Aid Commission for the year ended 30 June 2002
Library Council of New South Wales for the year ended 30 June 2002 (Volumes 1 and 2)
Lord Howe Island Board for the year ended 30 June 2002
Ministry for the Arts for the year ended 30 June 2002
New South Wales Film and Television Office for the year ended 30 June 2002
New South Wales Fire Brigades for the year ended 30 June 2002
Office of the Protective Commissioner for the year ended 30 June 2002
State Records Authority for the year ended 30 June 2002
Sydney Catchment Authority for the year ended 30 June 2002
Sydney Opera House Trust for the year ended 30 June 2002
Trustees of the Museum of Applied Arts and Sciences for the year ended 30 June 2002
Review of the Fines Act 1996
Review of the Married Persons (Equality of Status) Act 1996
Report on the Review of the Taxation Administration Act 1996

DEPARTMENT OF THE LEGISLATIVE ASSEMBLY

NEW SOUTH WALES PARLIAMENT JOINT SERVICES

Annual Reports

Motion, by leave, by Mr McManus agreed to:

That, if the House is not sitting, the reports of the Department of the Legislative Assembly and the New South Wales Parliament Joint Services for the year ended 30 June 2002 be received by the Speaker and printed with the authority of the House.

[Mr Acting-Speaker (Mr Mills) left the chair at 1.13 p.m.]

Wednesday 11 December 2002

[Continuation of the sitting of Friday 22 November 2002.]

[The House resumed at 10.00 a.m.]

BUSINESS OF THE HOUSE

Divisions and Quorums: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide that divisions and quorums not be called for the remainder of the sitting.

DEATH OF Mrs LOIS BLACH

Mr SPEAKER: Honourable members will have been shocked and saddened to hear of the tragic death last Saturday of Mrs Lois Blach, the longest serving member of the parliamentary staff. Mrs Blach was appointed as an amanuensis on 5 August 1969. She was one of the first electorate secretaries when positions were created in July 1975 and she worked for David Hunter, the member for Ashfield. She transferred to become electorate secretary to Tim Moore, the member for Gordon, from May 1976 to 1985. She was then appointed parliamentary stenographer in 1985 and continued in this role until her untimely death. I offer to Lois' friends and colleagues the sincere sympathy of the Parliament.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.05 a.m.], by leave: Many of those who have served the Parliament for some years were as shocked as I was to hear of the untimely death of Lois Blach in tragic circumstances. Lois held various positions in Parliament, including electorate secretary and more recently parliamentary stenographer. She came to this place in 1969 and was one of the original amanuenses—positions that are now long gone. Lois then worked with David Hunter, who was a member of Parliament from 1940 until his retirement in 1976. He was one of nature's gentlemen. David was totally blind from an early age. He mastered the art of braille but could not

read his mail or the newspaper. That is how I first came in contact with Lois. As a new member of Parliament I would walk along the corridors of what was then known as the old Public Works area and find Lois reading the newspapers and correspondence to David Hunter.

Lois married late in life, and it was a source of great joy around the Parliament that she found Verner. They made their home on the Central Coast, at Gorokan. Lois loved the opera. She was always well groomed and looked the part of an opera goer. She loved the arts and, most importantly, music. Lois also loved to travel and certainly made an active contribution on her travels in recent years. Unfortunately, Lois battled ill health and had two cancer scares. However, she always bounced back. According to her longstanding friends Barbara Mork and Barbara Dixon, Lois had a black poodle named Gigi, who passed away recently.

Lois' life changed when she visited Africa recently. I recommend an overview of that trip compiled by the Clerk. Lois travelled with a group of people who, in addition to enjoying the scenery and animals in Tanzania and Kenya, took a compassionate interest in the needs of children in an impoverished school in Nanyuki. Over the past two years that group has built a library, a slow learners room, and an office for the school. On her last visit to Africa Lois took books, pencils and many other items for the use of the children at the Nanyuki school. The school has a mud floor and the group's aim on its next visit is to lay a cement floor to provide a comfortable year-round environment for the children.

At present the children are literally knee-deep in mud during the rainy season. The new floor is estimated to cost about \$1,000 and Lois, together with other members of her travelling group, was endeavouring to raise funds to allow the work to proceed. As a tribute to Lois, a collection is being taken to provide the children of Nanyuki school at Mount Kenya with a new floor. This will create a school environment that will encourage their learning and generally make life more comfortable—we certainly have nothing like those conditions in this country. Donations to this good cause may be made through the Clerk. Lois was due to retire next year, which makes her untimely death even more tragic. On behalf of all the staff in Parliament I place on record these sentiments about a decent woman who was much loved and who, despite all those adversities, should have had a much longer life. Valé Lois Blach.

Mr TINK (Epping) [10.10 a.m.], by leave: On behalf of the Opposition I join with the Minister in expressing shock and deep regret at the passing of Lois Blach. Lois worked for both sides of Parliament. The Minister has outlined her work for Mr Hunter, and for a number of years she worked as electorate secretary for Tim Moore, the honourable member for Gordon. In later years Lois worked in Parliament and was a familiar figure to members on level 10, being the stenographer for the entire floor. I knew Lois well. She was a lovely, gentle lady. I am known for becoming extremely uptight when under pressure but Lois saw life from a slightly different angle, and she was able to calm me down and make sense of my dictation.

As well as remembering that Lois had a delightful personality and was a wonderful woman, I remember that she could put the fire hose on me when I demanded the impossible by wanting to get things done yesterday. She would settle me down by urging me to take one step at a time. I commend to all honourable members the Minister's comments about Lois' travel to Africa and the fund that is being set up. The Clerk will accept donations to provide a new floor for the Mount Kenya school building. The fund will be a fantastic tribute to Lois and I am sure that all honourable members will contribute to it.

I did not dream that I would spend part of the last sitting day speaking to such a motion as this, and it is with great sadness that I do so. However, it is a timely reminder to us all about how precious life is. We never know when someone will not be with us any longer. Lois' death highlights the importance of maintaining good personal relations and never letting the fight become too personal. One should never part company on bad terms because the situation may be irretrievable. Lois constantly reminded me that I should fight the good fight but always maintain good relations, because one never knows what tomorrow will bring.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Mr WHELAN (Strathfield—Parliamentary Secretary) [10.13 a.m.]: I move:

That standing and sessional orders be suspended to provide for the introduction forthwith and progress up to and including the second reading speech, including the provision for the Ministers' second reading speeches to be incorporated in *Hansard*, of the following bills

Lotteries and Art Unions Amendment Bill
 Architects Bill
 Conveyancers Licensing Bill
 Crimes Legislation Amendment (Property Identification) Bill
 Fair Trading Amendment Bill
 Valuers Bill
 Mine Health and Safety Bill

Mr TINK (Epping) [10.15 a.m.]: I do not oppose the motion, but I point out that on the last sitting day of a four-year parliament the Government is introducing a raft of legislation that plainly it is not prepared to debate. Indeed, with the exception of the Minister for Gaming and Racing, there is no Minister in the Chamber to outline the reasons for introducing the legislation today. Increasingly, the Government is treating Parliament like a post-office box. If the Government is re-elected for a further term of office, the next logical step will be for it to email second reading speeches to members' parliamentary offices or post them to their electorate offices. Under a Brogden government, Ministers will personally introduce bills into the House, deliver their second reading speeches, and explain the bills to the House. It will not email, post or table second reading speeches. Indeed, under a Brogden government, Parliamentary Secretaries will not deliver second reading speeches under delegation from Ministers who are not prepared to face Parliament for the elementary purpose of introducing legislation. That is the first point.

The second point is that when bills are introduced into the Chamber, we will ensure, as far as possible within our power, that they are debated and put to a vote. This Labor Government proposes today to introduce seven bills that will then be adjourned over Christmas, New Year and a lengthy break while the Premier is in Venice or some other place. They will be in limbo during the election campaign, the election day, and perhaps the next two months. We will be almost halfway through 2003 before these bills are debated, if they ever are.

These bills are as relevant to the ongoing business of this Parliament as space junk floating on the dark side of the moon. The astronauts, the people from the Government who are about to shoot them into space, are not even present in the Chamber to fire the trigger, with the exception of the Minister for Gaming and Racing. It is a pathetic move by the Government to use the House as a post-office box to table legislation. Contempt of parliamentary procedure has become cumulatively worse over the term of this Government. In March next year the public should vote for a change of government to ensure that Ministers again deliver second reading speeches and that New South Wales has a government with the fortitude to pursue bills through to finality.

Motion agreed to.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide for the tabling of papers, committee reports, announcement of reports received out of session and statutory instruments, and the presentation of petitions.

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Sentencing Procedure) Amendment (Standard Minimum Sentencing) Bill
 Public Health Amendment (Juvenile Smoking) Bill (No 2)
 Civil Liability Amendment (Personal Responsibility) Bill
 Drug Court Amendment Bill
 Environmental Planning and Assessment Amendment (Illegal Backpacker Accommodation) Bill
 Law Enforcement and National Security (Assumed Identities) Amendment Bill
 Rail Safety Bill
 Business Names Bill
 Child Protection Legislation Amendment Bill
 Courts Legislation Miscellaneous Amendments Bill
 Crimes Legislation Amendment (Criminal Justice Interventions) Bill
 Election Funding Amendment Bill
 Gaming Machines Further Amendment Bill
 Law Enforcement (Powers and Responsibilities) Bill
 Pawnbrokers and Second-hand Dealers Amendment Bill
 Police Amendment (Appointments) Bill
 Retail Leases Amendment Bill

Security Industry Amendment Bill
 State Revenue Legislation Amendment Bill
 Strata Schemes Management Amendment Bill
 Superannuation Legislation Amendment Bill
 Superannuation Legislation Further Amendment Bill
 Statute Law (Miscellaneous Provisions) Bill (No. 2)
 Motor Accidents Compensation Further Amendment (Terrorism) Bill
 Terrorism (Commonwealth Powers) Bill
 Terrorism (Police Powers) Bill.

PARLIAMENTARY ETHICS ADVISER

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

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

That:

- (1) this House directs the President to join with the Speaker 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 13 December 2002,
- (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 Council requests that the Legislative Assembly pass a similar resolution.

Legislative Council
 5 December 2002

MEREDITH BURGMANN
 President.

Consideration of message deferred.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Pawnbrokers and Second-hand Dealers Amendment Bill
 Police Amendment (Appointments) Bill
 Public Finance and Audit Amendment (Costing of Election Promises) Bill
 Summary Offences Amendment (Spray Paint Cans) Bill
 Guardianship and Protected Estates Legislation Amendment Bill
 Industrial Relations Amendment (Industrial Agents) Bill
 Motor Accidents Compensation Further Amendment (Terrorism) Bill
 Pay-roll Tax Legislation Amendment (Avoidance) Bill
 Terrorism (Commonwealth Powers) Bill
 Terrorism (Police Powers) Bill

Coal Industry Amendment (Fees for Rescue Services) Bill
Coal Mine Health and Safety Bill
Road Transport (Vehicle Registration) Amendment Bill
Driving Instructors Amendment Bill
Drug Misuse and Trafficking Amendment (Dangerous Exhibits) Bill

The following bills were returned from the Legislative Council with amendments:

Crimes Amendment (School Protection) Bill
Water Management Amendment Bill
Workers Compensation Amendment (Terrorism Insurance Arrangements) Bill
Workers Compensation Legislation Amendment Bill
Defamation Amendment Bill
Building and Construction Industry Security of Payment Amendment Bill
Building Legislation Amendment (Quality of Construction) Bill
National Park Estate (Reservations) Bill
Electricity Supply Amendment (Greenhouse Gas Emission Reduction) Bill
Bank Holidays Legislation Amendment Bill.

Consideration of amendments deferred.

TABLING OF PAPERS

Mr Face, by leave, tabled the following papers:

Report of the Thoroughbred Racing Board for the year ended 30 June 2002
Report of the Review of NSW Lotteries Legislation, dated November 2002

Ordered to be printed.

PRIVACY AND PERSONAL INFORMATION PROTECTION AMENDMENT (PRISONERS) BILL

CRIMES LEGISLATION AMENDMENT BILL

DISORDERLY HOUSES AMENDMENT (COMMERCIAL SUPPLY OF PROHIBITED DRUGS) BILL

Bills received and read a first time.

AUDIT OFFICE

Reports

Mr Speaker announced the receipt, pursuant to section 38E of the Public Finance and Audit Act, of the following Performance Audit Reports:

Managing Grants, dated December 2002
Managing Hospital Waste, dated December 2002

Ordered to be printed.

OFFICE OF THE OMBUDSMAN

Report

Mr Speaker announced the receipt, pursuant to section 23 (1) of the Law Enforcement (Controlled Operations) Act 1997, of the report entitled "Law Enforcement (Controlled Operations) Act Annual Report 2001-2002", dated November 2002.

Ordered to be printed.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

Mr Speaker announced, pursuant to the Commission for Children and Young People Act 1998, the receipt of the report for the year ended 30 June 2002.

Ordered to be printed.

NEW SOUTH WALES PARLIAMENT JOINT SERVICES**Report**

Mr Speaker announced the receipt of the report for the year ended 30 June 2002.

Ordered to be printed.

DEPARTMENT OF THE LEGISLATIVE ASSEMBLY**Report**

Mr Speaker tabled the report of the Department of the Legislative Assembly for the year ended 30 June 2002.

BILLS UNPROCLAIMED

Mr SPEAKER: Pursuant to standing orders, I table a list detailing all legislation unproclaimed 90 days after assent as at 11 December.

PETITIONS**Freedom of Religion**

Petition praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Mr R. W. Turner**.

Speech Therapy Services

Petition praying for a review of speech therapy services funding, received from **Mr George**.

Yarramundi Bridge

Petition praying for construction of a new Yarramundi bridge that is less prone to flooding and can carry two-way traffic, received from **Mrs Hopwood**.

State Rail Track Leases

Petition praying that the House reject the proposal by the Australian Rail Track Corporation to lease and operate freight lines, received from **Mr Mills**.

Richmond Regional Vegetation Management Plan

Petition seeking extension of the exhibition period of the draft Richmond Regional Vegetation Management Plan, received from **Mr George**.

Sydney Institute of Technology, Randwick Campus, Vocational Education

Petition praying for continuation of vocational education module 4995H at the Sydney Institute of Technology, Randwick campus, received from **Mr E. T. Page**.

Community-based Preschools

Petition requesting adjustment of funding to ensure viability of community-based preschools, received from **Mr Hartcher**.

Wollumbin State Forest

Petition praying for cessation of all logging operations in Wollumbin State Forest and for inclusion of the forest in Mt Warning National Park, received from **Mr Newell**.

Cronulla Police Station Upgrading

Petition praying that the House restore to Cronulla a fully functioning police patrol and upgrade the police station, received from **Mr Kerr**.

Moorebank Police Station Upgrading

Petition praying that Moorebank Police Station be upgraded to a fully functioning 24-hour police station, received from **Mr Tink**.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Mr TINK: I seek leave to move a motion to suspend standing and sessional orders to permit the consideration forthwith of the following motion:

That this House:

- (1) notes with concern that the Carr Government is yet to provide comprehensive reasons for its dismissal of Superintendent Lola Scott;
- (2) notes with equal concern that the Police Integrity Commission is yet to make a final report to Parliament on its Operation Malta Inquiry;
- (3) calls on the Carr Government to provide Parliament with a comprehensive statement of reasons for the dismissal of Superintendent Scott.
- (4) calls on the Police Integrity Commission to table its final report into Operation Malta by 31 December 2002.

Leave not granted.

SELECT COMMITTEE ON SALINITY

Reports

Mr Anderson, on behalf of the Chairman, tabled the following reports:

Report on the Study Tour to the USA and UK, 9-26 May 2002, dated November 2002

Report on Visit of Inspection to Western Australia 28 October to 1 November 2001, dated November 2002

LOTTERIES AND ART UNIONS AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.31 a.m.]: I move:

That this bill be now read a second time.

The Government has introduced this bill to amend the Lotteries and Art Unions Act 1901 following a joint national competition policy [NCP] review of the Lotteries and Art Unions Act and the Charitable Fundraising Act. The Lotteries and Art Unions Act, together with the Unlawful Gambling Act 1998, forms the basis for the regulation of minor gaming activities in New South Wales that are of considerable importance to so many people within our community not only for entertainment but to raise important funds for charities and non-profit organisations. The Act does not affect commercial-based gambling or lottery activities authorised under other New South Wales statutes, for example, the Public Lotteries Act and the Totalizator Act. It is simply to raise money for worthwhile causes.

The policy principles upon which the laws regulating gaming proceed are that no-one can claim a right to provide gaming; it is a privilege to be granted by the Government subject to thorough probity controls, and only in accordance with community expectations. The Lotteries and Art Unions Act is structured so that a

blanket prohibition is imposed on the selling or disposing of money or property by way of chance. The Act then provides exceptions to the prohibition. Certain community-based lotteries and games of chance may be legally conducted provided they accord with the Act, regulations and any applicable permit conditions.

In keeping with the principles, the legislation restricts who can offer lottery or gaming activities, what activities can be undertaken, and how the activities are to occur. They are not to be for the private income or benefit of any person. Overall, the Act imposes general restrictions that limit the opportunity to profit from the conduct of community gaming to charities and other non-profit organisations. The legislation controls raffles, art unions, bingo or housie, sweeps, tipping competitions and other community-based lotteries or minor gaming activities.

The Charitable Fundraising Act regulates the charitable fundraising market, which comprises donors, charitable organisations, and professional fundraisers who undertake fundraising activities on behalf of charities, persons or causes who benefit from the charitable services that do so much for the community. The Act imposes a general prohibition on fundraising for charitable purposes unless the person who, or an organisation which, conducts the fundraising appeal is the holder of an authority authorising the person to conduct the appeal, or is authorised to conduct fundraising appeals without an authority. A combined NCP review of the Lotteries and Art Unions Act and the Charitable Fundraising Act has been undertaken as part of the New South Wales Government's commitment to the competition principles agreement signed by the Council of Australian Governments in 1995.

The review confirmed the following broad objectives of the Charitable Fundraising Act and Lotteries and Art Unions Act: to ensure the integrity of persons or organisations that conduct charitable fundraising and authorised lottery activities—a probity regime with responsible, responsive and accountable persons or organisations, a regime that eliminates practices that could undermine public confidence, an important criteria because there is always somebody who wants to take advantage of unsuspecting people under the banner of fundraising for some worthwhile organisation; to assist the ongoing viability of persons or organisations that conduct charitable fundraising and authorised lottery activities that contribute positively to the community and develop and operate in the public interest; to ensure fairness concerning the conduct of charitable fundraising and authorised lottery activities as they impact on members of the community, including beneficiaries, participants, players, promoters, organisers; to promote gambling harm minimisation, a Government priority which is as important as other larger and more confronting forms of gambling; to ensure that the industries are free from criminal influence and exploitation, as someone is always trying to make a quick dollar from unsuspecting persons; and to ensure the application of profits/proceeds to the particular purpose or organisation represented during the conduct of charitable fundraising and authorised lottery activities. Anyone doing the wrong thing undermines the ability of worthwhile organisations to raise funds.

The review identified a number of restrictions on competition. Essentially, these are entry restrictions, restrictions on conduct, cross-border restrictions with regard to lottery activities and that all eligible fundraising organisations are not placed on equal terms. The NCP review of the Lotteries and Art Unions Act occurred in an environment of heightened and ongoing community concern about the expansion of gambling services, and the associated potential for adverse social consequences for some members of the community. Accordingly, the review gave due regard to the development of gambling harm minimisation and other social policy developments in New South Wales and at the Commonwealth level in shaping the recommendations of the review.

The NCP review of the Charitable Fundraising Act gave due regard to other policy and inquiry processes into charitable fundraising, including the Federal Productivity Commission inquiry into charitable organisations in June 1995, which recommended, in part, that consideration should be given to achieving greater efficiency and effectiveness of fundraising regulation among the States and Territories and an interjurisdictional working party, which comprises representatives from the various States and Territories and was formed in February 2000 to investigate in part the feasibility of developing a uniform national system of regulation for charities. At this stage the working party has not resolved its position. It is of the utmost importance to have a considerable amount of uniformity, if not total uniformity, between the States and Territories, and I have worked hard on that during the time I have been the Minister.

The review generally recommends that the current restrictions on competition in the legislation be retained. It found that the potential public benefits of these restrictions outweigh their costs. It considered alternatives to the existing arrangements but in each case concluded that it was appropriate to retain existing restrictions as in the present circumstances they achieve the best community benefits. Nevertheless, the review recommended that there be ongoing discussion between the States and Territories to explore the possibility of greater uniformity. As I said, that is of the utmost importance. The main reasons for such conclusions are to

retain controls which maintain integrity—that is paramount—to adhere to the gambling harm minimisation policy and not lift restrictions which would provide for an expansion in gambling; and at the same time to assist the ongoing viability of charitable organisations, which contribute positively to the community and develop and operate in the public interest.

The report gave due regard to the importance of charitable fundraising and lottery activities, in both an economic and a social sense. In the absence of government regulation, gambling could expand with an associated increase in the incidence of problem gambling. Community-type gambling, as it is phrased these days, is considered to provide the potential for criminal influence and exploitation, and an increase in practices that undermine public integrity and threaten revenue for legitimate community groups and charities. When that happens confidence is undermined and community or charitable organisations may not be able to offer a competitive product against commercial operators, thereby losing much-needed revenue that does so much good work for the community.

The report of the national competition policy review of the Charitable Fundraising Act does not make any recommendation to amend the legislation. The report recommends that the Lotteries and Art Unions Act be amended in three areas: to include explicit objects; to remove the requirement for a registered club to hold a permit to conduct certain games of chance; and to remove the prohibition on a person conducting a lottery in another State or Territory of Australia from advertising and selling tickets in New South Wales, provided the lottery complies with the same standards expected of a lottery conducted in New South Wales.

The Act was drafted in 1901, before the practice of stating objects and, therefore, has no explicit objects. The review found that the underlying objectives of the Act are valid but concluded that they need to be explicitly stated in the Act. Accordingly, the bill proposes a new section 2 to provide for the objects of the Act and, in particular, to provide that the principal object of the Act is to ensure that, on balance, the State and the community as a whole benefit from certain community-based lottery activities. Under the Act, registered clubs may conduct club bingo and promotional raffles, provided an authorising permit has been granted. Since 1998 an authorising permit has been granted to all registered clubs, regardless of whether they wished to conduct the game. This overcame the problem of clubs having to submit applications to conduct games.

The review concluded that although the current system works well, a negative licensing approach would provide far greater efficiency, that is, to authorise registered clubs to conduct certain lotteries without the need for a licence. That simply removes another burden of administration for licensed clubs that in the main do the right thing. Accordingly, the bill proposes to amend section 4C of the Act to remove the requirement that a permit be issued, and makes consequential amendments to other provisions of section 4C.

The Act provides for penalties in respect to foreign lotteries. For the purposes of the Act, a foreign lottery is any lottery conducted outside New South Wales, irrespective of whether it is legal in the place where it is conducted. The foreign lottery provisions prohibit publication of advertisements for, and the sale of tickets in, foreign lotteries. The restriction means that persons and organisations in other Australian jurisdictions cannot advertise or sell tickets in lotteries in New South Wales, even if the lottery activity is lawful in that other jurisdiction, in other words, in another State or Territory of Australia. This means that a Victorian-based charity, which is authorised under the Victorian law to conduct a fundraising lottery, cannot sell tickets in New South Wales. The restriction also means that gaming suppliers whose bona fides are questionable cannot openly establish a marketing presence in New South Wales.

In order for the Government to pursue the objective of ensuring a safe and responsible gambling environment for the community, it must have regard to the marketing and advertising of gambling products into New South Wales by out-of-jurisdiction gambling operators. If the restriction were to be lifted, it may have an adverse impact on the ability of the Government to control the provision of gaming services to the people of New South Wales, and it would potentially exacerbate any social and economic problems. The restriction ensures that the Government remains capable of controlling gambling in New South Wales.

Although other Australian jurisdictions do not exercise a similar restriction as New South Wales, it must be concluded that without uniform standards between Australian jurisdictions, the mutual recognition of lotteries authorised in other States and Territories would be hazardous. In this respect unscrupulous persons would choose the jurisdiction with the least restrictive controls from which to operate and to promote their lotteries in New South Wales. That is what happened with wagering impacting on New South Wales taxation revenues; wagering is more attractive in other States and Territories at present.

Accordingly, the national competition review concluded that to support the underlying implicit objectives of the Act any relaxation to permit lotteries based in other Australian jurisdictions to be authorised in New South Wales must be on the basis of only permitting such community-based lotteries whose standards of probity and fairness are comparable with those in New South Wales. Where necessary, this would also require non-New South Wales based operators to be authorised under a permit scheme similar to that required of New South Wales based operators. The bill replaces the existing definition of "foreign lottery" and defines a "foreign lottery" as a lottery that is conducted or to be conducted outside Australia and whether or not it is legal in the place where it is or is to be conducted; or is conducted or to be conducted in another State or a Territory and is declared by the Minister, by order published in the gazette, to be a lottery that fails to comply with the standards expected of lottery activities conducted in New South Wales.

From time to time I receive correspondence from people who have received letters from overseas lotteries indicating that they have been the recipient of a prize and it is bogus. The Government has been concerned about that for some time. The intent is that a person may advertise and sell tickets in a community-based lottery in New South Wales even though the lottery is conducted in another State or Territory of Australia, provided the lottery complies with the same requirements as a lottery entirely conducted in New South Wales. However, a lottery conducted in another jurisdiction may be declared by the Minister, by order published in the gazette, to fail to comply with the standards expected of lottery activities conducted in New South Wales. In that case the lottery activity would be a "foreign lottery" and be unable to be sold or advertised in New South Wales.

During the drafting of the bill it was necessary to make consequential amendments to other provisions. The bill proposes that section 4B be amended to allow an interstate club within the meaning of the Registered Clubs Act to also conduct trade promotional lotteries in New South Wales, provided a permit has been granted. That is of concern in terms of border location. The bill also proposes to replace section 22A of the Act with proposed sections 22A and 22AA. Section 22A currently provides that the Minister may seek orders from the Supreme Court to prevent the conduct of a particular lottery activity or to prohibit a person or organisation from conducting any lottery activity for a period not exceeding two years.

Proposed section 22A provides that if the Minister is satisfied that it is likely that the provisions of the Act or the regulations or the conditions of a permit have not been, or will not be, complied with in relation to a lottery activity, or that it would be against the public interest for the lottery activity to be conducted, the Minister may make a direction prohibiting conduct of a lottery activity. Proposed section 22AA provides that if the Minister is satisfied that a person or organisation has persistently failed to comply with the provisions of the Act or the regulations or the conditions of a permit, and that the person or organisation is likely to continue to do so, the Minister may give a direction prohibiting the person or organisation from conducting any community-based lottery activities for a period not exceeding two years. These new provisions are similar to current section 22A, but remove the need for the Minister to seek an order from the Supreme Court. This should provide a more efficient and less costly process. Under the proposal a person or organisation dissatisfied with a decision made by the Minister to prohibit the conduct of a lottery activity, or to prohibit a person or organisation from conducting lottery activities, may apply to the Administrative Appeals Tribunal for a review of the decision.

Sections 3 and 20 of the Act create offences relating to publishing certain advertisements, information or notices with respect to unlawful lottery activities. The bill proposes to insert a new definition of "publish" in section 2A (1). Part of the definition will include the words "cause to be published." The proposed definition will clarify the legislative intent of preventing persons from publishing or causing to publish advertisements, information or notices relating to unlawful lotteries. This will improve enforcement functionality, which may reduce the number of unlawful lotteries advertised and therefore protect the community from unscrupulous operators. The bill also makes consequential amendments to the Administrative Decisions Tribunal Act and the Licensing and Registration (Uniform Procedures) Act.

At this time I pay tribute to New South Wales Lotteries, an agency—for want of a better word—which has been under my control for the past eight years. Throughout its history it has been an extremely efficient organisation. Despite many impacts on its products from other gaming activities, New South Wales Lotteries has been able to hold its place in the market. That is in the best interests of the State, because people fail to realise that the revenue derived from lotteries contributes to the cost of the important work of maintaining schools, hospitals and roads.

I pay tribute to Jim Fair, the chairman of the corporation when I became Minister, and its current chairman, John Bagshaw, who has brought his immense knowledge and skill to the corporation. The knowledge

of lotteries of the Chief Executive Officer, Michael Howell, is unparalleled. I pay tribute to him and thank him for his courtesy and assistance during the time I have been the Minister. Over the years the board of New South Wales Lotteries has been extremely efficient and professional in its activities. When I became the shadow Minister New South Wales Lotteries was a government agency. It was tied to Treasury for its marketing and shackled in various ways that one would expect of an agency that was subject to the State budget.

The agency was commercialised during the time the Hon. Ian Causley was the Minister. That was the first acknowledgment by the then Government that it needed to be commercially unshackled, even down to its marketing. Various amounts of money were made from that decision to get into the marketplace properly. When the present Government took office New South Wales Lotteries was corporatised and it has since become recognised, along with at least one other lottery agency—Californian Lotteries—as one of the most successful lotteries in the world. That is due to the continuing presence of its products in the marketplace and the efficient way it runs lotteries. At the end of the day that has been to the benefit of those who are domiciled in this State. I commend the bill to the House.

In conclusion I should tell the House that the other day I had the privilege of being given the first new Singleton shire tie by the mayor, Fred Harvison. I promised the Upper Hunter Beyond 2000 Committee that I would wear the tie into the House today for everyone to see. I thank Mr Harvison and the Singleton shire for their most generous gesture. I do not know whether I will need to declare it among my pecuniary interests. It has a similar pattern to the tie being worn by the honourable member for Coffs Harbour, except that his does not have the most important Singleton shire emblem at the bottom. This is the last bill I will introduce into Parliament. I thank the House for the privilege.

Debate adjourned on motion by Mr R. H. L. Smith.

ARCHITECTS BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Iemma [10.48 a.m.]: I move:

That this bill be now read a second time.

In accordance with the resolution, of the House I table the second reading speech for incorporation in *Hansard*.

Honourable members will be aware of this Government's record of both maintaining and enhancing consumer protection and introducing policies to improve the standard of the built environment for all of the community.

As a major part of the Government's initiatives in both these areas the Government has undertaken extensive review of legislation regulating the architectural profession. The Government sought to undertake reforms in 1998 but decided to hold them in abeyance pending the results of the work of the Productivity Commission, which undertook a review of legislation regulating the architectural profession. This review was handed down in late 2000.

Following this, State and Territory governments agreed to compile a joint response to this report. Under the leadership of New South Wales that joint response provided a framework which was adopted by all State and Territory governments, and it was also endorsed by the Australian Procurement and Construction Ministerial Council. I am here today introducing a Bill to implement this nationally agreed framework into New South Wales.

This Bill will achieve greater consumer protection, more effective professional discipline and enable a renamed Architects Registration Board to take a more active role in promoting community discussion on the role of architects in the community. In addition, the new Board will have a broader membership than the current Board to reflect its redefined role under this legislation.

There has been extensive consultation with the profession over the past 18 months. The organisations consulted have included the Royal Australian Institute of Architects, the Association of Consulting Architects of Australia, the Architects Accreditation Council of Australia and the current Board of Architects. I have also had representations from consumers of architectural services regarding deficiencies in the complaint process available under the current Act for unprofessional conduct by architects.

The resulting proposals for reform are so extensive that the Bill I am introducing repeals the Architects Act 1921 and starts afresh.

Enhanced consumer protection is a major plank of the reform, with the legislation guarding the interests of consumers and supported by a Board which draws its membership from a wider range of backgrounds than architecture alone. The Government wants the new Board to be concerned with consumer issues, broader public and industry interests in architecture, whilst, at the same time, ensuring a strong professional presence is maintained and professional architectural knowledge is applied to the Board's activities.

The community members will include persons with demonstrated public interest in architecture and representing consumers, local government, and legal and allied professions.

Architect members will include two architects elected by all New South Wales registered architects, the current and past presidents of the Royal Australian Institute of Architects New South Wales Chapter, the New South Wales Government Architect and an academic drawn from one of the schools of architecture in New South Wales.

The legislation also creates a Code of Professional Conduct for all registered architects and provides for the creation of a Model Client-Architect agreement for use in home design. The terms of reference of these will be established in the Regulations.

The Code will define the conduct required of architects; breaches will provide grounds for discipline.

The Client-Architect agreement will balance the rights and responsibilities of the parties in a fair and equitable manner and mandate a dispute resolution process. This process must be exhausted prior to more formal proceedings being commenced by either party. Such formal proceedings will also occur, in the first instance, in the Consumer Trader and Tenancy Tribunal. The Government intends to take steps to co-ordinate these processes with amendments to home building legislation when they are finalised.

Through this new legislation, consumers will be provided the strongest protection of any jurisdiction of which I am aware. It will also protect the interests of competent, professional architects and the profession as a whole by creating a robust regime of disincentives to poor conduct, enhancing public confidence in the profession.

I also point out that this Bill needs to be read in conjunction with the tort law reforms recently adopted by this Parliament. Those reforms introduced proportionate liability for certain claims and "profession focussed" defences for professional negligence for professions, including architects.

Other features of the legislation are the provision for two levels of misconduct with simpler matters able to be dealt with by the Board and more significant matters being taken to the Administrative Decisions Tribunal. The Tribunal will sit with an architectural member. The Board's role will be to investigate complaints and take matters to the Tribunal where it considers a case can be made against an architect.

Penalties for misconduct will be greatly increased commensurate with the seriousness of misconduct and offences created by the legislation. The maximum penalty will be 100 penalty units, or currently \$10,000, for an individual and double this for corporations and firms. Penalties of suspension or cancelling of registration will also exist. Greater flexibility in available penalties will be provided with orders possible to require architects to undergo further education and/or mentoring under an architect approved by the Board. This brings the regulation of architects into line with the other regulated professions, as the community would expect. All findings against architects will be published to inform both possible clients and other architects.

The major effect of the current legislation is to protect the use of the title "architect". This will continue in this legislation, however with some changes.

Protection will be restricted to the use of the title in connection with building and construction, overcoming the awkwardness of the current act in dealing with terms such as "systems architect" and "software architect" in use in the information technology industry.

While only registered architects will be able to use the title "architect" and offer services provided by an architect, any corporation or firm which employs an architect may also use the title "architect" or its derivatives on notifying the Board of its "nominated architect".

The "nominated architect" is an architect nominated by a corporation as the one who manages and directs the services provided by an architect. In addition, primary dealings with clients must be with a registered architect employed by the corporation or firm. These provisions of the proposed legislation replace the current requirement that one third of directors of a company be architects to allow such a company to use the title "architect".

To ensure that the market is properly informed of the nominated architect, firms or corporations will be required to advise the Board of their nominated architect and advertise the identity and business location of the nominated architect or architects. The intent is that this advertising would relate to normal business communications, including letterheads and be in a prominent place in the place of business such that prospective clients would be able to read it.

Any corporation, firm or person offering architectural services in the market place to be performed by an architect, or could be reasonably construed as such, will be committing an offence, if they are not an architect, or if a corporation or firm does not have a "nominated architect". The intent is for the market to be clearly informed as to whom is and who is not an architect so that prospective clients can make an informed commercial judgement as to whose services to use.

The Government does not want to prevent non-architects from engaging in the business of designing buildings, but it does not want anyone to mislead their market in any way as to their professional status. The legislation provides severe penalties for any such misleading. However, a person not an architect who has clearly stated in any offering to the market the qualifications relied upon and that the person or company is not an architect will obviously not intend to mislead. If it is found that these provisions do not provide sufficient consumer protection, those terms found to be used in a misleading manner will be proscribed at a later date by a Regulation under a new Act.

The Board will have as part of its role the responsibility of ensuring adequate communication to the market of what the term "architect" means in connection with building and construction.

Because entry to registration is of great concern to the Board, it will be empowered to accredit courses that produce graduates suitable to seek registration. This replaces the current fixed schedule of courses in the regulations under the current Act.

Importantly the Board will be required to provide a pathway to registration that recognises the demonstrated experience of non-architect building designers. The current Board has developed such a pathway in consultation with the Architects Accreditation

Council of Australia, named the 'Built Work Program of Assessment' which is an examination of candidates' built work against published competency criteria. A number of people have applied for assessment by this program to meet the criteria established by the Minister for Planning in State Environmental Planning Policy 65. As honourable members know, this policy limits to architects the right to design certain classes of multiple unit residential buildings.

The Built Work Program of Assessment ensures that experienced building designers of demonstrated capability will be able to register as architects without sitting a theoretical examination of their knowledge of technical aspects of architectural practice and continue designing these classes of multiple unit residential buildings, thus helping to achieve the Government's objective of improved urban built environments. This will not remove the consumer protection requirement on all candidates seeking registration to pass an examination in professional aspects of architectural practice.

One issue that has been of concern to architects who export their services has been the lack of a national register of architects. Of course, given the division of powers under the Australian Constitution, it is not possible to legislate to create a national register. However, this legislation allows for the Board to join with counterpart Boards in other jurisdictions to administratively join their registers nationally to create a national registry of registered architects. The Architects Accreditation Council of Australia has undertaken to the Australian Procurement and Construction Ministerial Council, which I chair, to facilitate this. The Bill offers no impediment to the Board to work with the Architects Accreditation Council of Australia to achieve a national compilation of registers, but rather in its objectives encourage the Board to work toward this and other national initiatives to achieve uniformity of administration of architects.

The Carr Government committed itself to the introduction of this legislation during this sitting of Parliament. In fulfilling this commitment on behalf of the Government, I am pleased to note that consumers of architectural services, the market for building design as a whole, the community and architects who practice in a professional manner will all benefit from the introduction, passage and implementation of this legislation.

I commend the Bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

CONVEYANCERS LICENSING BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Aquilina [10.59 a.m.]: I move:

That this bill be now read a second time.

In accordance with the resolution of the House, I table the second reading speech for incorporation in *Hansard*.

The Conveyancers Licensing Bill 2002 repeals the Conveyancers Licensing Act 1995 and replaces it with a new Act which improves consumer protection, allows conveyancers to incorporate, introduces 'rules' for conveyancers, clarifies and updates existing legislation and reforms the disciplinary scheme.

The proposed reforms are based on the recommendations of a national competition policy review of the Conveyancers Licensing Act 1995. The review found that consumers experience risks in their dealings with conveyancers, and that these risks justify continued regulation of the conveyancer industry. The main risks faced by consumers of conveyancers' services are: the level of competence of the conveyancers and the safety of monies held in trust.

Given these risks, the review concluded that the objectives of the Conveyancers Licensing Act 1995 remain valid. These objectives are:

- Increased competition in the provision of conveyancing services by allowing other qualified professionals apart from solicitors to undertake conveyancing work
- To protect consumers of conveyancing services by providing that conveyancers must be licensed, accountable and meet certain standards of competence.

The review recommended retaining the current occupational licensing model as the regulatory option which best achieves the objectives of the Act. As part of the review process some aspects of the regulation of conveyancers were identified as requiring legislative reform.

I believe that consumers of conveyancers' services have a right to expect professional, honest and ethical behaviour from conveyancers and that is what is intended by this bill.

I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

CRIMES LEGISLATION AMENDMENT (PROPERTY IDENTIFICATION) BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Debus [11.00 a.m.]: I move:

That this bill be now read a second time.

In accordance with the resolution of the House, I table the second reading speech for incorporation in *Hansard*.

This Bill responds to those who dishonestly tamper with unique identifiers on goods for the purpose of concealing a theft and depriving rightful owners of those goods the chance to recover their property.

We have recently seen this tactic of tampering with unique identifiers used in the case of stolen mobile telephones, where a unique identification number, the IMEI number, is altered to give the stolen handset an apparent new identity.

Whilst telecommunications service providers are now moving to block stolen handsets, laws protecting the identity of goods need to be made to keep abreast with technological changes and the responses of thieves to those changes.

The problem of concealing the identity of stolen goods is not unique to mobile phones—many types of goods are supplied with a serial number by the manufacturer or retailer.

This Government's crime prevention policy also encourages citizens to mark personal property with their own personal identifiers.

This has been a feature of Neighbourhood Watch programs for many years. NSW Police Crime Prevention Officers assist by loaning citizens engraving equipment for this purpose.

The Government also encourages people to consider new microdot technology, where unique electronic markers can be sprayed onto motor vehicles and other personal property.

The Government has already taken legislative steps to use the spread of unique identifiers to better target the stolen goods market.

The *Pawnbrokers and Second-hand Dealers Act 1996* aims to reduce the extent to which pawnbrokers and second-hand dealers are wittingly or unwittingly involved in the disposal of stolen goods.

NSW Police has established a Pawnbrokers Unit, which maintains a database of second-hand and pawned goods.

The *Pawnbrokers and Second-hand Dealers Act* requires second-hand dealers to report to the Unit the details of a wide range of goods likely to have unique identifiers, including musical instruments, photographic equipment, most electric or electronic goods and computer hardware.

Specifically in relation to pawnbroking, the Act requires that a pawnbroker's records of pawned goods must note any unique identifier on the goods.

These records are transmitted electronically to the NSW Police Pawnbrokers Database, which is used for intelligence purposes and to identify and track stolen goods.

The effectiveness of the database depends to a significant degree upon the use of discrete identifiable serial numbers or markings against which the database can be searched.

The criminal law as it stands does not adequately address dishonest tampering with identifiers on goods.

There are offences relating to the malicious or dishonest damage to property under sections 195 and 197 of the *Crimes Act*, but these as they stand are not suitable for dealing with offences where unique identifiers on property are tampered with.

Currently damage to property may be established where the function, usefulness or value of the property is in some way impaired.

The removal of an identifier (for instance scratching off a serial number) will not generally impair the function or usefulness of the property, with the function of a piece of property and its ability to be identified being two distinct things in almost all cases. In the vast majority of cases, the removal of an identifier will also not reduce the value of property.

The Bill rectifies this problem by amendments to the *Crimes Act 1900* and the *Criminal Procedure Act 1986*. It also makes a facilitating amendment to the *Pawnbrokers and Second-hand Dealers Act 1996*.

Schedule 1 provides that removing, obliterating, defacing or altering unique identifiers on goods falls within the definition of 'damage to property' for the purposes of the *Crimes Act 1900*.

Schedule 1 defines 'unique identifier' to include identification numbers, letters or symbols that are marked on or attached to property as a permanent record so as to enable the property to be distinguished from similar property.

This covers a broad range of identifiers such as manufacturers' serial numbers as well as personal identifiers that owners may have put on their goods themselves.

Schedule 2 then amends the *Criminal Procedures Act 1986* in respect of the manner in which such charges may be tried.

As noted above, the actual dollar value damage of tampering may be very small and it is unlikely to impede the function of the goods.

This will determine whether a matter is a Table 1 or Table 2 offence under the *Criminal Procedure Act 1986*, this being relevant to the election of whether the matter is heard summarily or on indictment.

The amendment makes it clear that in cases of identifier tampering, the value of the damage to property is the value of the goods.

So, if a thief scratches out a serial number on a DVD player worth \$500, the damage done is taken to be \$500, not the negligible value of scratching out the serial number.

This ensures the justice system focuses on the actions taken to deprive an owner of the goods; rather than on the small damage done to the goods in dollar terms.

This should lead to appropriate sentences for what is a premeditated strategy to confound investigations and deprive owners permanently of their property.

Schedule 3 amends the *Pawnbrokers and Second-hand Dealers Act 1996* to deem that a licensee or employee of a pawnbroking or second-hand business suspects that an item whose identifiers have been tampered with is stolen.

This requires the dealer to notify this fact to police, which will assist police investigations into property theft.

I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

FAIR TRADING AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Aquilina [11.01 a.m.]: I move:

That this bill be now read a second time.

In accordance with the resolution of the House, I table the second reading speech for incorporation in *Hansard*.

The Fair Trading Act 1987 is the principal statute which protects New South Wales consumers from deceptive and dishonest commercial conduct. The bill I introduce today will update the Act to reflect changes in the way transactions are undertaken and address the increasing sophistication of the operation of con artists.

The Fair Trading Act provides a statutory framework for the operation of the New South Wales consumer marketplace. The legislation exists in relation to a broad range of transactions, of varying value and complexity. These range from every-day consumer purchases—including such basic items as a newspaper or morning cup of coffee—to transactions as important as purchasing a home, car or expensive manufactured item. The legislation applies to more than \$70 billion in annual consumer trade.

Governments around the world look to the marketplace to ensure that goods and services are produced which are appropriate to the demands of consumers. The underlying principle is that well-informed consumers know best what goods and services will satisfy their needs and wants. In economic terms, the efficient allocation of productive resources in a market economy relies upon the informed choices made by consumers and the competitive behaviour of market participants. Legislation such as the Fair Trading Act and the Commonwealth Trade Practices Act play an important part in facilitating pro-competitive conduct and the efficient operation of the economy.

The provisions of the Fair Trading Act can be grouped under five major themes or objectives. These are to:

- Require traders to provide consumers with truthful information so that consumers can make informed choices;
- Prescribe information and practice requirements that are not adequately addressed by market forces;
- Prohibit unfair practices;
- Provide for a means of redress for consumers and enforce the provisions of the Act; and
- Provide protection against unsafe goods.

The Door-to-Door Sales Act 1967, one of the earliest consumer protection statutes in New South Wales, regulates unsolicited door to door credit sales of goods and services. The aim of the Door-to-Door Sales Act is to deal with problems which can occur when transactions are conducted in settings which are not normally places of business and where the seller is physically present with the consumer. The Act provides for a 10-day cooling off period during which consumers may terminate a contract which they may have entered because of inadequate or misleading information or high pressure sales tactics.

The proposals in the bill are based on the recommendations of a national competition policy review of the Fair Trading Act and the Door-to-Door Sales Act.

The principal aim of national competition policy is to promote and maintain competition to increase economic efficiency and community welfare, while continuing to provide for consumer protection. While the steering committee which conducted the review was principally concerned to ensure that the State's fair trading legislation should not restrict competition unless it could be justified through a net public benefit analysis, it was also concerned about the potential impact of unfettered marketplaces.

The steering committee comprised representatives of State and Commonwealth Government agencies, business and consumer groups. Its task was made easier by a determination of the National Competition Council that where State Fair Trading Acts mirror the consumer protection provisions of the Commonwealth Trade Practices Act, a net public benefit analysis did not have to be undertaken. This is because the council found the provisions to be pro-competitive.

Nevertheless, the steering committee took the opportunity to review the legislation to ensure that its operation and effect resulted in an efficient and/or effective marketplace. A comprehensive issues paper was publicly released and extensive consultation was undertaken with affected industry and consumer groups and individuals in Sydney and rural and regional New South Wales.

During the review the steering committee tried, wherever practicable, to maintain parity with equivalent legislation from other States and Territories and in particular, with the Commonwealth's Trade Practices Act. This is because:

- Inter-state businesses operating within the New South Wales marketplace have the reasonable expectation that marketplace regulation will be largely similar; and
- Inconsistent regulation of business transactions may increase the cost of those transactions with flow-on effects for consumers.

A final report produced by the steering committee identified the issues relevant to competition policy, uniformity and the effectiveness of the legislation, and potential areas of legislative reform.

The bill's provisions fall into seven categories:

- Truthful information
- Product safety
- Direct commerce
- Conditions and warranties in consumer transactions
- Prohibited practices
- Consumer protection and redress
- Penalties and enforcement.

I will proceed to briefly outline the provisions of the bill under each of these areas.

Truthful information

The requirements to provide truthful information are contained in part 5 of the Fair Trading Act and these are mirror provisions of those in the Trade Practices Act. The Act regulates both the conduct and representations of traders. Essentially, conduct must not be misleading and deceptive, or likely to mislead and deceive. It is an offence to make false or misleading representations about goods or services.

Provisions for truth-in-advertising were strengthened in April 2000, when the Act was amended to provide that the Director-General may issue a notice requiring a trader to substantiate claims made in advertising, such as—

- Get rich quick schemes and computerised gambling systems promising windfall profits;
- Miracle health solutions for weight loss and baldness;
- Mail order promotions; and
- Unrealistic prices for goods and services, and special deals.

A trader who failed to comply with the Director-General's notice or who knowingly provided false information committed an offence. However, it was not an offence to fail to substantiate the claim.

The bill creates an offence in the case where a trader, who has been notified by the Director-General to substantiate a claim or representation made by the trader, fails to provide proof sufficient to support the claim or representation.

Section 44(i) of the Fair Trading Act deals with false or misleading representations concerning the place of origin of goods.

The Department of Fair Trading has had difficulty following up complaints about country of origin labelling because of legal uncertainties regarding the minimum requirements for country of origin claims. The Commonwealth addressed this issue by amending the Trade Practices Act to clarify the circumstances under which phrases such as "Made in Australia" and "Product of Australia" may be used.

The bill inserts a new provision to mirror the Trade Practices Act provisions in relation to country of origin representations. The new section provides a test for determining whether a representation about where goods come from contravenes section 42, which relates to misleading or deceptive conduct, or section 44(i).

For example, to claim that a good has been "made in Australia" the good must meet two standards,

- 50 per cent or more of the production costs must have been carried out in Australia; and
- The goods must have been substantially transformed in Australia.

The test to determine whether a good is a "Product of Australia" is stricter and requires meeting the following criteria,

- Each significant component (or ingredient) of the good must originate from Australia; and
- All, or virtually all, of the production processes must take place in Australia.

Product safety

During the NCP review some concern was expressed that the provisions of the Fair Trading Act in relation to compulsory product recall are insufficiently flexible to allow products to be quickly withdrawn from sale where they pose an obvious danger to the public.

At present, the products safety committee is responsible for recommending to the Minister for Fair Trading that there should be a compulsory product recall. However, before this can occur, the Department of Fair Trading must undertake an informal inquiry into a potentially dangerous product and compile substantiating material with which to seek a referral from the Minister to the Products Safety Committee. In urgent circumstances, the need to follow this process may give rise to public safety concerns.

This is addressed in the bill by allowing the Director-General, by order published in the gazette, to undertake the mandatory recall of products based on the advice of the department. The bill provides that the recall order ceases to have effect after 28 days unless the order is confirmed by the Minister by notice published in the gazette.

The bill also provides that the Minister or the supplier may, within 14 days of the mandatory recall order, request the Products Safety Committee, an independent body of safety experts, to review the Director-General's order.

These provisions ensure that consumer exposure to potentially dangerous or unsafe products is minimised and at the same time protect the suppliers' interests by giving them the opportunity to appeal the recall order if they consider it to be unjustified.

Direct commerce

The Door-to-Door Sales Act was introduced 35 years ago at a time of different social and economic circumstances. During debate in the Legislative Council one honourable member argued: "this bill is a protection to the working man and indeed any man whose wife is a lawful agent to enter into these contracts. He should be given an opportunity of ratifying the contract and discussing with his wife whether they can afford the purchase. There should be a proper place for repentance".

Today it might be said that consumers are more sophisticated and more aware of, and less sensitive to, high pressure sales tactics, whether in the home or otherwise. However, direct selling practices are also more sophisticated and widespread across a range of industries and products. It is also a growth area, as indicated by the marketing practices of pay television and telephone companies.

Some of the most vulnerable groups in our society continue to be subjected to highly undesirable direct selling practices from disreputable traders. These include the elderly, especially older women living alone, consumers with poor understanding of English and the disadvantaged. Many direct selling firms will target particular suburbs or areas, including those with a high percentage of public housing.

There is also a particular and identifiable marketplace detriment—similar to unsolicited attendance at a person's home or workplace—in relation to unsolicited telephone contact with consumers. The inter-personal pressure exerted by sales people at a person's front door and on the phone is highly similar in nature. The NCP review found that modern telemarketing practices gave rise to sufficiently significant and widespread incidents of marketplace detriment and anti-competitive conduct to warrant regulation.

The bill provides for the repeal of the Door-to-Door Sales Act and the inclusion of a new direct commerce division within the Fair Trading Act. The new provisions maintain the essence of the original Act and take into consideration the changing social, economic and technological environment of today's society. The aim is to ensure that the consumer is protected in circumstances where it is warranted, but that such protection is not unreasonably onerous for the trader and does not give rise to anti-competitive effects.

The new direct commerce division:

- Defines direct commerce to include both traditional door-to-door selling and telephone-based direct marketing, ie telemarketing;
- Applies to all unsolicited direct commerce contracts for the supply of goods and services to an individual where the total consideration payable by the consumer, in cash or credit, is more than \$100;
- Provides a cooling-off period of five clear business days during which a consumer may rescind a direct commerce contract;
- Requires dealers or suppliers to inform consumers in writing of their entitlements under the Act. Telemarketers must give consumers the information over the phone and follow up with written information;
- Prohibits a direct commerce supplier from collecting fees during the cooling off period for services provided during this period;
- Regulates the hours during which direct commerce may be carried out by providing that dealers or suppliers may not solicit business between the hours of 8.00 p.m. and 9.00 a.m. on any day of the week;
- Requires that a telemarketer must immediately cease contact when requested to do so, and may not contact a consumer again by telephone for 30 days after a consumer has advised that they are not interested in the goods or services;
- Requires that a dealer must leave the premises as soon as it is practicable when requested to do so by the consumer; and
- Requires that a dealer must advise the consumer of the purpose of the call and produce an identity card.

The bill also prohibits contracting out; does not permit consumers to waive their rights under the division; and provides for the regulations to exclude specific kinds of direct commerce contracts from the operation of the Act.

Conditions and warranties in consumer transactions

The Trade Practices Act contains provisions relating to conditions and warranties for the supply of both goods and services in part V, divisions 2 and 2A. Similar provisions were not included in the Fair Trading Act as there was already legislative coverage under the Sale of Goods Act. However, these provisions are limited to goods, and with the growth in the market for consumer services there is a gap in coverage.

Corporations and nationally operating traders already comply with the trade practices provisions. For the sake of consistency with Commonwealth law, the bill amends the Fair Trading Act to mirror the relevant provisions of part V, divisions 2, 2A and 3 with respect to consumer goods and services, that is, goods or services of a kind ordinarily acquired for personal, domestic or household use or consumption.

Prohibited practices

Throughout the 1960s and early 1970s, mock auctions were a significant problem in the New South Wales consumer marketplace. Generally, consumers were enticed or tricked to pay more for goods than their real or near value by virtue of the conduct of mock auctioneers. The Mock Auctions Act was enacted in 1973 to prohibit persons from selling goods to bidders at a lower price than the highest bid and to prevent persons from crediting part of the price bid to the bidder for future use. While mock auctions are no longer considered to be of significant marketplace detriment, they should continue to be prohibited, consistent with other States' legislation. However, rather than prohibit them by stand-alone legislation, it is more appropriate that these provisions be incorporated into the Fair Trading Act, as is the case in several other States.

Accordingly, the bill repeals the Mock Auctions Act and inserts a new section into part 5 of the Fair Trading Act which prohibits the conduct of mock auctions.

Consumer protection and redress

Section 43 of the Fair Trading Act prohibits unconscionable conduct and lists several factors that may help in determining whether conduct is unconscionable. This list is not exhaustive, and a court may grant relief in any situation where unconscionable conduct is involved.

Unconscionable conduct is conduct by which, in certain circumstances, one party acts to the detriment of another by unfairly taking advantage of a more powerful bargaining position. Section 43 is limited to conduct in connection with the supply, or possible supply, of goods or services normally purchased for personal, domestic or household use or consumption. Goods or services acquired for re-supply or for use in commerce are not covered, hence small businesses are unable to use this provision in relation to unconscionable conduct arising from their dealings with suppliers. The exclusion also restricts the section's scope in relation to goods or services acquired for investment purposes.

Breaches of the unconscionable conduct provision do not attract criminal sanctions. Application may be made to the Supreme Court for civil remedies, including injunctions to stop the illegal conduct, monetary compensation, rescission or variation of a contract, refund or specific performance of a contract.

Many small business operators are no better able to protect their interests than ordinary consumers and require protection from unconscionable conduct. Removing the restriction on section 43 applying to business transactions is also in keeping with the situation under the Trade Practices Act. Consequently, the bill amends section 43 to extend and clarify its operation so that the

remedies available to consumers affected by unconscionable conduct may also be accessed by small businesses in relation to their dealings with their suppliers.

Section 68 currently provides that actions for damages arising out of conduct that is in contravention of the principal parts of the Act must be commenced within three years after the date that the cause of action accrued. However, the Commonwealth has extended the time limit to six years under the Trade Practices Act. To restore parity with Commonwealth legislation, the bill provides that action under section 68 must be commenced within six years after the date on which the cause of action which relates to the conduct accrues.

A similar amendment is made in section 72, which provides for an application for compensation to the Supreme Court by a person who has suffered loss or damage by conduct of another person in contravention of the Act. The bill provides that such application must be made within six years.

The bill also extends to the Local Court, which is where most of the department's cases are heard, the authority to make, in conjunction with proceedings for an offence under the Act, a range of reparation orders to the person who suffered loss or damage as a result of the offence.

Penalties and enforcement

The bill provides for more stringent enforcement provisions that better address problems and issues which arise in today's marketplace or trading environment.

The department commonly finds that disreputable traders who have taken orders and deposits for goods and services which have not been supplied become insolvent and leave many consumers out of pocket. These traders may have a history of failed companies, often in the same type of business, and after each insolvency they start up again under another name, sometimes in another State or country, and repeat their dishonest practices. Moreover, consumers will have no recourse to compensation if traders arrange their personal affairs to minimise redress to creditors in the event that their business fails.

In order to enhance the enforcement options available in this situation, the bill confers a statutory power on the Director-General to require a person to show cause why they should be allowed to continue to trade. The intention is to enable the Department of Fair Trading to act before significant consumer detriment occurs, especially in relation to known disreputable individuals.

The bill inserts a new provision under which the Director-General may issue a notice to a trader who has engaged in unlawful conduct on more than one occasion, whether in New South Wales or elsewhere, to show cause why they should not be banned from trading. "unlawful conduct" is defined to include conduct that would be a contravention of the Fair Trading Act, whether or not proceedings have been brought in respect of the contravention.

The bill also provides that the Director-General may, after issuing the notice and taking account of any submissions made in relation to the matter, apply to the Supreme Court for an order prohibiting the person from carrying on business indefinitely or for a specified period.

The current provisions of the Act only provide for monetary penalties of \$22,000 in the case of an individual and \$110,000 for a body corporate. As described above, there are some traders who have a history of dishonest and disreputable behaviour and who are able to avoid any monetary penalties by structuring their affairs to minimise any redress.

The Government believes that, in the face of what appears to be an habitually dishonest trader who deliberately avoids the possibility of redress for consumers, the court should have the option of sentencing that person to a term in prison. In this respect, it is difficult to draw a meaningful distinction between offences involving obtaining benefit by deception, as set out in the Crimes Act 1900, and the circumstances of serious or repeat breaches of the Fair Trading Act whereby dishonest traders may deliberately, and sometimes systematically, deceive consumers with a view to obtaining financial benefit.

The relevant Crimes Act offences attract a penalty of imprisonment for five years. This bill allows the court to impose a three-year prison term for repeated breaches of part 5 of the Act, which deals with unfair practices, in addition to or instead of a monetary penalty.

Currently the maximum penalty which may be imposed by the Local Court under the Act is 50 penalty units or \$5,500. Other more recent fair trading legislation has set 100 penalty units or \$11,000 as the maximum penalty that Local Courts can impose. The bill amends the Act to provide a maximum penalty of 100 units. This will enhance the capability of Local Courts to deal with more serious offences prosecuted by the department in Local Courts.

Part 7 of the Act currently provides for the preparation of codes of practice for a particular class of consumers, suppliers or persons. A code of practice is an agreed set of rules for members of a particular industry to follow to ensure integrity and fair trading in that industry or sector. Codes of practice can be created for adoption on a voluntary or mandatory basis. The key features of any code are strong disclosure provisions and an effective dispute resolution mechanism. The Act enables the prescription of mandatory codes of practice by regulation.

The NCP review found that mandatory codes of practice have an impact on competition. Their obligatory nature means that restrictions within codes on how a trader may operate can be compared to restrictions within specific purpose legislation. Accordingly, a mandatory code that prevents certain practices or establishes minimum standards of trading will impact on competition by potentially restricting entry to the marketplace to those who can comply with the standards and by limiting product innovation by the minimum standards imposed.

The review also noted that the legal standing of mandatory codes prescribed under the Fair Trading Act has been questioned in a 1998 judgment by the New South Wales Court of Appeal in respect of the case of *Murphy v Overton Investments* concerning the retirement village industry code of practice. The judgment raised doubts about the effectiveness of prescribed codes of practice as

regulatory mechanisms, due mainly to difficulties in enforcement. It highlighted the conflict between the adoption of an instrument set in a broad framework, employing a flexible format to set guidelines for good practice (a code), and the setting of rules that require mandatory compliance.

The court found that, in so far as the code had the effect of overriding express agreements between parties, it was ineffectual. In the result, the terms of the code were subsequently codified in the Retirement Villages Act 1999. Of the three mandatory codes once prescribed under the Fair Trading Act, all have been absorbed into specific purpose legislation.

As a matter of regulatory policy and practice, mandatory codes do not justify their anti-competitive effect. The bill therefore repeals part 7. The Government considers that any marketplace failure is best addressed by relevant legislative prescription rather than the making of a potentially unenforceable code of conduct.

This bill also amends the Fair Trading Act in line with the provisions of the Civil Liability Amendment (Personal Responsibility) Bill 2002 to:

- prevent the recovery of damages under the Fair Trading Act for death or personal injury resulting from a contravention of relevant sections of part 5 of the Act;
- provide that a contract for the supply of recreational services will be able to exclude, restrict or modify liability for harm resulting from failure to exercise due care and skill; and
- provide that limitation periods under the Act do not apply to a cause of action to which division 6 of part 2 of the Limitation Act 1969 applies.

In conclusion, the provisions of this bill add "teeth" to an Act that is already effective in ensuring consumer protection and trader honesty in the New South Wales marketplace.

I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

VALUERS BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Aquilina [11.02 a.m.]: I move:

That this bill be now read a second time.

In accordance with the resolution of the House, I table the second reading speech for incorporation in *Hansard*.

The Bill I introduce today will improve the efficiency and flexibility of the system for regulating valuers in New South Wales.

The work of valuers involves assessing the value of property, especially in real property transactions where a purchase is being made with a loan from a financial institution. A valuer's work may include consideration of the location of a property, any planned developments in the area, and the condition of the property. A valuer may act as consultant to, and liaise with, solicitors, surveyors, town planners, architects, accountants, property developers and financiers.

Valuers are currently regulated under the Valuers Registration Act 1975. This Act establishes an occupational licensing regime for valuers, and provides for the Department of Fair Trading to register valuers who have completed an approved course of study and prescribed practical experience requirements.

The Act also contains disciplinary provisions which may be exercised against valuers who do not comply with appropriate standards of conduct.

This bill retains the registration system for valuers, but streamlines the existing system so as to improve its efficiency and flexibility.

The proposals in the Bill are based in part on the recommendations of a National Competition Policy review of the Valuers Registration Act 1975, and in part on issues which were raised following completion of the review.

In retaining the existing registration system for valuers, the bill recognises the changes which have occurred in financial markets since the early 1980s. In particular, as more consumers seek to acquire investments to provide financial security and retirement income, and homes are increasingly used to secure credit for other purposes, the Australian Property Institute has reported an increase in the number of individual consumers engaging valuers directly. This contrasts with past practice, in which valuers were almost always engaged by third parties such as financial institutions and solicitors.

The API has reported that, for some valuation practices, direct consumer work has grown from 0 to 5 per cent five years ago to 5 to 20 per cent today. Valuation practices are also increasingly seeking direct consumer work.

The API indicates that individual consumers seek valuations in relation to a range of matters, such as:

- property settlements after divorce;
- pre-nuptial agreements;
- entry into and renewal of leases;
- acquisition and resumption of property by governments;
- capital gains tax assessments;
- asset valuation for business entities;
- payment of stamp duty;
- purchase of real property;
- pre-purchase inspection of off-the-plan properties; and
- purchases where debt funding is not required.

In light of the increasing use of valuers by individual consumers, retention of a registration system is considered necessary. Such a system provides consumers with the protection of knowing that a valuer possesses the necessary qualifications to practice and has not been disqualified.

The bill's provisions fall into three broad categories:

- Definitions;
- Registration;
- Complaints, disciplinary action and enforcement.

I will now take the opportunity to outline some of the main provisions in the bill.

Definitions

The bill provides that a valuer is a person who values property for a fee or reward. Property is defined as:

- land, including any estate or interest in land;
- an exclusive right to the separate occupation of land, a building or part of a building;
- an access licence under the Water Management Act 2000; or
- any other property that is prescribed by the regulations as property for the purposes of the bill.

This definition of valuation moves beyond that in the existing Valuers Registration Act by acknowledging that valuers may value property other than real property. The change reflects changes in the industry which have seen valuers move into new practice areas.

Registration

The bill prohibits a person from practising as a valuer unless the person is registered as a valuer. A person carrying out duties as a student valuer under the supervision of a registered valuer is not required to be registered.

The requirements for registration as a valuer are that a person must:

- be at least 18 years of age;
- be a fit and proper person to be registered;
- have the qualifications approved by the Director-General; and
- not be a disqualified person.

The bill differs from the current Valuers Registration Act in providing for the qualifications for practice as a valuer to be approved by the Director-General of the Department of Fair Trading rather than prescribed by the Minister for Fair Trading. This will enable the required qualifications to be more readily amended in response to changing market circumstances.

The bill also provides that the Director-General may approve qualifications by reference to any one of more of the following:

- completion of a course of study;
- completion of a period of training in valuing property;
- attainment of a standard of competency in valuing property; or
- registration under the existing Valuers Registration Act or under a law of another Australian jurisdiction that is approved by the Minister for Fair Trading.

This provision differs from the existing qualification requirements in allowing for registration on the basis of achievement of a standard of competency, as an alternative to completion of a course of study or period of training. The introduction of competency standards will bring flexibility to the qualification system by acknowledging that competency in valuation can be achieved by different pathways.

The current registration system provides for five categories of valuer: an associate real estate valuer, a practising real estate valuer, a non-practising real estate valuer, an associate valuer of licensed premises, and a valuer of licensed premises.

The bill removes these categories and instead provides for one category of registered valuer, while giving the Director-General power to impose conditions on registration which are appropriate to the particular circumstances of individual valuers.

The bill also changes the current one-year registration system to a three-year system. This will lower costs and inconvenience for valuers and the Government.

In order to provide for registration procedures which are consistent with other Government licensing regimes, the bill states that the registration procedures set out in the Licensing and Registration (Uniform Procedures) Act 2002 are to apply to valuer registrations.

Complaints, disciplinary action and enforcement

The bill streamlines the existing disciplinary process for valuers, allowing disciplinary matters to be dealt with by administrative means. This will be substantially more efficient and less costly than the existing judicial-style hearing. Appeals on disciplinary matters will be heard by the Administrative Decisions Tribunal rather than the Land and Environment Court.

The grounds for disciplinary action in the bill and the processes for discipline and enforcement mirror those in the Property, Stock and Business Agents Act 2002. It is intended that this will reduce costs by establishing consistent processes for property industry professionals licensed by the Department of Fair Trading.

In conclusion, I would like to emphasise that this bill represents a balanced approach to the regulation of valuers in New South Wales, and will be to the benefit of both consumers and the valuation industry. The bill will retain the consumer protection advantages of a registration system, while ensuring that the system does not involve unnecessary expense or restriction of valuers' business practices.

I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

MINE HEALTH AND SAFETY BILL

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Woods [11.03 a.m.]: I move:

That this bill be now read a second time.

In accordance with the resolution of the House, I table the second reading speech for incorporation in *Hansard*.

The Mine Health and Safety Bill 2002 is an important step towards improving the health and safety of workers in the State's metalliferous mines and quarries.

Metalliferous mining and quarrying covers all mining in New South Wales with the exception of coalmining.

These mines and quarries range in size from small one-person operations to larger mines and quarries.

They include operations for the mining of gold, copper, zinc, lead, antimony, mineral sands, gemstones (such as opals and sapphires), and construction materials (such as sand, aggregate and dimensional stone).

This mining sector contributes significantly to the economy of New South Wales.

In the last financial year, the industry directly employed 5,400 people who recovered 45 million tonnes of material valued at about \$2 billion.

This Government has already overseen significant improvements in mine safety for this industry. These changes have included:

- a new specialist investigation unit to thoroughly investigate and report on serious mine safety incidents;
- the adoption of a prosecution policy and a \$1 million mine safety prosecution fund;
- a Mine Safety Advisory Council to bring together Government, employers and unions to work on mine safety issues; and
- the reform of mine safety laws.

Despite the improvements already made, there is no room for complacency when the lives and safety of New South Wales' mine and quarry workers are at stake. One death, one injury is one too many.

The Mine Health and Safety Bill has been prepared following an extensive consultation process. This was initiated by the Minister for Mineral Resources, the Honourable Edward Obeid MLC, who announced a review of the Mines Inspection Act.

A discussion paper on safety in quarries and metalliferous mines—Reviewing the Mines Inspection Act—was released for community consultation in August 2001. The Government's discussion paper was widely advertised throughout New South Wales to encourage individuals and organisations to provide comment.

The bill is the result of this comprehensive review of the Mines Inspection Act 1901, an Act which is over 100 years old. The Mine Health and Safety Bill 2002 will repeal and replace the existing Mines Inspection Act 1901.

The bill provides a framework to manage the particular risks arising from mining such as roof and ground failure and the use of explosives.

The bill establishes the basis for a system of health and safety management in quarries and metalliferous mines. These operations often require a high standard of major hazard management planning and the development and maintenance procedures in case of emergency situations.

Importantly, this bill does not reduce the importance of Government inspectors, investigators and mine safety officers in providing independent and effective safety regulation for the industry.

This new legislation is an important step forward to improving the health and safety performance of the mining industry of New South Wales. The introduction of this bill provides an opportunity for the community to be involved in the development of mine health and safety laws.

The New South Wales Government will be actively seeking feedback from all interested sections of the community, particularly from mine operators and employee representatives, on the text of this bill. The Government will revise the bill based on this feedback before reintroducing it to Parliament in early 2003.

On behalf of the Government, I would like to thank all of those who have been involved in the consultation process so far, and I look forward to their continuing participation in 2003.

I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

CALLAN PARK (SPECIAL PROVISIONS) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 13 November

No. 1 Page 2, clause 4, line 18. Insert "and subject to public control" after "ownership".

No. 2 Page 3, clause 6. Insert after line 14:

- (2) The term of any such lease or licence, including the term of any further lease or licence that may be granted under an option for renewal of the lease or licence, must not exceed 10 years.
- (3) However, subsection (2) does not prevent leases or licences being granted for terms of, or successive terms totalling, more than 10 years if:
 - (a) a notice stating the name of the proposed lessee or licensee, the main purpose of the proposed lease or licence and details of the proposed term and any proposed optional terms, has been tabled in each House of Parliament, and
 - (b) resolutions have been passed by each House confirming the proposal for the term or terms, or no resolution has been passed by either House disallowing the proposal for the term or terms within 15 sitting days after the notice was tabled in that House.

- No. 3 Page 3, clause 6, lines 20 and 21. Omit all words on those lines. Insert instead:
- (b) a trust prescribed by the regulations, if the trust has agreed to undertake that care, control and management in accordance with the objects of this Act.
- No. 4 Page 3, clause 6. Insert after line 21:
- (3) A lease or licence referred to in subsection (1), and a contract to which subsection (2) applies, must not allow a use that is not authorised by section 7 (2).
- No. 5 Page 3, clause 6, line 25. Insert "together with details of any related proposal to deal in land located in Callan Park of which the Minister is aware," after "contract,".
- No. 6 Page 3, clause 6, line 25. Omit "2". Insert instead "one Sydney metropolitan and two local".
- No. 7 Page 3, clause 6, line 28. Insert after "publication":
- , and
- (c) publish, in at least one Sydney metropolitan and two local newspapers circulating in the locality, the reasons for the decision to grant consent.
- No. 8 Page 3, clause 6. Insert after line 28:
- (4) A regulation prescribing a trust for the purposes of this section takes effect on the day following the last day on which it is capable of being disallowed under section 41 of the *Interpretation Act 1987* (as modified by subsection (5)) or on such later day as may be specified in the regulation.
 - (5) Despite section 41 of the *Interpretation Act 1987*, a resolution by a House of Parliament to disallow any such regulation does not have effect unless notice of the resolution is given within 15 sitting days of the House after written notice of the making of the regulation is laid before that House under section 40 of that Act.
- No. 9 Page 3, clause 7. Insert after line 33:
- (2) The consent authority for development applications relating to land within Callan Park is the council of the local government area within which the land is situated, despite any other Act or any environmental planning instrument.
- No. 10 Page 4, clause 7, line 2. Omit "or aged care".
- No. 11 Page 4, clause 7, line 3. Insert ", but development for the purpose of retirement villages is prohibited at Callan Park" after "facilities".
- No. 12 Page 4, clause 7, line 6. Insert "or building envelopes" after "footprints".
- No. 13 Page 4, clause 7, line 8. Omit "requirement". Insert instead "subsection".
- No. 14 Page 5, clause 10. Insert after line 5:
- (2) Sections 5 and 6 of the *Subordinate Legislation Act 1989* apply to or in respect of any regulation made under this Act in the same way as they apply to or in respect of a principal statutory rule (whether or not the regulation is a principal statutory rule within the meaning of that Act).

Ms NORI (Port Jackson—Minister for Small Business, Minister for Tourism, and Minister for Women) [11.05 p.m.]: I move:

That the Legislative Council's amendments be agreed to:

This is an historic day. This bill will protect forever the open space at Callan Park on the site of Rozelle Hospital. Mind you, it was always going to be protected under the original master plan. However, this bill will entrench some 47 hectares of the 60-hectare site as open space forever. That protection is akin to that which protects the Royal Botanic Gardens. This bill is a great victory for the local people. The heritage buildings, which were always going to be preserved, are to be preserved under this legislation, as is the foreshore and heritage gardens. That is the good side of the bill. It will give the local community what it has been asking for, and it is a great victory for them.

However, a couple of amendments—but one in particular—made to the bill by the upper House leave me utterly appalled. My bill proposed four permissible uses for the buildings that remain on the site. We are not talking about constructing new buildings or taking up open space; we are talking about buildings that remain. The four permissible uses envisaged by my bill were community not-for-profit, health, aged care, and educational, but excluding a high school or a primary school. Honourable members will understand how

disgusted and appalled I am that Lee Rhiannon, the leader of the Greens, some Independents and members of the Coalition voted to remove aged care as a permissible use.

It must be understood that the provisions of my bill were so tight and the impacts of a number of its clauses so drafted that no retirement village type accommodation could be provided on the site, because State environmental planning policy No. 5 explicitly prohibited it. The height, width and length of the buildings that will remain once the hospital is transferred cannot be altered by one centimetre. None of those buildings can be altered to make them one centimetre higher, wider or longer. And any of those buildings that have to be demolished because they are dilapidated may be replaced only by a building on exactly the same spot, and of exactly the same height, width and length. So, anyone who was to go there in 20 years time would not notice a difference in the landscape. Hopefully, some of the replacement buildings would be prettier, but they would not be higher, wider or longer.

The existing buildings, which now have wards, beds, patients and nurses, in future—thanks to the Greens, the Opposition and some Independents, egged on by the irresponsible leadership but not the rank and file of the Friends of Callan Park—will not be able to be used for aged care. That means that in future the same buildings that now have wards and beds will not have elderly patients looked after by nurses, but will be able to have psychiatric patients, as they do at present. Honourable members will understand why I am so upset, disillusioned and appalled. We live in an inner-city area in which aged care will become even more important, because most of us are in our late forties or a little older and sooner or later many of us will need assisted elderly care. We will not be able to use the site to provide much-needed elderly care because of the irresponsible action of the Greens in particular. After her amendment, Ms Lee Rhiannon issued a press release, which stated:

Other vital Greens wins were the removal of aged care as permissible development at Callan Park.

Is she proud of that? I thought the Greens were supposed to be caring and compassionate. It took my breath away—and I hope everyone else's—that within about 48 hours of this disgusting, callous and heartless act, Ms Lee Rhiannon sent to every member three documents entitled, "A fair share for aged care", plus a "With Compliments" slip, telling us that we should be concerned about aged care. Thanks to the Greens and Ms Lee Rhiannon there is no aged care in the inner city at Rozelle Hospital. The removal of aged care from the site is the most disgusting act of political opportunism I have ever seen. It is also political stupidity. Do the Greens really believe that a handful of people who are the leadership of the Friends of Callan Park represent the vast majority of people in Rozelle, Lilyfield and Balmain who have a keen interest in this issue? They do not. I have talked to local people and they are appalled. They see this action as unreasonable, extremist politics, and stupid and mad. It is also heartless and callous.

In my previous speeches on this issue I referred to Lucan Care, which is a Uniting Church aged care facility adjacent to the Rozelle Hospital site. For years Lucan Care has expressed interest in extending its facility to create more aged care and perhaps psychogeriatric care. This bill, as it stands with the Liberal-Greens amendment, prohibits such an extension. Lucan Care considers that the bill is now too difficult or ambiguous and will not reopen its 42-bed hospital facility. It certainly will not be able to extend its facility. Lucan Care has been contacted by a western suburbs council, whom it does not wish to identify, to look at some parcels of land with a view to establishing assisted elderly care in the area. That is great for the western suburbs, but where does it leave the inner-city? Lucan Care wanted to extend its 42-bed facility, which was unviable, to a 70-bed facility. It has now closed the 42-bed facility. Not only have we lost the 42-bed facility, we will not get the 70 beds we might have had. It is a truly appalling situation. In expressing his feelings, Paul McMahon, Lucan Care Chief Executive, said:

This is truly a sad day for the older people of Leichhardt but a victory for dogs.

I am told that the Greens were concerned that the retention of aged care as an option for permissible use might extend the residential component on the site. All I can say to the Greens is: Can they not read? Were they not listening? Do they not understand a simple bill? Pursuant to State environmental planning policy No. 5, retirement village accommodation is not permissible. The open space is protected forever and cannot be built on. Not so much as a doghouse can be built on it. Further, existing buildings have to stay the same size, shape, height and width. Any elderly assisted care to be established on the site has to fit into existing buildings. If it cannot, it will not be allowed. It does not make sense to say that permitting aged care on the site will extend the resident component.

Reverend the Hon. Fred Nile voted with the Greens on this amendment. I understand that Reverend the Hon. Dr Gordon Moyes did not vote at all. I ask those two members how they reconcile their concern for the

community by voting against aged care on this important bill. I thank the Independents who supported aged care on the site. I also thank the honourable member for Bligh, who believes that aged care on the site would be a valuable facility for the inner-city community. I thank the Independents who supported my bill against another ludicrous amendment to remove active recreation as a possible option on the site. Two ovals on 47 hectares of open space are but a drop in the ocean. Why would anyone want to ban children's organised sport on those two ovals? Why would they want to put at risk children's activities, such as walkathons, by removing "active open space"?

The Opposition and the Greens will start bellyaching that the Government will be able to put elderly care under the health care facility. That is not so. The bill before Parliament provided for four permissible uses of the site, one of which was aged care. The specific removal of aged care could give rise to a possible court case. At the very least, the ambiguity of the bill scares off those involved in facilities such as Lucan Care. The Opposition and the Greens should not try to assuage their conscience by saying that we will be able to sneak in aged care, because we will not. It will be on their conscience and they will have to live with the great disservice that they have done to the inner-city and the city of Sydney by removing aged care as a possible permissible use. They are either stupid for not understanding the bill or they are completely heartless and callous, and they will have to wear it.

Mr HUMPHERSON (Davidson) [11.16 p.m.]: The Coalition thanks the members of the upper House who supported the amendments that we proposed in the lower House. The Government refused to accept our amendments in the lower House but ultimately backed down and acceded to them in the upper House. It was important that we rule out in the Minister's private member's bill that land at Callan Park be passed from public to private control. That was the Government's agenda. It was important to rule out retirement villages, which were well and truly allowed in the legislation. It was important to place controls on the redevelopment of existing buildings, which the Minister—who, as the member for Port Jackson, represents the area—refused to accept in the lower House. When the legislation was introduced, the Minister claimed publicly that she had been planning to introduce this legislation from September but she dropped it on the National Day of Mourning after the Bali bombing. That is clearly a lie. There is no record of Parliamentary Counsel having been briefed.

Ms Nori: Point of order: Firstly, I will not tolerate being called a liar. I ask the honourable member for Davidson to withdraw that remark. Secondly, he has his facts wrong. I said that from the middle of September, when we were waiting for the legislation to come through, the date for the announcement of the legislation was always going to be that Sunday.

Mr ACTING-SPEAKER (Mr Lynch): Order! No point of order is involved.

Mr HUMPHERSON: I invite the Minister to prove that she instructed Parliamentary Counsel to prepare the bill in September. That is what she said she did.

Ms Nori: Point of order: I will be pleased to show the honourable member for Davidson the date on which Parliamentary Counsel sent me the draft bill. It was before the National Day of Mourning.

Mr ACTING-SPEAKER: Order! No point of order is involved.

Mr HUMPHERSON: The Minister should prove that it was September, as she said. She claimed that she briefed Parliamentary Counsel to prepare the bill in September. PlanningNSW has stated that that is untrue.

Ms Nori: The bill came to me on 14 October.

Mr ACTING-SPEAKER: Order! The Minister for Small Business and the honourable member for Davidson will address their comments through the Chair.

Mr HUMPHERSON: PlanningNSW stated that no briefing was given to Parliamentary Counsel in September. That is on the public record. If the Minister wants to disprove what I am saying she should provide evidence to show that the briefing of Parliamentary Counsel occurred in September, and not the date on which she wanted to introduce the bill.

Ms Nori: It came to me on 14 October. In other words, they must have had the briefing before 14 October.

Mr HUMPHERSON: The Minister should produce the piece of paper that shows it was September, as she publicly stated, otherwise she stands condemned as a liar. On the matter of aged care—

Ms Nori: How do you get a bill by 14 October if you haven't briefed Parliamentary Counsel?

Mr HUMPHERSON: Sit down and wait your turn.

Ms Nori: I am sitting down. I know what I can prove, you little pipsqueak.

Mr HUMPHERSON: The Minister and local member is the one who has lied, and she has lied from day one.

Ms Nori: I have not.

Mr HUMPHERSON: She should prove that she is not a liar. That is the challenge for her.

Ms Nori: Easy. I had the bill by 14 October. Do you think that Parliamentary Counsel can do that overnight? You know they cannot.

Mr HUMPHERSON: When did the Minister brief Parliamentary Counsel? Was it in September?

Ms Nori: I do not know. I will have to look up my diary.

Mr HUMPHERSON: The Minister should produce the piece of paper that she says proves it was September. If she does that, fine; if she does not, because she cannot, then she is a liar.

Ms Nori: All you want to know is whether it was before the National Day of Mourning, which it absolutely was.

Mr HUMPHERSON: PlanningNSW called her a liar and she has to disprove that. The ball is in her court.

Ms Nori: Is PlanningNSW Parliamentary Counsel?

Mr HUMPHERSON: PlanningNSW said that it did not brief Parliamentary Counsel. When did the Minister brief Parliamentary Counsel? Where is the piece of paper that shows that she briefed Parliamentary Counsel? She should produce a September date, otherwise she is a liar. Over the entire debate about Callan Park—from the 1990s and certainly prior to the 1999 election—aged care residential development was supported by the Minister and local member. That has always been the agenda and today she reaffirmed that she supports residential development for aged care on the Callan Park site.

Ms Nori: No, I do not. Stop telling lies.

Mr HUMPHERSON: She supports aged care development on the site.

Ms Nori: Only elderly or aged care in the same buildings.

Mr HUMPHERSON: She supports residential use of the site—a more intense residential use of the site, with people living on the site. That is the agenda. There is no dispute that in every part of the city there is a need for aged care accommodation, but what is really in dispute is that this is public parkland and public land that should be able to be accessed by the public. This Minister wants to develop that land for aged care residential development. The Minister sees a need—and we agree on that—but not for development. She sees the land as an asset which can be developed for aged care purposes. It is not a commercial site; it is parkland, which should be preserved entirely for public access, public ownership and without residential development.

Ms Nori: It is in the same buildings, and you cannot answer that, can you? You just keep peddling your lies and hoping that people will believe you. You are a joke.

Mr HUMPHERSON: The Minister should be quiet or respond with some truth—an element which to date has not been present in her contribution.

Ms Nori: You cannot understand this.

Mr HUMPHERSON: The Minister will not admit that her agenda has been to have greater residential development on that site and people living on that site. She will not come clean and admit that. The problem is as simple as that. There should be no residential development of any form on that site and that includes aged care. That is what she will not accept. The Minister actually said, "much-needed development" at Callan Park and she was talking about the development of Callan Park for aged care accommodation purposes. Given the apparent passion that honourable members have witnessed over the past five or 10 minutes from the Minister, it is quite ironic that the Minister is someone who fought to develop Callan Park and who completely dismissed all those who wanted to preserve Callan Park as it is.

The Minister opposed legislation that was introduced in both the Legislative Assembly and the Legislative Council. She opposed legislation that was introduced in the Legislative Assembly by the Coalition and she opposed legislation that was introduced by the Greens in the Legislative Council that reflected the concerns of the community. She then belatedly introduced her own legislation, which purported to protect Callan Park but which in fact does not. She could have supported the Coalition's legislation, but she refused to do so. I reiterate that this is foreshore land on Sydney Harbour which should be preserved as it is without compromising it in any respect with any form of residential development or residential use, such as aged care accommodation.

The Minister and local member have supported either a sell-off or a development in some form with a greater population than presently exists in the park grounds, and we differ on that point. The Coalition maintains its position of public ownership without residential development of Callan Park. I make the point that the land is not property which belongs to the honourable member for Port Jackson. It is parkland property which belongs to all of Sydney and to the entire community. It is not an asset which she can carve up or allow for certain uses at her whim. Like the rest of Sydney Harbour foreshore land, it belongs to everyone and everyone has a stake in it. Everyone is entitled to have foreshore land preserved. The land in its present state is a legacy from our forefathers from 100 or more years ago. Our forefathers had a vision, but that vision has been lost at least on the part of the honourable member for Port Jackson.

Given the comments made by the local member and the Minister who is responsible for this bill, I challenge her to state publicly this morning that she will gazette this bill in its entirety. Under the Carr Government, the Coalition has seen numerous bills which have been selectively edited before they have been given royal assent. I challenge the Minister to say that she will gazette this bill in its entirety and that no words, lines or clauses will be excised before it is presented to the Governor. This law, which is a product of the Parliament, should be gazetted in its entirety, and today I invite the Minister to give that undertaking in her next contribution to this debate. If she does, the Coalition may be confident that all the matters discussed during the debate are embodied in the legislation. If she does not respond and give that assurance, clearly her agenda is to selectively edit the bill, which will mean that a number of Legislative Council amendments will not have effect. Moreover, whatever was the original intention of the Minister—in allowing various forms of development on the site and control by others—may still occur.

Earlier in debate the Minister suggested that those who sought to move amendments in the Legislative Council were opposed to active recreation and were trying to remove active recreation from the park. That is an absolute lie; an absolute untruth. It has always been stated that existing uses should be preserved so that the playing fields and active recreational use of Callan Park would not in any way be compromised. This is a matter to which the local member and Minister comes back time and again in a vain attempt to suggest that the Liberal Party, other political parties and the community want to preclude people from using public parkland. Those active and passive uses of the parkland, which have existed for a long time, should be preserved. It is an absolute lie on the part of the local member and Minister to suggest anything but that.

From the commencement of this debate—which was a long time ago—the Coalition stated its commitment to preserving Callan Park in public ownership. This bill will achieve that. We are committed to ensuring that there is no form of residential development on the site which will compromise appropriate public access to and use of the site. The nature of the site is such that any increase in population or residential occupancy will compromise the enjoyment and use of the site.

Callan Park is in a locality that does not have a lot of parkland and it should not be regarded as an asset that can be carved up to achieve commercial objectives. The Coalition stands by its position—a position that it has held for a long time; certainly for longer than a year while this debate has continued. I am pleased that this

legislation has achieved much of what the Coalition sought to achieve. Whatever happens beyond the rising of Parliament, it is clear that the local member and the Minister who has had carriage of this bill still intends, one way or another, to deliver some form of residential aged care development on this site, and the local community must remain ever vigilant.

Mr HARTCHER (Gosford—Deputy Leader of the Opposition) [11.27 a.m.]: The speech made earlier by the honourable member for Port Jackson was, in many respects, her valedictory speech to this Parliament. People who live in the Port Jackson electorate have had an opportunity to see how their local member supports and defends their area and how she observes the principle of preserving harbour land for the benefit of future generations. The honourable member for Port Jackson has been caught out, and caught out badly. All along she has supported the Government's proposals for Callan Park. The only time she really defended the foreshore land at Callan Park was after the Cunningham by-election result when the Labor Party was thrashed by the Greens. That is a matter of public record, and that is what happened, as everyone knows.

As soon as the Cunningham results were known, the honourable member for Port Jackson changed tack. The constituents of Port Jackson may well reflect on that. They may well reflect on their local member and make the appropriate decision about her on polling day on 22 March. The Friends of Callan Park, Tom Uren and other people who for many years supported the preservation of harbour foreshore land should be congratulated. I well recall meeting people such as Tom Uren and others involved in the protection of harbour foreshore land when they made strong representations to me about land at Taronga Park which the Fahey Government was proposing to sell. On that occasion, the Coalition Government acceded to their representations and did not sell the land but kept it as foreshore land and protected it for future generations. That was a wise decision. We did not need the Cunningham by-election to make that decision; we saw that it would be in the best interests of the people of New South Wales that their harbour foreshores be preserved. The honourable member for Port Jackson's legislation—her late Damascus Road conversion—has come about only because of the Cunningham by-election.

The second point that should be understood about this legislation is the trick this Government has played over the past eight years of not proclaiming amendments. Again and again the Parliament moved amendments to government legislation and the Government adopted them to get the bill through and then refused to proclaim them. That happened with a raft of legislation over the past eight years. I urge the Friends of Callan Park to be vigilant and to ensure that the honourable member for Port Jackson does not play a final trick on them by not having these amendments adopted. I urge them to watch her closely over the next few months to ensure that the rhetoric she is now espousing is carried into action. The preservation of this wonderful foreshore land for the benefit of future generations will not happen while this Minister occupies her seat; it will come about only with a change of local member. The residents must ensure not only that they get a new member on 22 March 2003 but also that they remain vigilant, and that the Government proclaims the amendments and does not seek to backtrack should it be successful at the March election. The price of Callan Park will be eternal vigilance and it will be preserved only with a change in member. I commend all of those who fought hard, I urge them to continue their vigilance and I assure them of the Coalition's ongoing support.

Ms NORI (Port Jackson—Minister for Small Business, Minister for Tourism, and Minister for Women) [11.32 a.m.]: I make it clear: This bill will be gazetted in full. Therefore, the contribution of the honourable member for Gosford was a waste of time. It is just as well it will be gazetted, because the Hon. Brian Pezzutti said in the other place last week that it was Coalition policy that the site be kept as an asylum with a refurbished 400-bed hospital fenced off from public access, which would be incompatible with a psychiatric hospital. The honourable member is correct in one respect: It is good that the legislation will be gazetted, because, if it does nothing else, it will stop his party's ludicrous proposal. Everyone talks about the foreshore finally being protected. The foreshore was always going to be protected, as were the heritage buildings. Given the last two contributions, I wonder whether the honourable members know which bill we are debating.

How can the honourable member for Davidson say that the Coalition is worried about aged care services because they might increase residential building on the site? That cannot happen! My bill makes that so clear that even a moron like him should be able to understand. Any aged care services provided on that site must be assisted aged care services. We are talking about beds and wards and they can be provided only in the buildings that are already there. If they do not fit, the services will not be provided there. I have no idea which bill the honourable member for Davidson and the honourable member for Gosford referred to, because it bears no resemblance to mine. Is this sheer political opportunism? Are they pulling out the old mantra because it sounds good and makes them feel better, and is politically astute? They are telling lies or they are stupid—probably both.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

VALEDICTORY SPEECH

Mr WHELAN (Strathfield—Parliamentary Secretary) [11.35 a.m.]: The last contribution showed how friendly the Legislative Assembly can be. Someone asked me this morning what it is like leaving Parliament and I replied that it is a bit like leaving school. One of the differences is that school leavers have 40 years of work in front of them. I do not mind having 40 years ahead of me, but I reject the work bit. It was not my intention to speak on my retirement from Parliament today, but literally dozens of people have played a vital role in my career and the Government's success and history demands that a record be kept of their contributions. First and foremost, I thank my family, who are in the gallery—my lovely wife, Colleen, my children, John, Catherine, Bridget and Stephen—for 26 long years of love, support and patience during my political career.

I also thank my grandchildren, Bella, Jack, Liam and Kate, for reminding me what life is really all about. They all have been exceptionally supportive, and sometimes critical, but at no stage did they ever stop shoring me up. In reality, the 1999 victory in Strathfield was a victory for my wife and children. I especially thank my wife, Colleen, who has also endured a very robust career in politics. The same can be said for my brothers and sisters and their wider families: John and Clara, Michael and Robin, Margaret and her late husband John, and Maureen and her late husband Ray. It is true to say that politics affects everybody who loves you, and they were all affected.

I thank my branches for support over many years, and the electorates of Ashfield and Strathfield. They have supported me unstintingly through eight terms and eight elections. The wins were not, as I have said on many occasions, electoral victories for me. They were, in fact, electoral victories for a representative of the Australian Labor Party. The message from the electorate for me was to go out and work on its behalf. I did. I am very proud of my record of achievements as a local member. I do not walk around with a list of achievements in my pocket or my wallet. I simply ask people to look at the schools and hospitals and the provision of easy access. Last night Burwood council approved the development of a \$20-million aged care centre on the old Western Suburbs Hospital site. That is a great achievement. My electorate continually showed faith in me as local member, and I have delivered.

I have had the privilege of holding many portfolios over the years. Many people may not know that I first served as a Minister under former Labor Premier Neville Wran. In fact, I was a Cabinet member when the historic decision was made about rainforests. Naturally, I supported it. I held the portfolios of Consumer Affairs, Roads, Water Resources, Forests and Aboriginal Affairs. I served in Opposition with Premier Barrie Unsworth, then with Opposition Leader Bob Carr, and then in government with Premier Carr as his Minister for Police, as a senior Minister in the Government, and as Government Leader of the House. I leave politics having been the longest-serving police Minister in the history of this State. That is a fine achievement for an orphan boy from Ashfield. I seek leave to table and have incorporated in *Hansard* a list of a few highlights of my achievements as Minister for Police.

Leave granted.

Document tabled. [*For incorporation see pages 7524A to 7524D inclusive.*]

Mr WHELAN: Many people have helped me during my time in charge of the Police portfolio and during my political career and they all deserve to be mentioned here today. When I think about highlights, I think of those who worked with me to introduce the toughest firearms laws in the history of New South Wales and, indeed, Australia. I remember all the way back to those who helped me draft the stalking laws that were first introduced when we were in Opposition. I am very proud of those achievements.

Equally important legislation enacted during my ministership included child protection laws, drug house legislation, landmark DNA powers and increased powers for the New South Wales police service. I am proud to have worked with many of the people who are here today, starting with the Government Whip, George Thompson, and his able deputy, Jim Anderson. To George, who is retiring, the Labor Party owes you a great deal for your unswerving commitment and dedication to your constituents. Jim, who is a great deputy, earned

the respect of his colleagues, and I wish him every success. I am sure that his electorate will reward him with re-election.

Of Bob Carr I say he was without doubt the most fearsome Opposition leader that New South Wales has ever had. In opposition he was a very determined man, a very aggressive policy reformer. In opposition Labor Party members were all policy driven. Bob Carr, as Leader of the Opposition, copped a lot of personal criticism, but he stood tall above it. He will be remembered, without doubt, as a great Premier. Those early Opposition challenges made him a better person and a better Premier. Today he rang me and told me that four books are being written about him; he urged me to mention that so that everyone would buy them. The financial side of that achievement is a result of him dealing with Michael Egan for too long. When Bob Carr decides to call it quits, and leaves as State Premier, the legacies will be many and varied, including those in the huge portfolio areas of Health, Education, Police and Environment.

I could talk about Bob Carr for a long time, but having said that undoubtedly he will prove to be the best Premier in this State's history, that is probably enough praise from anyone for one day. The last thing I will say about him is that he has been, and truly is, an inspirational leader. I have never had a blue with him, our conversations have always been robust, our relationship has been one of admiration. He took the New South Wales Labor Party from oblivion—and that is where we were in 1988. I remind the House that in my electorate of Ashfield, which I held prior to the 1988 election with a majority of 7,000, my majority was reduced to 300 on that election night; such was the savagery of that election.

I lived in Victoria Street, and I worked at the polling booth at Yeo Park. Many people came to me and said, "Paul, we have supported you since 1976, but we just cannot vote for you." They gave me their reasons, which were many and varied, including the guns legislation and the Richmond report. I had supported many people and expected their support in return; but that did not happen. That is an example of the electoral pendulum, the changes that have happened in politics since my election in 1976. Gone is the former 35 per cent Australian Labor Party and 25 per cent Liberal-National Party status. The electorate, the State and the nation are much better off, but there is such a middle ground in Australian political life that there is no such thing as a certainty.

I add this note of caution: Carr is no certainty. I think he will win, but there is no certainty in politics. Someone once said, "A rooster today, a feather duster tomorrow." I remind the House, and everyone listening, that politics can change in one hour as a result of instantaneous media. A great credit for the success of the Carr Government is due to the Premier's loyal deputy, the unsung hero. I do not want to embarrass some of my colleagues on the Left, and hanging on to the left-wing of the Australian Labor Party may have been a bit difficult, but somehow Andrew has kept all three sub-factions—or four or five—together. That is a mighty achievement by Dr Refshauge. People have said that Jack Ferguson was a great loyal deputy to Neville Wran. History will record that Andrew Refshauge has played a significant role in the success of the Carr Government.

Today I would like to thank many others, starting with my former staff members when Labor was in opposition. Apart from my family, there were Johnny-Joe, my nephew, who is present in the gallery, Jason Clare and Jane Fitzgerald, who worked long hours. They were tireless workers, dedicated, committed in opposition and absolutely determined, as I was, to move from opposition to government. Honourable members would have noted that every time a division is called and the Government members move to the Opposition benches I get very agitated and nervous; I can hardly wait to get back to the Government benches.

I also thank Lyn Cuneo, who is in the gallery. Lyn worked for me for many years as an electorate secretary and also when I became the Minister for Police. Lyn and her husband, George, have been an integral part of my life, my campaigns and my success. George has clocked up more leg work than I thought possible, delivering pamphlets. Likewise I thank my electorate staff, past and present, including Bernice, Miranda, Seija, and Mary, all of whom have worked tirelessly. I have had few electorate staff; when they come to work for me they stay, but that must be because of factors other than their boss. Bernice worked for me since the very early days and both can claim credit for my eight election successes.

I thank the Ministry of Police and its Director-General, Les Tree, for providing valuable advice to me that I required as Minister. He gave me that advice professionally and unfailingly. I thank also the many people who worked with the Ministry of Police, many of whom are present in the gallery today. Many people have worked for me over the years, including Therese, Kellie-Jane, Pam, Cassandra, Katrina, Nicole, Helen, Jocelyn, Rosie, Alison, Kylie, Davina, Ingrid, Leanne, Tina, Cathy, Eammon, Chris, Bob Pullar, Anne, Anastacia, Elise, Dom, Kellie, Jeanette, Sandra, David, Gayle, Rod and Kasey. In respect of Jeanette and Sandra, they must share

in my success in my role as Minister for Police—Sandra from 1995, when she started working for me, and Jeanette from 1999, when she began working for me. Jeanette, who is present in the gallery, arrived at a time of great stress in the then Police Service and in the Ministry of Police and the Office of the Minister for Police. Through Jeanette's great human relations skills, and being the great person she is, she was able to take control and run the office as chief of staff. To you Jeanette, I am indebted, as is the Government. I thank you.

Sandra arrived as a former employee of the *Sydney Morning Herald*, well-known in Australia as an authoress but not knowing what to expect. I conduct very short job interviews, and at her job interview I said, "You have the right credentials to work here, you are on 30 days trial and so am I. The difference is if I don't like you, you go, but if you don't like me you still go." Sandra is a lady of enormous capacity. She had a time-consuming job yet she took the opportunity to write very successfully and will continue to write successfully. She is an incredible person, a very calming person, and I have no hesitation in saying that she has contributed a large percentage to my success as a Government Minister. All of my staff were committed and worked very hard.

I also thank our most senior police: the current Commissioner of Police, Ken Moroney, and former commissioners Peter Ryan, Neil Taylor and Tony Lauer. I thank them all for different reasons. I single out Ken Moroney, with whom I worked closely during my seven years as Minister. He is well respected by his fellow police officers and is capable of taking policing in New South Wales to the next stage. I also single out Peter Ryan; he took on the very difficult task of leading the reform process of the then New South Wales Police Service in the wake of the damning Wood royal commission. Change is difficult! I thank Peter for his work in that regard and for the extraordinary expertise he brought to providing world-class security arrangements for the famous Sydney 2000 Olympics.

I thank Neil Taylor for filling the void created when Tony Lauer retired. Neil took on that task and did a fantastic job for and on behalf of the Police Force and the people. Neil had intended to retire but I prevailed on him to stay on. He did so, and did a fantastic job until we advertised worldwide for a new Commissioner of Police. Tony Lauer worked very hard, and I never doubted his hard work and enthusiasm for the job. In my view, he coped a lot of unfounded criticism.

I also take this opportunity to thank Assistant Commissioners Clive Small, Andrew Scipione, Dave Madden, Peter Walsh, Paul McKinnon, the late Bev Lawson, whom I have already mentioned, Dick Adams, Dan Dillon, Ron Sorenson, Frank Hansen, and Christine Nixon, who is now Chief Commissioner of Police in Victoria, just to name a few. I thank Phil Bradley, the Chairman of the Crime Commission, Judge Urquhart, Tim Sage, Mervyn Finlay, Justice Wood and the Police Association representatives over the years—Phil Tuncheon, Peter Remfrey and Ian Ball. I had an open door policy with the union—which I suspect occasionally drove my staff mad! I think that, co-operatively, we achieved changes that were positive for police officers: better equipment, training and laws to help them do their jobs; changes in line with community expectations about police accountability; drug and alcohol testing of police, and increased public scrutiny of the new and enhanced powers this Government has given to police to help them do their jobs.

I do not want to be interrupted when I say this. I have travelled a lot. But, with the exception of two ministerial study tours during my period as police Minister, my trips have been personal: they have all been paid for by me. I met great people, including his Holiness the Pope, New York Police Department Commissioner William Bratton, Assistant Commissioner Jack Maple, Judge Mollen, who penned the historic Mollen report, and a former director of the FBI, Louis Freeh. By the way, that was in 1999. During my ministerial tour in 1995 I tried to get into New Scotland Yard to see the head there. I saw Sir John Stevens, the head of the British police, but they would not let anyone from the New South Wales police service anywhere near New Scotland Yard. I had an hour with Bratton, longer with Freeh, and even longer with Sir John Stevens. So it all turned around in that period, and that is great for the New South Wales police.

In July 2000 I was planning my annual vacation. Bob Carr was the Premier but he was away at the time, so I wrote to the Acting Premier, Andrew Refshauge, seeking approval to take leave. On this occasion he was a bit tough, and he said no. He said he needed me to attend a Cabinet meeting in Bombala, on the South Coast. I had booked my vacation; I was ready to go. As a senior Minister, as one would expect, I had given an indication to the Cabinet Office that I was going away. It was July, it was a non-refundable ticket, the family was organised, the bags were packed. So I wrote back to Andrew, and I would like to share with honourable members the terms of my response. I wrote:

Dear Acting Premier

Thank you for your letter of 10 July 2000.

I will endeavour to meet the objectives contained in your correspondence but I would advise that Bombala is some considerable distance from Tuscany.

I must say I was very much looking forward to going to Bombala—a unique area in NSW. However, as you may be aware the bus from Tuscany to Rome airport travels over dirt routes and is a most unreliable service.

In the event that I am unable to make a timely arrival at Bombala, I hope you will convey my sincere apologies to all attending the Cabinet meeting and civic reception—especially branch members.

I have always been a team player, and that is the only occasion on which I have departed from that habit. Being police Minister was challenging and tough, and it was often an all-consuming job. On parliamentary sitting days—as Leader of the House and also as police Minister—it was even more so. My staff would begin the day by listening to morning radio from 5.30 a.m., finding out what Mr Tink, the shadow police Minister, had to say. I wish he had rung me at 10.30 at night so I did not have to get out of bed too early. Then the day's events would unfold, with calls to me, calls to the police, calls to the media, answers asked for, briefs written, questions still outstanding—even at 2.15 p.m.—and parliamentary responses prepared.

Prior to question time, my staff would come down to brief me about the likely issues of the day. Because of the nature of policing, some of the information would have only evolved in the hour or two, or perhaps only 15 minutes, before I came into the Chamber. These pieces of information became affectionately known as the "bombs" of the day. I cannot recall the exact day, but it was the last Thursday at the end of a very long parliamentary session and my staff arrived to brief me. I remember who was there—Jeanette Evans, Sandra Harvey and my then media adviser Chris Perkins. Five minutes before question time they told me it was a pretty good day, to stick to the House folder, and that there was only one bomb. I was handed the brief—the standard format—which read:

As you are aware a new police station is being constructed at Ashfield [in my electorate]. The Local Area Commander has been finalising contractual arrangements with the construction company. As part of these arrangements he has been required to provide the project managers with contact details for existing police officers working from the existing Ashfield facility—security codes to access the building, mobile phone numbers, home telephone numbers and personal addresses [of all police in the local area command]. At the same time [the local area commander] was processing a subpoena and charge material related to a well known underworld drug dealer [and contract killer]—information that needed to be sent to this alleged offender in the process of charging him with significant criminal offences.

In the confusion of dealing with two such significant issues the Local Area Commander had sent the subpoena and charge material to the contractor—and the personal contact details and addresses of [all police in the local area command] to the drug dealer [and contract killer].

I cannot tell you exactly what I said. I read the brief; my staff looked serious. I stood up, looked at it again, and then I read the suggested response. It read:

Regrettable mistake, could have happened to anyone.

At that point I roared with laughter—I am sure the laughter could have been heard in Macquarie Street. And the laughter is what gets you through the pressure of this job—being on call 24 hours a day, every day of the week. I thank my staff for maintaining a sense of humour, despite my unrelenting demands and workloads. Over such a long career, and with a portfolio like police, there will always be highs and lows. The most difficult things for me personally were the tragedies of seeing so many police lose their lives or have them damaged by the extraordinary mental and physical demands of policing. I wish I could feel more comfortable about the success of the many projects I drove to provide officers with better equipment, training and support. Being a police officer is a very, very tough job, and I thank all past and present officers for their services to the community.

In conclusion, I have endorsed a fine candidate named Virginia Judge. This is the fourth occasion on which Virginia has been preselected as a candidate. On the third occasion she was gracious enough, at a minute's notice, to stand down and let me run for the seat of Strathfield. She is a wonderful person, and she has my support. If elected—and I think the electorate will endorse her—she will continue the great work. Thank you.

SOME ACHIEVEMENTS IN THE POLICE PORTFOLIO

Police Numbers

- In November 1994, towards the end of the last Coalition Government's term, the total number of police was 12,678.
- On 31 May 2001, the total number of police was 13,660. This is an increase of 982 during this Government's time in office.
- In our current term of office, additional funding is being provided each year to meet the Government's commitment to increase police numbers by 1,000 by the end of 2003.
- Funding for 600 new officers has already been provided in the last three budgets, and funding for a further 400 officers is scheduled for the next three budgets.

Response Times

- Police response times have been slashed to put NSW police on par with the world's best, with a 52% improvement since March 1998.

Technology

- The integration of intelligence, forensic and technological enhancements has significantly enhanced the capabilities of the Police Service in the management and investigation of crime.

Investigation Management System (e@gle.i)

- The Police Service's Investigation Management System (e@gle.i) is a multi-award winning system that enables all material from a police investigation to be online and accessible from any police station in the State.
- It has won numerous awards including a Premier's Award and an Australian Information Industry Association Award in the Australian Governments category, for the best use of information technology to improve operations and services to benefit government and taxpayers.
- The e@gle.i system holds all the evidence for a crime, including statements (both word-processed and scanned signed documents), photos, videos and audio material. This system offers enormous potential for managing crime investigations and making the information widely available throughout the Service to assist in solving crime.
- e@gle.i has been rolled out to 11 metropolitan Local Area Commands and 5 rural LACs including Albury, Wagga Wagga, Tweed/Byron, Monaro (Queanbeyan) and Hunter.
- It is also being used in more than 130 active investigations by Specialist commands including Crime Agencies and Special Crime and Internal Affairs.
- The system is accessible from all NSW police stations.

Mobile Data Terminals

- The Carr Government has provided \$7 million to the Police Service for the provision of a Mobile Data System (MDS).
- The \$7 million is providing for the installation of data terminals in the majority of marked police vehicles as well as the data centre infrastructure necessary to support the MDS.
- Over 300 Mobile Data Terminals (MDTs) have been installed to date across the Metropolitan, South Eastern and Hunter regions and another 192 are due to be installed.
- These MDTs will be rolled out in City East, Endeavour, Greater Hume, Georges River, Hunter, South Eastern regions, and the State Protection Group and Crime Agencies.
- The Mobile Data System enables police to access Police Service information systems from their vehicles.
- With this capacity they are able to obtain details of vehicle registrations, criminal records and all information in the Computerised Operational Policing System (COPS).
- They can also enter incident data directly from their vehicles.
- This frees up the computer resources back at the police stations, and help with a smooth change of shifts, without the usual rush to finish entering data on a limited number of computers.
- MDTs have GPS positional sensing capability that can provide location coordinates for the vehicle, which improves officer safety.

Livescan

- \$7.2 million has been allocated for Livescan technology, which is currently being implemented.
- Livescan is an electronic, inkless fingerprinting system using laser technology to scan fingers and palms to produce clear undistorted images. It will be integrated with the national CrimTrac system, contributing to nationwide access to suspects' fingerprints.
- The system allows real time identification of people in custody, preventing inappropriate release on bail.
- Police have been able to detect the true identity of many offenders by checking their fingerprints against the database whilst they are in police custody.

- On the introduction of Livescan, two offenders who were in custody argued between themselves for the right to be the first person in Australia to have their fingerprints captured electronically. The winner "punched the air" in jubilation.
- Livescan has already been installed at Bankstown, Burwood, Cabramatta, Fairfield, Newcastle and Surry Hills Local Area Commands.
- By the end of June, Livescan will be installed in 10 more locations, including Blacktown, Campbelltown, Coffs Harbour, Lismore, Maitland, Mascot, Penrith, Port Macquarie, the Police Academy and the Fingerprint Operations Centre.
- An additional 25 sites will follow. These are Mount Druitt, Parramatta, Green Valley, Tweed Heads, Gosford, Dubbo, Liverpool, Port Kembla, Wollongong, Armidale, Bathurst, Nowra, The Entrance, Batemans Bay, Tamworth, Wagga, Harbourside, Belmont, Queanbeyan, Orange, Auburn, Camden, Albury, Hurstville and Sutherland.

Integrated Ballistics Identification System (IBIS)

- \$4 million has been provided in 2000/01 for acquisition of an Integrated Ballistics Identification System (IBIS) and the system has been in use since 12 October 2000.
- IBIS is the equivalent of DNA testing for weapons.
- IBIS will revolutionise the investigation of firearm related crime by capturing data from bullets and cartridge cases and electronically comparing the unique markings left by firearms on bullet cartridges.
- Just recently, police used IBIS to match cartridges from two drive-by shootings that occurred in Sydney's west last year.
- Police say that IBIS does in 70 minutes work that would take 240 years without this technology.

Geographic Information Systems (GIS) Mapping

- The Police Service is at the leading edge in the application of geographic mapping information to the analysis of crime.
- The GIS technology allows the visual identification of crime "hotspots" and spatial crime patterns, defining where crime is occurring.
- It gives police the ability to look at crime on a 'global' scale across Local Area Command boundaries.

DNA Technology

- DNA testing has helped in the conviction of Ivan Milat and Stephen James Boney, the Wee Waa rapist.
- This Government has passed legislation to empower the police to take DNA samples from suspects or those convicted of or imprisoned for a serious indictable offence.
- The *Crimes (Forensic Procedures) Act* 2000 was proclaimed on January 1, 2001. This Act confirms the Government's commitment to addressing crime and improving the operation of the criminal justice system.
- DNA is the fingerprint of the 21st century. The Act provides police with an effective investigative tool for detecting crime and will assist in deterring offenders from re-offending, thereby making the community safer.
- The Act enables law enforcement agencies to identify or exclude suspects by comparing forensic material taken from them with material found at crime scenes. It will link seemingly unrelated crimes by comparing DNA profiles found at different crime scenes.
- This legislation has the potential to assist victims of crime by encouraging guilty pleas and hence avoiding often traumatic and lengthy court proceedings.
- An independent custodian of the DNA database will be appointed to protect the integrity of the database.
- It is important to remember that DNA testing can also be used to free anyone wrongly convicted of crimes. A number of suspects in rape and murder cases have already been cleared of suspicion by DNA testing.
- NSW will be the first State to set up a Panel to use forensic science to ensure justice.
- The Innocence Panel will commence in July 2001 to receive and process applications from convicted persons where DNA held by the Police Service may assist in establishing grounds of wrongful conviction.

Intelligence Based Policing

- Local Area Commands use intelligence-based policing methods to meet local law enforcement needs.
- Police resources are allocated within Local Area Commands according to intelligence-based assessments of areas of greatest need and emerging crime trends and 'hot-spots'.
- Intelligence processes provide police with the ability to identify what numbers of police are required with what skills in what locations at any time of the day or week.

Police Assistance Line

- The Police Assistance Line (PAL) is a reporting system that enables the public to report minor crime by telephone, thereby freeing up police time for dealing with more serious crime and crime prevention.
- The Government provided \$9 million in capital funding to establish PAL.

- PAL has been operating State-wide since January 2000, and surveys conducted since its inception show that it is well accepted in the community.
- A survey by Woolcott Research in March 2000 got the following results:
- 47% awareness of PAL in the community;
- 91% agree that PAL is a good way to deal with non-urgent cases;
- 81% agree that the introduction of PAL shows the NSW police are genuinely concerned about improving their service to the general public.
- The Police Service's customer surveys show that over 90% of victims surveyed rate the service as good or excellent.
- PAL has been awarded the prestigious Greenfield Teleservices Site of the Year in the Australian Teleservices Association (ATA) State Awards 2000. PAL competed against the top call centres from both the public and private sectors to win this award.
- PAL also received a gold award in the Premier's Public Sector Awards 2000 for being the best government service delivery project for the year 2000.
- PAL is freeing up police time equivalent to up to 500 police for frontline duties.
- This means that police are spending much more of their time out on the streets instead of at desks answering calls.
- PAL has also delivered 240 new jobs to regional NSW, in Tuggerah and Lithgow.

Firearms

- NSW has the toughest firearm laws in Australia and we are making them tougher.
- Increased specialist enforcement personnel and increased police powers to target firearm traffickers will reduce the availability of firearms to criminals.
- Under the Firearms Amendment (Trafficking) Bill 2001:
- penalties for the illegal possession of a prohibited firearm will be increased from 10 to 14 years gaol;
- it will be illegal to supply or take part in the supply of firearms to any person not authorised to carry them, carrying a 20-year prison sentence;
- it will be illegal for a licensed firearm dealer to wilfully record false details in firearms transactions and for an eligible person to act as a front for an illegal firearms dealer (both will carry 14 years gaol);
- it will be illegal to conspire to traffic illegal firearms, even if such conspiring takes place outside of NSW;
- police will have the power to demand all firearms and parts for inspection from suspected arms dealers;
- it will be compulsory to register firearm frames to curb illegal trade in firearm parts; and
- there will be an extended definition of possession which requires the owner, occupier or person in control of premises on or in which an illegal gun is found to explain to the court why they should not be found guilty of unauthorised possession of a firearm.
- The Government's continued efforts in this area make it clear how seriously we regard the illegal possession of a firearm, and demonstrate our dedication to providing a safer society.

Crimes Legislation (Police and Public Safety) Amendment Act 1998

- This Act commenced on 1 July 1998. The Act:
- makes the custody of a knife in a public place an offence;
- permits police to conduct searches for knives and other dangerous implements; and
- gives police the power to "move on" people in public places whose behaviour or presence constitutes an obstruction, harassment, intimidation or causes fear.
- The Government has also legislated to prohibit the sale of knives to people under 16 years of age.
- As of 31 May 2001, police have used their new powers to undertake 69,494 searches, confiscated 12,813 knives and weapons and used their new powers to give directions on 73,583 occasions.

Children (Protection and Parental Responsibility) Act 1997

- The Government introduced this landmark legislation in response to the concerns of country NSW about the safety of children, and their involvement in crime. The Act seeks to protect both children and the broader community.
- The Act allows wilfully negligent parents to be held accountable for the crimes of their children. It also gives police the power to remove at risk children under the age of 16 from public places. Children are returned to a parent, relative or person approved by DOCS.

- The Act encourages local councils to work in partnership with the NSW Government in developing and implementing crime prevention strategies specially tailored to the needs of local communities.
- The Carr Government recognises that not all communities need or want local police to have these removal powers. Local councils seeking these powers must apply to the Attorney General for an operational area under the Act.

Police Powers (Vehicles) Act 1998

- The Act gave police new powers to stop and search a certain class of vehicles, including the power to set up roadblocks.
- It also empowered police to seek identification information from the owner and from the driver of the vehicle.

Young Offenders Act

- The *Young Offenders Act* encourages young offenders charged with less serious offences to take responsibility for their crimes and promotes their reintegration into the community by diverting them from court and detention.
- Cautions and conferences under the Act are not a soft option. Family members and, in some cases respected members of an offenders' community, are encouraged to participate in the caution process. In more serious cases, where a youth justice conference is appropriate, the offender is brought face to face with their victim and that victim given a say in how the offender should be dealt with. Making an offender understand the hurt they have caused their victim is both a confronting and educative experience.
- In the years prior to the introduction of the Act in 1998, police diverted only about 12% of young offenders. During the first year of the Act's operation in 1999, about 36% of young offenders were diverted from court through cautions or a youth justice conference. In the second year of operation, 2000, 41% of young offenders were diverted. When the number of diversions through warnings are taken into account, the diversion rate is significantly higher.
- The Service has introduced a number of strategies to improve outcomes for young offenders and the community under the Act. It has:
 - appointed specially trained and accredited Youth Liaison Officers (YLOS) to each of NSW's 80 LACs to carry out much of the Act's implementation at a local level;
 - trained over 950 police to be specialist youth officers under the Act;
 - included questions for Local Area Commanders about the use of the Act in Operational Crime Reviews;
 - has promoted use of the Legal Aid Hotline for young offenders;
 - has commenced upgrades of the COPS computer system to allow better data on police interventions with young people to be recorded and analysed.

Reducing crime

- The crime rate is down in NSW after a decade long increase that began under successive coalition governments (data from the Bureau of Crime Statistics and Research [BOCSAR]).
- We have sustained a drop in crime while delivering reform, better service, improved public confidence and the Olympic Games.
- The improvement in NSW crime statistics indicates that the Government's commitment to improving police resources, powers and professionalism is reducing crime across the State and the Commissioner's focus on ethical cost effective crime reduction is paying off.
- This trend has been attributed to five major themes:
 - Fighting crime: through smarter policing
 - Police strength: record numbers of police
 - Front line policing: improving response to calls for assistance
 - Officer safety: protecting officers doing their jobs
 - Police powers: appropriate authority, appropriate safeguards

OCRs

- In order to implement major change within the Police Service and ensure police officers can do their jobs better, smarter and safer, the Commissioner has introduced Operational Crime Reviews (OCRs).
 - The OCRs use an intelligence driven forum to focus on the main business of policing—reducing crime and improving clear-up rates—ensuring that Local Area Commanders are accountable for solving crimes.
 - These panels are based on the successful New York Police Compstat Model which use "best practice" policing to respond to local crime patterns.
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NATIONAL PARK ESTATE (RESERVATIONS) BILL**In Committee****Consideration of the Legislative Council's amendments.***Schedule of amendments referred to in message of 5 December*

- No. 1 Page 10, Schedule 1, line 14. Omit "840". Insert instead "836".
- No. 2 Page 10, Schedule 1, line 19. Insert "(3rd edition)" before "in".
- No. 3 Page 10, Schedule 1, line 22. Omit "174". Insert instead "172".
- No. 4 Page 10, Schedule 1, line 26. Insert "(3rd edition)" before "in".
- No. 5 Page 10, Schedule 1, line 30. Omit "370". Insert instead "369".
- No. 6 Page 10, Schedule 1, line 33. Insert "(3rd edition)" before "in".
- No. 7 Page 12, Schedule 1, line 11. Omit "1409". Insert instead "1404".
- No. 8 Page 12, Schedule 1, line 16. Insert "(3rd edition)" before "and".
- No. 9 Page 12, Schedule 1, line 21. Omit "717". Insert instead "688".
- No. 10 Page 12, Schedule 1, line 26. Insert "(3rd edition)" before "in".
- No. 11 Page 13, Schedule 1, line 18. Omit "1154". Insert instead "1150".
- No. 12 Page 13, Schedule 1, line 23. Insert "(3rd edition)" before "in".
- No. 13 Page 15, Schedule 1, line 10. Omit "3811". Insert instead "3790".
- No. 14 Page 15, Schedule 1, line 18. Omit "Misc. R 00152, Misc. R 00154 and Misc. R 00155". Insert instead "Misc. R 00152 (3rd edition), Misc. R 00154 (3rd edition) and Misc. R 00155 (3rd edition)".
- No. 15 Page 17, Schedule 1, line 17. Omit "348". Insert instead "347".
- No. 16 Page 17, Schedule 1, line 21. Insert "(3rd edition)" before "in".
- No. 17 Page 17, Schedule 1, line 26. Omit "14". Insert instead "9".
- No. 18 Page 17, Schedule 1, line 29. Insert "(3rd edition)" before "in".
- No. 19 Page 18, Schedule 1, line 3. Omit "248". Insert instead "247".
- No. 20 Page 18, Schedule 1, line 7. Insert "(3rd edition)" before "in".
- No. 21 Page 18, Schedule 1, line 12. Omit "75". Insert instead "74".
- No. 22 Page 18, Schedule 1, line 15. Insert "(3rd edition)" before "in".
- No. 23 Page 18, Schedule 1, line 27. Omit "65". Insert instead "57".
- No. 24 Page 18, Schedule 1, line 30. Insert "(3rd edition)" before "in".
- No. 25 Page 19, Schedule 1, line 2. Omit "1583". Insert instead "1475".
- No. 26 Page 19, Schedule 1, line 7. Insert "(3rd edition)" before "in".
- No. 27 Page 19, Schedule 1, line 11. Omit "212". Insert instead "195".
- No. 28 Page 19, Schedule 1, line 16. Insert "(3rd edition)" before "in".
- No. 29 Page 19, Schedule 1, line 21. Omit "397". Insert instead "363".
- No. 30 Page 19, Schedule 1, line 26. Insert "(3rd edition)" before "in".
- No. 31 Page 19, Schedule 1, line 30. Omit "390". Insert instead "383".
- No. 32 Page 19, Schedule 1, line 34. Insert "(3rd edition)" before "in".
- No. 33 Page 20, Schedule 1, line 2. Omit "6". Insert instead "3".

- No. 34 Page 20, Schedule 1, line 5. Insert "(3rd edition)" before "in".
- No. 35 Page 21, Schedule 1, line 3. Omit "1162". Insert instead "1161".
- No. 36 Page 21, Schedule 1, line 8. Insert "(3rd edition)" before "in".
- No. 37 Page 21, Schedule 1, line 31. Omit "8". Insert instead "5".
- No. 38 Page 21, Schedule 1, line 34. Insert "(3rd edition)" before "in".
- No. 39 Page 22, Schedule 1, line 10. Omit "2949". Insert instead "2944".
- No. 40 Page 22, Schedule 1, line 14. Insert "(3rd edition)" before "in".
- No. 41 Page 23, Schedule 1, line 3. Omit "140". Insert instead "136".
- No. 42 Page 23, Schedule 1, line 6. Insert "(3rd edition)" before "in".
- No. 43 Page 23, Schedule 1, line 11. Omit "4713". Insert instead "4708".
- No. 44 Page 23, Schedule 1, line 16. Insert "(3rd edition)" before "in".
- No. 45 Page 24, Schedule 1, line 3. Omit "1310". Insert instead "1309".
- No. 46 Page 24, Schedule 1, line 7. Insert "(3rd edition)" before "in".
- No. 47 Page 24, Schedule 1, line 11. Omit "512". Insert instead "495".
- No. 48 Page 24, Schedule 1, line 15. Insert "(3rd edition)" before "in".
- No. 49 Page 24, Schedule 1, line 20. Omit "1479". Insert instead "1478".
- No. 50 Page 24, Schedule 1, line 24. Insert "(3rd edition)" before "in".
- No. 51 Page 25, Schedule 1, line 12. Omit "437". Insert instead "434".
- No. 52 Page 25, Schedule 1, line 17. Insert "(3rd edition)" before "in".
- No. 53 Page 25, Schedule 1, line 27. Omit "75". Insert instead "71".
- No. 54 Page 25, Schedule 1, line 30. Insert "(3rd edition)" before "in".
- No. 55 Page 26, Schedule 1, line 19. Omit "1505". Insert instead "1327".
- No. 56 Page 26, Schedule 1, line 22. Insert "(3rd edition)" before "in".
- No. 57 Page 27, Schedule 1, line 2. Omit "980". Insert instead "979".
- No. 58 Page 27, Schedule 1, line 6. Insert "(3rd edition)" before "in".
- No. 59 Page 27, Schedule 1, line 19. Omit "515". Insert instead "510".
- No. 60 Page 27, Schedule 1, line 23. Insert "(3rd edition)" before "in".
- No. 61 Page 28, Schedule 1, line 3. Omit "81". Insert instead "71".
- No. 62 Page 28, Schedule 1, line 6. Insert "(3rd edition)" before "in".
- No. 63 Page 28, Schedule 1, line 11. Omit "63". Insert instead "61".
- No. 64 Page 28, Schedule 1, line 15. Insert "(3rd edition)" before "in".
- No. 65 Page 28, Schedule 1, line 34. Omit "884". Insert instead "883".
- No. 66 Page 29, Schedule 1, line 1. Insert "(3rd edition)" before "in".
- No. 67 Page 29, Schedule 1, line 19. Omit "663". Insert instead "661".
- No. 68 Page 29, Schedule 1, line 24. Insert "(3rd edition)" before "in".
- No. 69 Page 31, Schedule 1, line 3. Omit "2949". Insert instead "2948".
- No. 70 Page 31, Schedule 1, line 8. Insert "(3rd edition)" before "in".
- No. 71 Page 31, Schedule 1, line 13. Omit "529". Insert instead "528".

- No. 72 Page 31, Schedule 1, line 16. Insert "(3rd edition)" before "in".
- No. 73 Page 31, Schedule 1, line 28. Omit "1773". Insert instead "1772".
- No. 74 Page 31, Schedule 1, line 31. Insert "(3rd edition)" before "in".
- No. 75 Page 32, Schedule 1, line 22. Omit "2745". Insert instead "2735".
- No. 76 Page 32, Schedule 1, line 27. Omit "Misc. R 00118 and Misc. R 00119". Insert instead "Misc. R 00118 (3rd edition) and Misc. R 00119 (3rd edition)".
- No. 77 Page 33, Schedule 1, line 6. Omit "248". Insert instead "246".
- No. 78 Page 33, Schedule 1, line 11. Insert "(3rd edition)" before "in".
- No. 79 Page 55, Schedule 9.1 [7]. Insert after line 27:
- (1B) Despite subsection (1A), the Governor may, by notice published in the Gazette, revoke the declaration of any land as or as part of a special management zone and by that notice set apart the land as or as part of a flora reserve.
 - (1C) Despite subsection (1A), the Governor may, by a notice under Division 1 of Part 4 of the *National Parks and Wildlife Act 1974* that reserves land under that Act:
 - (a) revoke the declaration of the land, or any part of the land, as a special management zone, and
 - (b) revoke the dedication of the land, or any part of the land, to which the declaration as a special management zone applies, as a State forest.
- No. 80 Page 55, Schedule 9.1. Insert before line 28:
- [8] Section 21A (2A)**
- Insert after section 21A (2):
- (2A) The carrying out of general purpose logging is prohibited in a special management zone.
- No. 81 Page 55, Schedule 9.1. Insert before line 28:
- [10] Section 21A (4) and (5)**
- Omit "the Minister" wherever occurring. Insert instead "or".

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.00 p.m.]: I move:

That the Legislative Council's amendments be agreed to.

Mr FRASER (Coffs Harbour) [12.00 p.m.]: I do not oppose the amendments but raise a few points which, unfortunately, were not able to be raised in this Chamber because of the way the legislation was introduced. First, no notice was given to the Opposition; second, the second reading speech was incorporated in *Hansard*; and, third, no-one had sighted the maps that were referred to in the schedules to the bill. I make a few points that I believe are pertinent to the effect of this legislation on regional and rural New South Wales. Approximately 500 annual leases, grazing leases, occupational permits and permissive occupancies have been lost to grazing in regional and rural New South Wales since 1995-96.

Some families have lost land after every announcement made by this Government turning these tenures into national park. It has meant that flood refuges are now national parks, town commons have been lost to the people of New South Wales and their communities, and 45,000 to 50,000 head of cattle have already been displaced from grazing leases around New South Wales. We are currently experiencing one of the worst droughts and one of the most severe bushfire seasons this State has ever seen. In fact this drought is more than a one in 100 years drought—who knows what it is! This current round of legislation removes 194 occupational permits from the people of regional and rural New South Wales, including 154 farming families, some of whom will lose more than one occupational permit.

The number of cattle that will have to be removed from occupational permits which are now to become national parks is estimated conservatively at 15,000 head. Because of the loss of these occupational permits many farms will not remain viable. It must be remembered that these lands originally were the next best thing to freehold land. In fact, the people who have these occupational permits and Crown leases paid the equivalent of

the freehold price for the land in the first place. A man by the name of Barry Adams has asked me to see him next week. Barry has a lot of high country land under occupational permit. He could transfer cattle from freehold lower pasture property up into the high country on occupational permits. The land he has is now unviable either because it has been burnt out or because it will be taken under this legislation.

Guy Fawkes River National Park was taken over when the Coalition was last in government in 1991, and because the cattle were removed and the woody weeds and rubbish grew, in 1994 there was one of the most severe fires ever seen; the timber was completely destroyed. It was destroyed because the management that had been previously offered to those lease lands was now defunct, and there was no care or control of the lands. Currently more than 400,000 hectares have been burnt out between Grafton and Tenterfield. In that area the locals say that all they can smell is the rotting carcasses of dead native animals. Bushfires have raged this year, and the Government has put forward the excuse that "bushfire is natural".

Phil Koperberg appeared on television on Tuesday night and said that 1.4 million hectares have been hazard reduced. It is high time that the Government started to tell the truth. Yes, the 1.4 million hectares was hazard reduced, but how was it hazard reduced? It was hazard reduced by severe wildfire. There was news footage last weekend of a wallaby barely escaping a fire front in the northern area of Sydney. If a wallaby can only just escape a raging fire, what does it do to the koalas, potaroos, bilbies, lizards, and other native animals? It barbecues them. This is happening because of poor management.

This Government is turning another 145,000 hectares of occupational permits, leases and forest management zones [FMZ] into national park. There is no money allocated for management; there is no money allocated for hazard reduction. I put it to this House and I put it to the people of this State that in another couple of years these areas will be yet again ravaged by what the Government now calls hazard reduction and what I and everyone else in New South Wales calls wildfire—devastating fire. It is high time that the New South Wales Parliament recognised that for many years—since white settlement—people have enjoyed living on the edge of bushland.

There is a lot of bushland around Sydney. I commend the honourable member for Ku-ring-gai for what he said recently in relation to this: when those people who build next to it try to have hazard reduction carried out within the national park or Crown estate that borders their properties, they are told they must provide that buffer on their own land. That is impossible. I would suggest that a 50-metre fuel-free zone—that is a full clearing of land—and a 50-metre fuel-reduced zone should abut every urban interface with every Crown estate. It should not even be questioned. To say that only 43 or 46 homes were lost in this fire on the strength of the Rural Fire Service is bunkum. Yes, it is a credit to the Rural Fire Service, but at the end of the day those people lost every possession that they ever had. Those people have been forced on to the street and given a \$10,000 cheque by the Government to try to appease them, and that appeasement is for nothing more than poor management.

I am sickened by the photos of the Premier going out and patting these people on the head. I am sickened by the lie that the Government is spinning: that this is a natural occurrence. When we first settled this country we did not have the woody weeds, the lantana, the privet, and all the other rubbish that is on the forest floor. We did not have it because we did not have foxes and cats that killed off the small mammals and other native animals that cleaned up the forest floor. We did not have the lantana and the rest of the rubbish that will grow wild and create the basic ground fodder which quickly spreads into a ground fire. With white settlement of this country we have altered the landscape to such an extent that I do not believe we can ever go back. What we can do is better manage what is now entrusted to us. This Government, the National Parks and Wildlife Service and other government agencies are entrusted with preserving the flora and fauna of this State, yet all we have seen in the past 12 months is barbecues.

I was pilloried by the media and by this Government because on 15 August 2001 fire from a hazard reduction burn I was undertaking in my paddock escaped into a State forest because of a wind change. I admit I was wrong—I should not have lit the fire at that time of the day—but it was hazard reduction season. When I saw the fire escaping I rang the Rural Fire Service. The area that was burnt was not the five hectares that the Government and the newspapers claimed; I guess about a quarter of an acre or a little bit more was burnt on the forest floor of the Orara State Forest. I challenge any member of this Chamber and any member of the media to come up and have a look at the area now because in fact it was not a hot burn but it cleaned up about 15 years of debris on the bottom of the forest floor, and it was done in conjunction with, and at the request of, the Rural Fire Service.

Some native grasses, which are about 18 inches high, remain on the forest floor. The lantana is gone because I, not State Forests, pulled it out. What will happen if a wildfire tears through the Orara State Forest?

That is quite possible. The area was heavily logged a few years ago and we were not allowed to burn the new growth, such as lantana, tobacco bush and windrows of rubbish that remained. So it just sits there. If that goes up in these dry conditions it will absolutely destroy the forest. I guarantee that the only land that will not burn is the little area bordering my property that was hazard reduced last year.

Mr Gaudry: This is a personal explanation.

Mr FRASER: No, it is not. The honourable member for Newcastle comes from a regional area and his father was a forester. The honourable member knows full well the purpose of proper hazard reduction. He knows that it would preserve the bush in Kendall, Coffs Harbour or any other part of New South Wales.

The TEMPORARY CHAIRMAN (Ms Beamer): To which amendment is the honourable member for Coffs Harbour speaking?

Mr FRASER: I am speaking to an amendment to the legislation.

The TEMPORARY CHAIRMAN: Which amendment?

Mr FRASER: The one before the Committee at present.

The TEMPORARY CHAIRMAN: All 81 amendments?

Mr FRASER: Yes.

The TEMPORARY CHAIRMAN: Order! I remind the honourable member for Coffs Harbour that he should confine his remarks to the amendments before the Committee.

Mr FRASER: I am speaking to amendment No. 4. As I said at the outset, the Opposition did not have the opportunity when the legislation was introduced to consider its ramifications in detail because the schedules were not available. The Minister for Planning came into this place late one afternoon and incorporated his second reading speech to the bill rather than read it. That was an act of cowardice—we have seen it happen again today. The bill will turn leases into national park and the farmers have been told to remove their cattle. The National Parks and Wildlife Service intends to offer farmers materials to fence areas that will now about land reserved as national park under this legislation and others. That is all it will do.

However, it will be impractical, if not impossible, to fence some of that country. Fencing the forest management zones mentioned in the bill would be lunacy, to say the least, but the Government continues to insist upon it. In fact, it has already served notice on a number of my constituents on the North Coast to do it. This legislation goes beyond the terms of the original legislation passed by Parliament regarding regional assessment and the comprehensiveness, adequacy and representativeness [CAR] of the forest conservation reserve scheme. The bill says:

In the incorporation into the CAR reserve system of lands of the Crown over which a licence or occupation permit is held NSW will ... confirm the presence of CAR Values needed for reservation and ... through consultation, take into consideration any existing interests in the land of the licensee or permit holder.

That has not happened. In fact, many FMZ areas, leases and occupational permits in this legislation were included to the absolute shock and surprise of licence holders. As a consequence, validation of these areas did not occur. Licence holders do not know whether their land contains those things which the Government is seeking to protect. For example, only 5 per cent of properties in areas designated candidate old growth contain that vegetation. If this legislation were assessed properly it would be found to be bunkum. We would prove that the leases and other areas in the legislation are not worthy of incorporation because none of them have been ground truthed. Although, upon the introduction of the original legislation that permitted regional forest agreements and the CAR, the Minister assured permit holders that they would receive adequate notice and that ground truthing would be done, that did not occur and it will not occur. That land will now be locked up to the benefit of no-one.

We have seen footage of how the fires on the Northern Tablelands split mature trees wide open. That has never be seen before. This legislation will lock up further resources. As a result, forest industry structural adjustment will be brought forward and the long-term wood supply agreements guaranteed by the Government will be pulled. I received a telephone call last night from a woman who told me that she has lost 7,000 cubic

metres of small logs because there are no small logs around and the contract has been handed to another miller. This legislation is an absolute disgrace. The timber industry will fall over between now and next June. The extension of long-term wood supply agreements will not be possible in 2006 because this green Government has allowed bushfires to barbecue the natural heritage that was entrusted to it.

I challenge the media to travel to Brooklyn, where the photograph that appeared on the front page of the *Daily Telegraph* last week was taken, and to find any living mammals or other fauna. The flora and fauna were barbecued in that bushfire. The rainfall we are enjoying now—it is brilliant but it is a pity we are not getting as much on the North Coast—will wash the ash and rubbish into the rivers, where it will suffocate the fish. That is not management of our environment; it is a damnable lock-up by this Government in an attempt to secure green credentials. Under the COMP.500 agreement the green parties have guaranteed preferences to Labor candidates in the 2003 State election. This legislation is nothing more than a political act by the Premier to try to secure Greens preferences. It has been rushed through this place without consultation, consideration, ground truthing or any other ecological measures that would help to conserve the natural heritage of this State and this country.

I say to honourable members and to the media: For God's sake, examine this bill properly and realise that this politicised legislation has nothing to do with conservation. I implore them to consider the devastating effects of the recent bushfires—the bushfire season is not over by a long shot—and to recognise that poor management and hasty decisions made for political purposes have destroyed this State's ecology and biodiversity. Once that biodiversity is gone—destroyed by this Government's poor management—it will never return to the same standard. I voted against the bill when it was last in this place. To be honest, I do not have a clue what is in the amendments before the Committee. The amendments moved by the Opposition in the upper House were rejected, which is damnable. This poor legislation will destroy not only the ecology and biodiversity of our forests and national parks but the livelihoods of thousands of people on the North Coast and across New South Wales.

Mr HUMPHERSON (Davidson) [12.18 p.m.]: I acknowledge the broad-ranging debate that occurred in the upper House, which resulted in several amendments to this bill. The contribution of the honourable member for Coffs Harbour reflects the extraordinary passion of those in regional and rural areas about the lack of consultation on this bill. People across New South Wales appreciate that we must conserve our natural heritage and leave something for future generations. However, the Government will not accomplish that complex task by introducing legislation in the last minutes of a parliamentary session. We must consider all the impacts and achieve fair outcomes, and that requires proper consultation. Consultation on this legislation could have occurred if it had been introduced earlier or had remained on the table.

A number of amendments were passed by the upper House. Glynne Tosh, a senior member of the New South Wales Farmers Association, wrote to me expressing concern about the lack of consultation and seeking further amendments. However, those amendments cannot be moved because today is the last sitting day. I shall quote several paragraphs from the correspondence because it reflects the views of those adversely affected by the bill. Mr Tosh stated:

I represent NSW Farmers on the Occupation Taskforce and have done so since 1997, this Taskforce is a sham, all I can do is mop up tears, the decisions have been made and regardless of the social or economic situation there is absolutely nothing can be done.

As a member of that Taskforce I have already been given individual maps relating to each Permit holder who will be affected with the implementation of this bill, I also have the full list of names involved. Regardless of the Ministers advice from Ian Cranwell DUAP, Chairman of RACD the number of farmers affected is 154 and the Occupation Permits areas involve 194 parcels of land.

The Coalition would love to move further amendments in the House but time precludes that. However, the letter highlights the fact that the bill does not address lack of consultation and the need to identify and properly compensate those adversely affected. Mr Tosh continued:

The Federal Minister for Forests, Fisheries and Environment, the Hon. Ian Macdonald, has written to Minister Refshauge on several occasions, raising concerns over the contents of the bill and the lack of consultation at all levels in relation to forest management zones. The Federal Minister has been ignored throughout this process and Minister Refshauge has not responded to Minister Macdonald's many concerns:

Minister Refshauge mentions the RFA and Clause 69 in his speech when tabling the bill, what the Minister fails to recognise is Clause 70 of the RFA and it clearly states:

"In the incorporation into the CAR reserve system of lands of the Crown over which a licence or occupation permit is held NSW will:

- Confirm the presence of CAR Values needed for reservation.
- Through consultation, take into consideration any existing interests in the land of the licensee or permit holder."

This clearly has not occurred.
Validation of values did not occur.

This again emphasises my point about lack of consultation and compensation. Mr Tosh referred to oversights and concluded:

This is a typical example of how action speaks louder than words, the Premier can say what he likes about supporting farmers, it is obvious from his actions, he has treated these farmers with sheer contempt as he has with every declaration, totalling over 1 million hectares since 1995.

470,000 hectares of our forest has been totally destroyed in one fire in the north of the state, every animal within that area including koalas, quolls, wombats have been incinerated. Trees have split open with the intense heat. No one government, agency or individual has the right to destroy our forests in this way. The Premier should hang his head in shame. It is criminal.

Management of our National Parks is appalling, the mindset to eliminate fire and prevent people from reducing fuel has to be changed, for the sake of our forests it must be changed.

The Government has an obligation to manage national parks. It is all very well for the Government to say that over the past eight years it has increased the national park estate; those parks must be managed appropriately. There has been insufficient hazard reduction or feral animal control. The community no longer has confidence that national parks will be managed properly in the future. Indeed, the Government's record shows that management of the parks will probably diminish. The losers will be those whose land adjoins national parks, and our native fauna, which will be under threat from bushfires and feral animals. Our native habitat should not be threatened because of poor management. Resources must be committed to protect those species.

The incorporation of these new areas in the national park estate will only exacerbate the Government's poor history in recent years with respect to national parks. Despite the rhetoric of the Premier and the Minister for Planning, this bill provides little assurance to land users. The Government lied when it said that proper consultation had taken place when the legislation was first introduced. Clearly, that was not the case. When the Coalition is elected to office it will need to revisit this issue to ensure that the rights and entitlements of land-holders are protected. This bill does not address the concerns of those who will be adversely affected, nor does it make provision for proper compensation.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

BANK HOLIDAYS LEGISLATION AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 6 December

- No. 1 Page 4, Schedule 1 [2], line 3. Omit "persons employed or engaged by the bank". Insert instead "persons employed or engaged (whether or not by the bank) to perform services for the bank".
- No. 2 Page 4, Schedule 1 [2]. Insert after line 24:
- (12) If the Director-General has not determined an application for approval before the expiration of the period of 40 days after the application was made to the Director-General (or such longer period as the Director-General determines with the consent in writing of the applicant), the Director-General is taken to have made a decision to refuse to grant the approval.
- No. 3 Page 6, Schedule 1 [2]. Insert after line 4:
- (2) A representative of an industrial organisation of which persons employed or engaged to perform services for a bank are entitled or eligible to belong may apply to the Administrative Decisions Tribunal for a review of any of the following decisions:

- (a) a decision of the Director-General to grant an approval under this Part to the bank (whether with or without conditions),
- (b) a decision of the Director-General to vary the conditions of an approval granted to the bank under this Part.
- (3) In this section, **industrial organisation** means an industrial organisation within the meaning of the *Industrial Relations Act 1996*, or an organisation registered under the *Workplace Relations Act 1996* of the Commonwealth.

Legislative Council's amendments agreed to on motion by Mr Whelan.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendment.

Schedule of the amendment referred to in message of 5 December

Page 18, Schedule 1. Insert after line 29:

[49] Section 38 Review of Act

Insert after section 38 (3):

- (4) A further review of this Act (as amended by the *Building and Construction Industry Security of Payment Amendment Act 2002*) is to be undertaken by the Minister as soon as possible after the period of 12 months from the commencement of Schedule 1 [29] to that Act.
- (5) A report on the outcome of the further review is to be tabled in each House of Parliament within 3 months after the end of that period of 12 months.

Legislative Council's amendment agreed to on motion by Mr Whelan.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

BUILDING LEGISLATION AMENDMENT (QUALITY OF CONSTRUCTION) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 5 December

- No. 1 Page 4, Schedule 1, line 16. Omit "7". Insert instead "2".
- No. 2 Page 4, Schedule 1, line 27. Omit "7". Insert instead "2".
- No. 3 Page 5, Schedule 1, line 16. Omit "7". Insert instead "2".
- No. 4 Page 5, Schedule 1, line 25. Omit "7". Insert instead "2".
- No. 5 Page 7, Schedule 1, line 6. Insert "by the principal certifying authority or another certifying authority" after "inspected".
- No. 6 Page 9, Schedule 1. Insert after line 12:

[27] Section 109ZA (2) (e)

Omit "300". Insert instead "1,000".

- No. 7 Page 24, Schedule 1, lines 17-28. Omit all words on those lines. Insert instead:

- (2) In the case of the erection of a concrete structure (other than the placement or relocation of a pre-fabricated concrete structure), inspections must be conducted, for each stage of construction that involves a concrete pour:
- (a) after any steel reinforcement has been positioned and before any formwork has been completed, and
 - (b) after any formwork has been completed and before the concrete is poured.

No. 8 Page 24, Schedule 1, lines 33-35. Omit all words on those lines.

No. 9 Page 35, Schedule 2. Insert after line 27:

[16] Section 114 Home Building Administration Fund

Insert after section 114 (3) (a):

No. 10 Page 35, Schedule 2. Insert before line 28:

[16] Part 7A

Insert after Part 7:

Part 7A Home building advisory and advocacy services

115A Home building advisory and advocacy services

- (1) The Minister must engage such persons or bodies as the Minister may determine to provide home building advisory and advocacy services to the public.
- (2) The regulations must make provision with respect to the reports to be furnished to the Minister by persons and bodies engaged under this section.
- (3) In this section, *home building advisory and advocacy services* means:
 - (a) the development and provision of education programs in relation to consumer rights concerning home purchase and home construction, or
 - (b) the provision to consumers of advisory and advocacy services in relation to home purchase and home construction, or
 - (c) the referral of consumers to building consultants and legal practitioners for further advice in relation to the technical and legal aspects of home purchase and home construction, or
 - (d) the publication of information as to the programs and services that are available from the Government or from other sources in relation to home purchase and home construction, or
 - (e) such other services as are declared by the regulations to be services that are eligible for funding under this section.

No. 11 Page 35, Schedule 2. Insert after line 34:

[18] Section 145 Review of Act

Insert after section 145 (3):

- (4) Without limiting subsection (1), the Minister is to review this Act with a view to establishing a Home Building Compliance Commission in accordance with the recommendations of the Joint Select Committee on the Quality of Buildings in its *Report on the Quality of Buildings*.
- (5) The review is to be completed within 2 years after the date of assent to the *Building Legislation Amendment (Quality of Construction) Act 2002*.
- (6) A report on the outcome of the review is to be tabled in each House of Parliament as soon as possible after the review is completed and, in any case, within 4 months after the end of the 2-year period referred to in subsection (5).

No. 12 Page 38, Schedule 2, lines 3-13. Omit all words on those lines.

No. 13 Page 41, Schedule 3, lines 1-6. Omit all words on those lines. Insert instead:

- (b) that also provides for the sale of a dwelling-house already erected on the lot,

No. 14 Page 41, Schedule 3, line 17. Omit "to be erected on the lot".

Legislative Council's amendments agreed to on motion by Mr Whelan.

Resolution reported from Committee and report adopted.**Message sent to the Legislative Council advising it of the resolution.****CRIMES AMENDMENT (SCHOOL PROTECTION) BILL****In Committee****Consideration of the Legislative Council's amendments.***Schedule of amendments referred to in message of 21 November*

- No. 1 Page 3, Schedule 1, proposed section 60D (1). Insert after line 7:
member of staff of a school includes a person who performs voluntary work for the school.
- No. 2 Page 3, Schedule 1, proposed section 60D (1), line 9. Omit all words on that line. Insert instead:
(a) an infants school, primary school or secondary school (however described), and
- No. 3 Page 3, Schedule 1, proposed section 60D (1). Insert after line 13:
school student includes a child attending a child care facility.
- No. 4 Page 3, Schedule 1, proposed section 60E, line 25. Omit "on school premises". Insert instead "at schools".

Legislative Council's amendments agreed to on motion by Mr Whelan.**Resolution reported from Committee and report adopted.****Message sent to the Legislative Council advising it of the resolution.****DEFAMATION AMENDMENT BILL****In Committee****Consideration of the Legislative Council's amendments.***Schedule of amendments referred to in message of 5 December*

- No. 1 Page 4, Schedule 1 [5], proposed section 8A. Insert after line 12:
(3) Despite subsection (1), a corporation may assert or enforce a cause of action in defamation in respect of the publication of any matter by means of which a defamatory imputation about the corporation is made if:
(a) the corporation employs fewer than 10 persons at the time of publication of the matter, and
(b) the corporation has no subsidiaries (within the meaning of the *Corporations Act 2001* of the Commonwealth) at that time.
- No. 2 Page 5, Schedule 1 [6], proposed section 9D (3) (c), line 16. Omit "(if any)". Insert instead "(if appropriate in the circumstances)".
- No. 3 Page 5, Schedule 1 [6], proposed section 9D (3) (d), line 19. Omit "(if any)". Insert instead "(if appropriate in the circumstances)".
- No. 4 Page 5, Schedule 1 [6], proposed section 9D (3) (g), lines 30 and 31. Omit all words on those lines. Insert instead:
(g) must include an offer to pay the expenses reasonably incurred by the aggrieved person before the offer was made and the expenses reasonably incurred by the aggrieved person in considering the offer,
- No. 5 Page 6, Schedule 1 [6], proposed section 9D (5) (a), lines 17-19. Omit all words on those lines. Insert instead:
(a) the end of 28 days after the day the aggrieved person gives the publisher notice in writing informing the publisher that the matter in question is or may be defamatory of the person, or
- No. 6 Page 7, Schedule 1 [6], proposed section 9D. Insert after line 10:
(12) An offer to make amends is taken to have been made without prejudice, unless the offer otherwise provides.

No. 7 Pages 10 to 12, Schedule 1 [12] and [13], line 1 on page 10 to line 18 on page 12. Omit all words on those lines.

Legislative Council's amendments agreed to on motion by Mr Whelan.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

ELECTRICITY SUPPLY AMENDMENT (GREENHOUSE GAS EMISSION REDUCTION) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 6 December

No. 1 Page 5, Schedule 1 [2], lines 1 and 2. Omit "a market customer or".

No. 2 Page 12, Schedule 1 [2]. Insert after line 33:

- (6) It is the wish of Parliament that any greenhouse penalties payable to the Crown under this Part be used for the promotion of greenhouse gas reduction activities and programs nominated from time to time by the Minister.

No. 3 Page 17, Schedule 1 [2], lines 7 and 8. Omit all words on those lines.

No. 4 Page 17, Schedule 1 [2]. Insert after line 13:

- (4) The regulations and greenhouse gas benchmark rules may make provision for or with respect to eligibility for accreditation in respect of carbon sequestration by the planting of forests or other means, but only if:
- (a) the activity occurs in this State, or
 - (b) the activity occurs in another jurisdiction in which a mandatory scheme intended to promote the reduction of greenhouse gas emissions, approved by the Minister for the purposes of this subsection, is in operation.
- (5) The Minister may approve a scheme for the purposes of subsection (4) only if the Minister is satisfied that:
- (a) the reduction of greenhouse gas emissions proposed to be achieved by the scheme is not less than the reduction proposed to be achieved by the scheme established under this Part, and
 - (b) the monitoring and enforcement of compliance with the scheme to be approved is no less stringent than that applicable to the scheme established under this Part.

No. 5 Page 21, Schedule 1 [2]. Insert after line 29:

- (3) A regulation or rule made for the purposes of subsection (2) (b) is to establish the point or level from which electricity generating activities relating to a generator having a nameplate rating exceeding 30 megawatts that was commissioned before 1 January 2002 give rise to an entitlement to create abatement certificates in one or more of the following ways:
- (a) the point or level may be the point or level that is equivalent to the usual level of output of the generator, as determined in accordance with the regulation or rule,
 - (b) the point or level may be the point or level which reflects the usual greenhouse gas emissions intensity, expressed in tonnes of carbon dioxide equivalent per megawatt hour, of the output of the generator, as determined in accordance with the regulation or rule.

Legislative Council's amendments agreed to on motion by Mr Whelan.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

WATER MANAGEMENT AMENDMENT BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 3 December

- No. 1 Page 4, Schedule 1, line 8. Omit "may establish conditions". Insert instead "may contain provisions with respect to the conditions".
- No. 2 Page 4, Schedule 1 [9], line 12. Insert at the end of the line:
 , and
 (f) must be consistent with the water management principles.
- No. 3 Page 6, Schedule 2. Insert after line 14:
 (2) Despite subsection (1), specified provisions of this Part may be declared by proclamation to apply to the whole of the State, and apply accordingly.
- No. 4 Page 8, Schedule 2, line 5. Insert ", as in force immediately before it was renewed," after "licence".
- No. 5 Page 8, Schedule 2. Insert after line 6:
 (9) An application for the renewal of an access licence is not to be refused on the ground that fees due under the licence have not been paid unless the Minister has given written notice, to all persons in whose names any interests in the licence are registered in the General Register of Deeds, that the application will be refused unless arrangements satisfactory to the Minister have been made for the payment of those fees.
- No. 6 Page 8, Schedule 2 [9]. Insert after line 6:
 (9) An access licence takes effect:
 (a) at the end of the time permitted by section 368 (3) for making an appeal with respect to the decision to grant the licence, or
 (b) if an appeal is made against the decision within that time, at the time the appeal is finally disposed of.
- No. 7 Page 8, Schedule 2 [10]. Insert after line 11:
 (3) A notification under subsection (1) must be given within 7 days of the determination.
- No. 8 Page 10, Schedule 2 [20], proposed section 71A, line 8. Insert "and the Minister may grant, or refuse to grant, consent to the transfer" after "the transfer".
- No. 9 Page 11, Schedule 2 [20], proposed section 71B. Insert after line 8:
 (4) An access licence arising under this section may only be granted in relation to the same water management area or water source as the cancelled access licence.
- No. 10 Page 11, Schedule 2, line 9. Insert ", as in force immediately before it was cancelled," after "licence".
- No. 11 Page 11, Schedule 2 [20], proposed section 71C, line 19. Insert "that relate to the same water management area or water source and are" after "access licences".
- No. 12 Page 12, Schedule 2 [20], proposed section 71C. Insert after line 8:
 (4) An access licence arising from a subdivision or consolidation may only be granted in relation to the same water management area or water source as the cancelled access licence or licences.
- No. 13 Page 12, Schedule 2, line 9. Insert ", as in force immediately before they were cancelled," after "licences".
- No. 14 Page 13, Schedule 2, line 11. Insert "or supplementary water access licence" after "licence".
- No. 15 Page 13, Schedule 2, line 21. Insert ", as in force immediately before it was cancelled," after "licence".
- No. 16 Page 14, Schedule 2. Insert after line 14:
 (3) Such an application may only be made with respect to water allocations currently credited to the access licence from which water allocations are to be assigned.
- No. 17 Page 15, Schedule 2. Insert after line 12:
 (3) Such an application may only be made with respect to water allocations currently credited to the access licence from which water allocations are to be assigned.
- No. 18 Page 16, Schedule 2, line 1. Insert "a security interest or" before "an interest".
- No. 19 Page 16, Schedule 2. Insert after line 14:

- (5) Subject to the regulations, notice of the Minister's determination of an application under this Division is to be given to the applicant or applicants as soon as practicable after the determination is made.

No. 20 Page 16, Schedule 2. Insert after line 27:

[21] Section 78 Suspension and cancellation of access licences

Insert after section 78 (3):

- (4) Action under this section may not be taken in relation to an access licence on the ground that fees due under the licence have not been paid unless the Minister has given written notice, to all persons in whose names any interests in the licence are registered in the General Register of Deeds, that such action will be taken unless arrangements satisfactory to the Minister have been made for the payment of those fees.

No. 21 Page 17, Schedule 2. Insert after line 10:

[24] Section 82 (3)

Insert after section 82 (2):

- (3) Subject to the terms of the order or proclamation by which it is declared, an embargo:
- (a) in relation to a water source that is a regulated river, applies to all surface waters that may flow into the embargoed water source, including any unregulated reaches of the river or its tributaries, and
 - (b) in relation to a water source that is an unregulated river, applies to all surface waters that may flow into the embargoed water source, and
 - (c) in relation to a groundwater system, applies to any aquifer that may be part of that groundwater system.

No. 22 Page 18, Schedule 2. Insert after line 30:

- (1) An access licence may become the subject of a security interest.

No. 23 Page 20, Schedule 2. Insert after line 25:

[32] Section 341 (2A)

Insert after section 341 (2):

- (2A) This section does not prevent a person from taking water from a water source pursuant to an entitlement in force under the *Water Act 1912*, where **entitlement** has the same meaning as it has in clause 9 of Schedule 9.

No. 24 Page 21, Schedule 2. Insert after line 4:

[33] Section 342 (2A)

Insert after section 342 (2):

- (2A) This section does not prevent a person from using water on land for any purpose pursuant to an entitlement in force under the *Water Act 1912*, where **entitlement** has the same meaning as it has in clause 9 of Schedule 9.

No. 25 Page 21, Schedule 2. Insert after line 19:

[34] Section 343 (4)

Insert after section 343 (3):

- (4) This section does not prevent a person from constructing or using a water supply work, drainage work or flood work pursuant to an entitlement in force under the *Water Act 1912*, where **entitlement** has the same meaning as it has in clause 9 of Schedule 9.

No. 26 Page 22, Schedule 2. Insert after line 31:

- (2) If the interest in the entitlement included a mortgage of land under the provisions of the *Real Property Act 1900*, the equivalent interest in the access licence is taken to include a power of sale with respect to the licence.
- (3) Subject to the regulations, the *Real Property Act 1900* applies to the exercise of a power of sale with respect to an access licence pursuant to subclause (2) in the same way as it applies to the exercise of a power of sale with respect to land under the provisions of that Act.

No. 27 Page 23, Schedule 2, line 4. Insert "or under Part 2K.3 of the *Corporations Act 2002* of the Commonwealth," before "as the case may be".

No. 28 Page 23, Schedule 2. Insert after line 12:

- (4) The regulations may make provision with respect to the procedures to be followed in connection with the registration of interests referred to in subclause (2).

No. 29 Page 23, Schedule 2 [38], proposed clause 9B of Schedule 9. Insert after line 31:

- (4) No compensation is payable in relation to an order made by the Minister under this section.

No. 30 Page 24, Schedule 2. Insert after line 18:

security interest, in relation to an access licence, means an interest in the licence, or a power with respect to the licence, that, in the instrument from which it arises, is expressed to secure the payment of a debt or the performance of some other obligation under a contract or other legally enforceable arrangement.

No. 31 Page 26, Schedule 3. Insert after line 12:

- (2) Despite subsection (1), specified provisions of this Part may be declared by proclamation to apply to the whole of the State, and apply accordingly.

No. 32 Page 26, Schedule 3 [4]. Insert after line 22:

- (5) An approval takes effect:
 - (a) at the end of the time permitted by section 368 (3) for making an appeal with respect to the decision to grant the approval, or
 - (b) if an appeal is made against the decision within that time, at the time the appeal is finally disposed of.

No. 33 Page 28, Schedule 3. Insert after line 8:

[12] Section 109 Suspension and cancellation of approvals

Insert after section 109 (1) (d):

- (e) that the approval was granted as a result of false, misleading or materially inaccurate information supplied by or on behalf of the applicant.

No. 34 Page 34, Schedule 4. Insert after line 4:

[23] Section 344 (4)

Insert after section 344 (3):

- (4) This section does not prevent a person:
 - (a) from carrying out a controlled activity pursuant to a permit in force under the *Rivers and Foreshores Improvement Act 1948*, or
 - (b) from carrying out an aquifer interference activity pursuant to a licence in force under Part 5 of the *Water Act 1912*.

No. 35 Page 36, Schedule 4. Insert after line 4:

[34] Schedule 9, clause 9

Insert after clause 9 (7) (e):

, or

- (f) any other right, interest, privilege, permission or authority that is declared by the regulations to be an entitlement for the purposes of this clause.

Legislative Council's amendments agreed to on motion by Mr Whelan.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL**In Committee****Consideration of the Legislative Council's amendments.***Schedule of amendments referred to in message of 4 December*

- No. 1 Page 18, Schedule 2 [10], proposed section 175B (1) (c), lines 31 and 32. Omit all words on those lines. Insert instead:
- (c) the work is carried out in connection with a business undertaking of the principal contractor and is work that is an aspect of the work of that business undertaking.
- No. 2 Page 21, Schedule 2 [10], proposed section 175B (13), lines 1-5. Omit all words on those lines. Insert instead:
- (13) This section does not apply in respect of a contract entered into by the principal contractor for the carrying out of work at the principal place of residence of the principal contractor.
- (14) The regulations may exempt from the operation of this section any contract, work, principal contractor or subcontractor of a class or description specified in the regulations.

Legislative Council's amendments agreed to on motion by Mr Whelan.**Resolution reported from Committee and report adopted.****Message sent to the Legislative Council advising it of the resolution.****WORKERS COMPENSATION AMENDMENT (TERRORISM INSURANCE ARRANGEMENTS) BILL****In Committee****Consideration of the Legislative Council's amendment.***Schedule of the amendment referred to in message of 4 December*

Page 7, Schedule 1, proposed section 239AG, lines 16 to 19. Omit all words on those lines.

Insert instead "The notice must specify the date or dates (the date being (or, if more than one date is specified, the first date being) a date not less than 15 days after the notice is given) by which the insurer must pay the amount or specified instalments of the amount (or, if the notice requires payment of a lesser amount in accordance with subsection (5), that lesser amount or specified instalments of that lesser amount)".

Legislative Council's amendment agreed to on motion by Mr Whelan.**Resolution reported from Committee and report adopted.****Message sent to the Legislative Council advising it of the resolution.****TABLING OF PAPERS**

Mr Whelan, by leave, tabled the following papers:

Administrative Decisions Tribunal New South Wales Annual Report 2001-2002
Report on a Review of the Building and Construction Industry Security of Payment Act 1999, dated December 2002
Community Visitors Annual Report 2001-2002

Ordered to be printed.**BUSINESS OF THE HOUSE****Bills: Suspension of Standing and Sessional Orders****Motion by Mr Whelan agreed to:**

That standing and sessional orders be suspended to provide for the passage through all remaining stages at this sitting of the following bills:

Privacy and Personal Information Protection Amendment (Prisoners) Bill
Crimes Legislation Amendment Bill
Disorderly Houses Amendment (Commercial Supply of Prohibited Drugs) Bill

CRIMES LEGISLATION AMENDMENT BILL

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Debus [12.36 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 21 November. The second reading speech appears at page 90 of the *Hansard* proof for that day. The bill is in the same form as introduced in the other place and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

DISORDERLY HOUSES AMENDMENT (COMMERCIAL SUPPLY OF PROHIBITED DRUGS) BILL

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Iemma [12.36 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in other place on 20 November. The second reading speech appears at page 7100 of *Hansard* for that day. The bill is in the same form as introduced in the other place and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PRIVACY AND PERSONAL INFORMATION PROTECTION AMENDMENT (PRISONERS) BILL

Second Reading

Mr WHELAN (Strathfield—Parliamentary Secretary), on behalf of Mr Debus [12.37 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 20 November. The second reading speech appears at page 3 of the *Hansard* proof for that day. The bill is in the same form as introduced in the other place and I commend it to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

PARLIAMENTARY ETHICS ADVISER

Consideration of the Legislative Council's message of 5 December.

Mr WHELAN (Strathfield—Parliamentary Secretary) [12.38 p.m.]: I move:

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 13 December 2002,
- (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, and
- (11) that a message be sent to the Legislative Council informing it of the passage of the resolution.

Mr TINK (Epping) [12.40 p.m.]: The Coalition supports the motion. I sincerely hope that in the new Parliament members of the current Government—particularly the Premier, in whatever position he may then hold—will be more respectful of the position of Parliamentary Ethics Adviser than they have been this year. On Tuesday 19 November the Premier clearly implied in this Chamber that the Parliamentary Ethics Adviser had been refused answers by an Opposition member. The Parliamentary Ethics Adviser subsequently replied in writing that he had no communication directly or indirectly with the Premier or anyone in the Premier's office in relation to any such matter.

Following that point, the Premier misrepresented in this Chamber the role and actions of the Parliamentary Ethics Adviser. He alleged that actions had been taken by the Parliamentary Ethics Adviser when they had not been. It was and remains a disgrace that the head of this Government did that. I put on the record that to this day the Premier has refused to retract or apologise for his comments. The Parliamentary Ethics Adviser has categorically refuted in writing the way in which the Premier misrepresented him. It is hoped that the Premier might at some point apologise to the Parliamentary Ethics Adviser and the Parliament for his gross misrepresentation of the role of the ethics adviser in relation to a sensitive matter and that he treat him with a bit more respect in future.

Motion agreed to.

RETURN OF TABLED PAPERS

Motion, by leave, by Mr Whelan agreed to:

That this House authorise the return of the following documents, which were ordered to be tabled during the Fiftieth Parliament, to their originating departments:

Documents	Date Tabled or Received by the Clerk
Attorney General's Department, the Department of Health and the Department of Community Services papers and files in relation to the defamation proceedings taken by the Hon. P.E.J. Collins, Q.C. against Dr Michael Ryan.	14 September 1993
Agendas, Minutes of Proceedings, correspondence, reports and other documentation pertaining to the deliberations of the "3 X 3" Committee.	22 April 1994
Papers, including all legal advice and opinions, relating to the dismissal of and the compensation paid to the former Agent General, Neil Pickard.	10 May 1994
Documents showing expenditure from 30 June 1993 to May 1994 on office fit-outs and refurbishments by all Government departments and agencies.	10 May 1994

Documents	Date Tabled or Received by the Clerk
All documents relating to the approval of grants under the capital assistance program, Department of Sport and Recreation for financial years 1984/85 up to and including 1993/94 and all papers relating to the improvements to the Goulburn racetrack under the Racecourse Development Fund, administered by the Racecourse Development Committee.	19 May 1994
Documents relating to the proposed transfer of the RAS from Moore Park to Homebush Bay.	13 May 1994
Reports prepared by Consultants Stapelton & Hallam and Arthur Simms Consulting, in relation to the demolition of the Cahill Expressway; All documentation arising as a result of these consultants' reports; and All other documentation, briefing notes, and Roads and Traffic Authority Correspondence relating to the possible demolition of the Cahill Expressway.	12 October 1994
All relevant reports, test results and information on lead contamination from the Department of Health, the Department of Housing, Environment Protection Authority, Department of Transport, Roads and Traffic Authority and Department of Conservation and Land Management	28 October 1994
Documents relating to Mr Jim Kelly's application to the Department of Agriculture to have his land at Eungella assessed for rezoning together with all documents concerning the events leading up to and including the subsequent resignation of Mr Bob Smith, the officer who refused the application.	16 November 1994
Documents relating to the decision to grant a licence to Yolarno Pty Ltd to operate an abattoir at Orange.	17 November 1994
Documents relating to Police Strength	30 November 1994
Documents, including minutes, notes, memoranda and reports, concerning the third runway at Kingsford Smith Airport	1 December 1994
Reports, test results and information on lead contamination, lead in air, blood lead levels and the effect of lead on health from the following Departments, Boards, Authorities, Corporations and Commissions namely: The Department of School Education; Water Board; Hunter Water Corporation; Maritime Services Board including Port Authorities; TAFE Commission including child care centres; Department of Planning; Department of Community Services including child care centres; Department of Industrial Relations, Employment, Training and Further Education; Electricity Commission of NSW including Pacific Power and Power Coal; Department of Mineral Resources; Property Services Group; NSW Public Works.	2 December 1994

SELECT COMMITTEE ON SALINITY

Report

Mr Whelan, by leave, tabled the report entitled "Final Report", dated November 2002, together with the minutes of proceedings of the committee.

Report ordered to be printed.

PRIVACY AND PERSONAL INFORMATION PROTECTION AMENDMENT (PRISONERS) BILL

Second Reading

Debate resumed from an earlier hour.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SEASONAL FELICITATIONS

Mr WHELAN (Strathfield—Parliamentary Secretary) [12.44 p.m.]: I move:

That the House take note of Christmas felicitations.

This will be my last felicitations speech as Leader of the House and as a member of Parliament and I have made a similar speech each year. Each year I feel a great sense of pride and appreciation for the many hundreds of people who work hard behind the scenes to keep this Parliament operating smoothly year in, year out. I will thank many people shortly on behalf of honourable members, but first I note several passings this year. We were all distressed to hear the news that Lois Blach died in tragic circumstances last weekend. I knew Lois well. Lois worked in this Parliament for 33 years. We are greatly saddened by her death. I met Lois when I was a new member. The honourable member for Epping outlined her experience and the impact she had on this place. Lois worked as an amanuensis for a wide range of members. Others who died this year include the Hon. James Alexander Cameron, a former Speaker of the Legislative Assembly; Harold John Coates, a former member; and the Hon. Laurie John Ferguson, a former Deputy Premier and Minister. Our thoughts and prayers are with their families this Christmas. They will all be remembered with great fondness.

On behalf of honourable members I thank you, Mr Speaker. You have allowed this Chamber to undertake the important works and to debate the important issues in a fulsome manner, yet you have managed to maintain order and dignity in Australia's oldest Parliament. You have kept the House focused on its proper business and presided with a firm hand. I thank you and your staff—Joanne, Bisika, Diane, Jason, Craig and Joe. I wish you, Maureen, and your staff a merry Christmas and best wishes in the future. I also note that this will be your last day in Parliament, having indicated your intention to retire. I say as a member of Parliament with just a little more service than you in this place: You have had a very distinguished political career, first as councillor and then as Mayor of Drummoyne, where I first met you. You have worked hard for your constituents and have a proven track record. There are parallels between your success as a local member and my achievements as a local member. I am sure that you agree with what I said earlier: It was not a win for either of us personally, it was a message on behalf of our constituents to go and do the job. You have been a very hardworking member. You have attended functions more regularly than I on many occasions. I want to talk about your political hat. The decision we made in 1991 about aircraft noise was a very brave decision and the right decision.

Mr Thompson: No, it wasn't.

Mr WHELAN: I note that the honourable member for Rockdale objects. We made that decision, which affected our electorates and your electorate greatly. It would have been remiss of us in our duty and obligations to our communities if we did not take up the cudgel on their behalf. You, Mr Speaker, the Deputy Premier, the Minister for Small Business and I were actively involved. We received a lot of requests from the Federal sphere to desist in our activities, but I say without hesitation that we went straight ahead. Whilst aircraft noise is still apparent, a great deal of money was spent on insulation and we achieved a much more equitable balance in that area. I also congratulate Barry Cotter, the then Mayor of Marrickville, who led a great charge.

Mr Speaker, I am sure it is a sad day for you to leave the Parliament as the honourable member for Drummoyne. I have not given you notice that I would say this, but on behalf of your constituents I thank you for your great and distinguished career. Since you have been the Speaker you have not had the opportunity to argue their case. You have certainly been Tiberius with the pen and Tiberius on the phone, as Whitlam referred to Billy McMahon. You have had great success. The fact that you have been returned time and again, in difficult circumstances—including in 1988—is an indication of the respect in which you are held by your electorate. Congratulations to you and thanks to your wonderful wife and your family, who have contributed just like mine.

I thank the Deputy-Speaker, Mr John Price, the honourable member for Maitland, and the Chairman of Committees, Mr John Mills, the honourable member for Wallsend. To the Parliamentary Secretaries, the honourable members representing the electorates of Newcastle, Cabramatta, Canterbury, Wyong, Wollongong, Heathcote and Bankstown, thank you for your dedicated assistance. The House runs smoothly and efficiently thanks to the Whips, both Government and Opposition. To the Government Whips, George Thompson, the honourable member for Rockdale, and Jim Anderson, the honourable member for Londonderry, a big thank you. Being a Whip is a difficult job; it is not a popular job. Although you have to deal with 55 members, you have done the job with great distinction.

A special thank you to Jan Clifford—I know many will join me in saying that her dedication, efficient work and long hours are much appreciated. To the Opposition Whips, Russell Smith, the honourable member for Bega, and Andrew Fraser, the honourable member for Coffs Harbour, thank you for your co-operation during this past year. Felicitations also to the manager of Opposition business, Andrew Tink, the honourable member for Epping, to whom I will return in a minute. The Opposition Whips have a difficult job. I recall that being in Opposition was like a prison sentence. One of the most difficult jobs in Opposition is rallying the

troops and making sure that they are here to speak. The Whips have done it unstintingly. Notwithstanding the problems on the Opposition side of the House, they have effectively helped manage the Parliament much more efficiently than people could expect.

The honourable member for Epping was a worthy combatant. I had known him in his role as shadow police spokesperson. Strangely, after he was appointed to the position of manager of Opposition business we got a bit closer. I appreciated his co-operation and, despite many a run-in, found him to be a very honourable person. I cannot wish him well in the upcoming electoral challenge. I think his attitude will be evidenced enough for his electors. After the 1999 election I remember, while sitting on the Government benches, dropping him a note saying, "Andrew, there are 35,040 hours until the next election that you will sit in Opposition—I hope you enjoy it!" That was a cruel thing to do—it may even have been childish—but the hour is upon us, and the election is up for grabs.

I take this opportunity to thank the many public servants who have made our jobs easier over the past year. I thank the Parliamentary Counsel, Don Colagiuri, and his staff for another year of valuable service in producing bills on time and with great regularity. Their adherence to deadlines did not go unnoticed. Special thanks to those who accurately record the deliberations of this House: the Editor of Debates, Judith Somogyi, the Deputy Editor, Mark Faulkner, and the Hansard staff. Their long hours, dedication and precision are greatly appreciated by all members of this House. I appreciated the opportunity to say farewell to Thea Brown, who retired from Hansard after working there for 10 years. I appreciated the fact that one of the Hansard staff drew my attention to that. Hansard often gets neglected. They work long hours. We sat through meal breaks and we sat all sorts of hours. That certainly did not go unnoticed by me, and I thank them for it. I know I speak for all honourable members in saying that the New South Wales Parliament has a first-class library system, because of the professionalism and dedication of the library staff. Rob Brian and his team have consistently provided high-level research for members on a vast range of topics.

Thanks to the Parliamentary Printing and Stationary Department. I make special mention of those who are working or have worked in this department. Bernie Wood and Greg Kemp continue their fine work. Thank you to Pat Makin and Bob "Bones" Bartrim, who diligently served the Parliament for a number of years and are greatly missed. I say hello and thank you to the telephonists who work on the Parliament House switchboard. The staff of the switchboard are an unfailingly professional and helpful group. I owe thanks to Robert Walker and the staff of Building Services, and to Nigel Mulvey and Security Services, who have provided a safe environment for members, staff and visitors particularly in this new era of heightened concern. I note that Margherita Lorenzato has been positioned in the middle of the Speaker's Gallery defending members from any intruders. Any dark forces that may want to come in must deal with a very determined Margherita. Ali Shariat and the information technology team have also continually supplied prompt and efficient service for all staff.

Thank you to the cleaners, in particular Marta Lescano, who has kept the office of the Leader of the House and, indeed, the whole of Parliament House in great shape. I gratefully acknowledge the efforts of David Draper and his staff, particularly Maureen, Robert and Junnie in Food and Beverage Services. They provide a high standard of sustenance to members, staff and guests. Members and my staff will know that I have long been amongst your biggest fans. Once again I thank Greg McGill and his staff for their continued excellence in the management of the Parliament's finances. Thanks also to Merv Sheather, the Serjeant-at-Arms, and Greg Kelly, the Deputy Serjeant-at-Arms, Greg Kelly, and their staff of Chamber and Support Services, Dennis, Ian, Mary Jo, Peter, Margherita, Richard, Michael, Terry and Cathy. I do not know how Jonathan and all the people in bills and papers are able efficiently to provide all the papers for members of Parliament, but they do so with great smiles. They are fantastic people. Their efforts as the first point of contact for members and members of the public, as educators and as tireless assistants in helping in the running of Parliament are greatly appreciated.

Particular thanks to the Clerk of the Legislative Assembly, Russell Grove, for his professionalism over many years in providing advice to members, as do Mark, Rhonda and Les. I thank all four of you. Congratulations to you all on another year of great service. I extend special thanks to Patricia Broderick and the Legislative Assembly Procedure Office: Jeff Page, Jennifer Lamont, Gary O'Rourke, John Hatfield, Rebecca Cartwright and Kylie Rudd. As I said, the procedure office should be a model for future operations. The staff are able to extract bills and papers at short notice for the benefit of members. I acknowledge the work of the Cabinet Office under Roger Wilkins and the Cabinet Secretariat. The Premier's office staff, with whom I have dealt closely—the whole team of Graeme Wedderburn, Walt Secord, who has more fame than most, Amanda Lampe, Tim Gleason, Steve Lyndon, Debbie Lewis, Karen Chesher, Rita Perivolarys, Jo Casey and Aldo Pennini—have been wonderfully supportive. Many of the Premier's staff have been there for a considerable time. For argument's sake, I remember when Jo first started in the Premier's office. She attended Bethlehem Ladies

College at Ashfield, which was next to the school I attended, but many years after me. All those people have provided invaluable service to the Premier and indirectly to the Parliament. Finally, I wish everyone in Parliament the blessings of the season and a well-earned and deserved rest.

Mr TINK (Epping) [12.58 p.m.]: I note the time. I shall start by referring to the note the Leader of the House gave me in 1999 about the 35,040 hours to the next election. According to the Deputy Leader of the Opposition and I—we have done a bit of work on this—as at 1.00 p.m. there are 2,411 hours left and counting. It is a great pleasure to support the Leader of the House on felicitations. As the shadow Leader of the House I thank him for his co-operation. It is fair to say that we have had a fairly combative relationship over the years in the police portfolio. At the time he relinquished that office I joked with him that the best news from my point of view was that I could now have a drink in the Mercantile or Orient hotels, places I could not be seen in during the time he was police Minister.

I have not been in the House nearly as long as the Minister, but it is important that you get to know yourself better politically. I am not one of those who can hate or hold a grudge. It is important that, as far as possible, when you leave the Chamber you leave the fights behind. That has been my experience of the Leader of the House and I hope I have reciprocated. It has certainly been my intention. He is frequently sighted on the Central Coast by the honourable member for Gosford and, as I am frequently up there, I am sure our paths will cross. I will not use "retirement" in his case, because I am sure he will go on to do something else, and I wish him all the best of luck.

I extend those same sentiments to you, Mr Speaker. We have had some difficult moments. I have had to leave the Chamber at your direction, even in very recent times. By and large, they have been fair calls; and occasionally when they were not I have to concede that there was a fair bit of activity in other parts of the House and it was not always possible for you to be sure whether I warranted being directed to leave. It is the old story: if I had not deserved a walk on every occasion you directed, I had probably escaped one on another occasion. Occasionally I was probably punished for something I should have been pulled up for before. I wish you, Mr Speaker, well in your retirement too.

It has been a while since the Leader of the House, the Speaker, the Government Whip and the Opposition Whip have all retired at the same election. Again, the honourable member for Gosford and I tried to work out when this might have occurred before. In 1988 Speaker Kelly and Minister Walker both left, but not voluntarily; that was decided at the election. It is quite unusual for so many senior people, who have played such roles in this Chamber, to be going at the one time. I wish George Thomson and, especially, Russell Smith, who has been a fantastic support to me, the very best. I have been wearing my L-plates in learning to run the House, and Russell has helped me considerably, and I am grateful to him.

The next person I would like to specifically mention in the context of being ordered out of the Chamber is my constituent the Serjeant-at-Arms, Merv Sheather. I think I am the only member of Parliament who has been physically removed from Parliament by one of his constituents. I am sure that a number of my constituents would not mind seeing me removed from Parliament, but I hope and trust that there are less than 50 per cent of them come election day. I see Merv around the electorate from time to time. It is one of those bizarre things, that I am marched out of the Chamber by one of my constituents. The Serjeant-at-Arms has to be a constituent of the community of New South Wales somewhere, preferably within driving distance of Parliament. It happens to be my electorate, and I am proud to have him as a constituent.

I should like to mention a number of people on my side of the Chamber who are retiring. I have already mentioned Russell. Liz Kernohan served with great distinction as the honourable member for Camden, building on her reputation as Mayor of Camden and proving to be a great local member. She was very much respected in that earlier role as well. I have had a close personal relationship with Peter Collins for many years, and he is a man I greatly respect. Although he was never Premier of the State he has one of the most outstanding records of anybody who served in this Parliament. I venture to say that, as Leader of the Opposition, shadow Minister, and a Minister in so many portfolios, as well as the pivotal role he played as part of the Greiner team in the lead-up to the 1988 election, particularly in the Health portfolio, he overshadowed many Premiers who have held that office for relatively short periods.

Kevin Rozzoli sat in the chair before you, Mr Speaker. His stature is such that the Leader of the House and you both constantly refer to Rozzoli rulings—much to my annoyance at times. Nevertheless, they have very strong bipartisan acceptance, and I am sure the Rozzoli rulings will stand the test of time and be quoted in this place long into the future as strong authority for many positions.

I thank the Hansard reporters very much. When I am in full flight I am not the easiest person to understand but somehow they make the best of it. As has been said before, when I read the printed *Hansard* I wonder whether I could have said it nearly as well as they have produced it. The library staff similarly provide great support, especially to Opposition members, who do not have the same resources as Government members to do research. I do not want to single out too many people, but Margaret Horton and Greig Tillotson provide superb support to us. We all know that building security is a difficult job, and we have seen interruptions in the Chamber. It is very difficult, when the full public glare is on you and the Chamber is full, to deal with people who are disrupting the course of Parliament and the right of other members of the public to watch what is going on. Security is a difficult role, and I greatly respect those who undertake it.

There have been some changes in Printing and Stationery this year, and they are not lost on me. To Pat Makin and all the other people who worked there and supported us, I say thank you. Thanks to the Information Technology staff. I know a little more about my computer but I still cannot send emails. That is not their fault, it is mine. I rely on my staff to send emails. All honourable members rely on David Draper for the organisation of functions, and what his staff do is a tour de force. His is probably the premiere dining room in Sydney, as many people outside Parliament say. Many people from the catering industry who come here for functions say that to me. It is an extraordinary operation. The catering staff do back-to-back functions, filling the room twice a day, which is an astonishing achievement.

I am constantly consulting the Clerks. When I am standing here, Mr Speaker, blocking your view, it is not designed to let the honourable member for Ku-ring-gai have a free hit—it would be impossible to block your view of the honourable member for Ku-ring-gai. It is because I need the help of the Clerks. I am fairly demanding, of the Clerks particularly—at short notice and in the heat of the moment—and I very much thank them for the support and advice they give me. Similarly, I thank the staff in the bills and papers office. Quite often—this morning, for example—we do not get a signed program until relatively late in the piece. I will not say any more about that.

This morning I was a little agitated about wanting to know what was going on, and the bills and papers staff were very nice to me despite the fact that they did not know either; we did not find out until later in the morning. On sitting days they work under great pressure and I say to all of them that I appreciate that. Without taking anything away from the Leader of the House I also thank his staff, Davina and Cathy. I would not want to suggest that Davina runs the Parliament but in practical terms I think she has a very significant delegation and does it extraordinarily well. I thank her for that.

I would like to place on record my thanks to my offsider, Amy Skinner, who has the very difficult double job of supporting me in my roles as shadow Minister of Police and Leader in the House for the Opposition. If I make life difficult for most of the staff here—which I frequently do—a lot of the time she bears the brunt of that. She does a superb job in both roles. In a sense the two of us have to match the 17,000 people working in the police department. I am not saying that all 17,000 police are taking us on all the time, but the reality is that the Minister can get advice from any police officer. I am not suggesting it should be otherwise, or that there is anything wrong with that. But the reality is that there are two of us responding to and taking up police issues. That is a difficult task, and one in which she supports me brilliantly. I suspect that Amy may think I think otherwise, but I do not, and it is important that I say so in the House. In many ways, my role as Leader in the House for Opposition business places heavy demands on Amy when the House sits, and I am equally grateful for the support in that area that Amy gives me.

I extend best wishes to all members of the House. To everybody, a safe and happy Christmas. I sincerely hope we will see a breaking of the drought. I am not sure that will happen. However, at the moment the improvement in the weather for once appears to be beyond Sydney, Newcastle and Wollongong. I hope there is a change for the better in the position of people beyond the Blue Mountains and that we will see a break in the drought.

Bushfires are very significant to me and to my electorate, and to the electorates of so many members, and this is the danger period. In a way, they add another edge to the Christmas-New Year period. I just hope we will not see a repeat over Christmas-New Year of the bushfires of the past few weeks. I fear we will, but I hope we do not. I extend my personal best wishes and my thanks in advance to all who will be involved in fighting fires if and when they occur, and in the prevention of fires in the first place. We have seen some outstanding firefighting efforts, and on the last sitting day of this Parliament I think it is only right to wish our firefighters all the best and, in particular, a safe Christmas in the circumstances that they may face in protecting us and our constituents.

Mr Speaker, with those words I wish you and officers and employees of the Parliament all the best.

Mr THOMPSON (Rockdale) [1.12 p.m.]: It is with great pleasure that I endorse the remarks of the Leader of the House and the honourable member for Epping in extending best wishes to everyone associated with the Parliament. In my recent valedictory speech I made special mention of a number of people who have been tremendously helpful and supportive of me during my time as the member for Rockdale. Today, in the spirit of this occasion, I want to single out one other person whose work and commitment I have particularly appreciated in supporting me in my role as Government Whip. That is Jan Clifford. Jan runs the Government Whip's office, and does so with an air of calm, even when around her there is frenetic activity, and sometimes even blind panic. She deals with even our most precocious members with great patience and understanding.

Mr Hartcher: Did you mean precious members?

Mr THOMPSON: I would readily embrace the inclusion of "precious" in my description. Jan is conscientious to a fault, she is tremendously hardworking, and I have found her to be extremely efficient. I value her work and the help she has given me during my time as Government Whip. I wish Jan all good fortune for the future. I extend my best wishes to all honourable members and everyone associated with the Parliament. I hope we all enjoy a happy Christmas and good health and success in the years ahead.

Mr SPEAKER: The Leader of the House said that in 1988 he won by 300 votes. But 200 of those votes were knocked out through the assiduous scrutineering work of the member for Drummoyne. Of course, I won by about 800 votes. At that time the honourable member for Ashfield was scrutineering in the Drummoyne electorate to ensure my retention in this Parliament. I would like to take this final opportunity to sincerely thank the staff of the Parliament for their dedication and service during the eight years I have been Speaker. I thank all the staff of the Parliament because, although I have mainly administrative activities related to the lower House, Presiding Officers of both Houses have joint functions, so I have worked closely with many staff from the upper House.

The parliamentary staff have allowed me to assist members whilst at the same time allowing me to really enjoy the past eight years. In particular I mention my personal staff—Carol, Camille, Jenny, Bisika, Joanne, Dianne, Craig, Josef and Jason—who have in the main been associated with me during the past 20 years. They are a multi-talented team who have covered for each other as well as for me, which they have done quite well, for the past eight years. When I say multi-talented, I mean they tend to each others' tasks—except nobody drives Jason's car and nobody enters the Chamber except Josef. To the Chamber staff—Russell, Mark, Rhonda, Les and Merv—and Greg and the staff from the front office, I also pay tribute to their professional approach, which is acknowledged worldwide. Some members have the belief that on occasions the actions of the Clerks tend to impede members' activities, but I can assure members that the Clerks' main concern is the welfare and interests of all members of Parliament.

Parliamentarians today are under intense scrutiny through the provisions of the Independent Commission Against Corruption legislation now making it an offence for staff of the Parliament to withhold from the ICAC any untoward actions of members of Parliament. Further, with new directions of the Parliamentary Remuneration Tribunal, including detailed directions of the Auditor-General, members must of necessity pay much closer attention to any actions they undertake which involve the expenditure of taxpayers' money. Also, press scrutiny has escalated and become more intense, due to the numbers of press housed in Parliament. Members may not be aware that there are now 38 accredited press using parliamentary facilities. Add to this the press specialising in areas such as education, health, local government and transport, and others not housed in Parliament. The scrutiny of all members' actions, whether in relation to their jobs as members of Parliament or to their personal activities, is now forensic. My advice to members is: If they believe that any of this will change, they have their heads in the sand.

To those in the Drummoyne electorate who in the main I have served for 29 years, firstly in local government as mayor of Drummoyne and then for 20 years as member for Drummoyne, can I say I have always done my best to promote their interests. More importantly, my position as a local member of Parliament allowed me to meet some delightful people, many of whom over the years have become true friends. To those people, ranging from dedicated branch members through to those involved with cultural, sporting and community groups, can I say that Donald Horne's assessment that we still live in "the lucky country" is correct. This parliamentary term ends the second phase of my life. As a reasonably well organised individual in my early years, I devised a 60-year work plan. Phase one covered 20 years as a teacher, phase two 20 years in Parliament, and I now enter my final 20 years before retirement. So I will be merely changing direction after May next year.

Finally, to my family I say thank you from the bottom of my heart. I have always said that for this job the taxpayer gets two for the price of one, and I will tell members a little story. My daughter, who was 13 when I came to Parliament, has lived on the coat tails of a member of Parliament, but my son has had a pretty tough time. There were times when he came home from Drummoyne Boys High when the teachers were on strike, or after he had lost the back out of his shirt or had something stolen, but never said anything about it. It got to the stage where his mates in the Drummoyne water polo group came to me and said, "Look, it's unfair how Andrew is being harassed by both staff and some of his fellow students at Drummoyne Boys High." At the end of year 10 he transferred to Hunters Hill High School. People do not realise the impact on the family of a member of Parliament. It took me a couple of years to realise the difficulties that Andrew had faced. He and I are great mates now but there was a slight rift for a period of time, basically because he was the son of a member of Parliament.

To all members who have taken an early shower at my direction over the past eight years, I offer an olive branch in the form of a few drinks in the members' bar when the House rises. Merry Christmas to you all.

Motion agreed to.

SPECIAL ADJOURNMENT

Mr WHELAN (Strathfield—Parliamentary Secretary) [1.20 p.m.]: I move:

That this House at its rising this day do adjourn until Tuesday 25 February 2003 at 2.15 p.m.

Mr TINK (Epping) [1.21 p.m.]: I do not want what I am about to say to detract from the goodwill that has been shown in previous speeches. Pursuant to this special adjournment, the Parliament will rise early. We should be sitting tomorrow to deal with important business of the House, including the progression of the bills that were second read today and the motion I sought leave to move this morning calling on the Government to provide reasons for the termination of Lola Scott's employment. In my portfolio area, the report on the Operation Malta inquiry is yet to be provided by the Police Integrity Commission [PIC]. The House should sit to consider that important report.

Earlier today the Leader of the House referred to his involvement in police reform. I am pleased to concede that some significant reforms were achieved under him. As to the report of the royal commission into police, I refer in particular to two recommendations. In his report the royal commissioner contemplated a strong executive in the Police Service. The Opposition has never quibbled with the powers given to Mr Moroney on staffing matters, or with some of the recent amendments made to the Public Sector Management Act. They are consistent with the strong police executive recommended by the royal commissioner. At the same time, the royal commissioner recommended accountability and a counterbalance of that executive through the Police Integrity Commission. It is important that a strong executive is accountable and explains its decisions.

In recent amendments to the Public Sector Management Act, Parliament left open to the Commissioner of Police whether to provide reasons for his decisions. It is important that the commissioner states his reasons for terminating the employment of Lola Scott. I do not hold a view one way or the other about that former police officer, but a public debate has been raging in the past two days. The Opposition has not contributed to that debate by taking sides, but the issue has caused significant division within the Police Force. The Government can remedy the situation by asking the commissioner to provide reasons why the policewoman was removed from office.

The Minister for Police has the power to direct the Commissioner of Police to provide those reasons, and that is what should happen. A strong executive is important, but the executive must take the opportunity provided by Parliament to explain itself. That is critically important in terms of the accountability mechanisms foreshadowed by the royal commissioner. The ball is in the Government's and the commissioner's court. They must be open and transparent about why the commissioner used those significant powers and why that decision was taken.

On the other side of the coin is the Police Integrity Commission. I want to put on record my ongoing concern that the Operation Malta inquiry has not yet reported. The inquiry, which from an evidentiary point of view concluded approximately six months ago, examined allegations that senior police frustrated the process of reform. I am deeply concerned that as we rise on the final day of Parliament we have yet to see the final report from the PIC on this vitally important public issue. During the inquiry, conflicting evidence was given by a number of senior serving police officers and others.

For example, we await the outcome on the evidence given by former Commissioner Ryan; present Commissioner Moroney; former Deputy Commissioner Jarrett; Mick Tiltman, who previously held a senior civilian role; Clive Small, who is currently advising the Premier; Mr Evans, currently an assistant commissioner; Graham Morgan, currently the head of the new Crime Agencies and Related Unit; Mal Brammer, currently a senior investigator with the Independent Commission Against Corruption; Ed Chadbourne, a former human resources director of the Police Force; Mr Mahoney, the current commander at Cronulla; and Ken Seddon, a police officer on secondment who has returned to the United Kingdom.

I put on record that although the Police Integrity Commission concluded taking evidence six months ago, and although the Parliament is rising, no report has been forthcoming. I say with deliberation that that is not good enough. We need checks and balances on the strong police executive to have public confidence in the structure of accountability that royal commissioner Wood envisaged. A strong executive needs to be counterbalanced by a strong Police Integrity Commission that is prepared to report and be accountable to Parliament. I place on record that as Parliament rises, and at a time when people are reading about police reform in *Hansard*, we still await the Police Integrity Commission report.

In his first interim report in February 1996, Justice Wood recommended the establishment of the police corruption commission. The PIC eventuated. His number one concern was to make sure that the commission was a going concern, was strongly independent and accountable, and reported to Parliament. In his second interim report of November 1996 he talked about a strong executive. Those two components need to be in balance, and I do not believe they are at the moment. In the annual report of the PIC, which was just tabled, the commissioner notes in his foreword the PIC's investigation into allegations that, among other things, senior police obstructed the reform process in New South Wales Police. That is the last word from the PIC as this Parliament wraps up this current session. We are unable to debate the report of the PIC inquiry in this Chamber.

My concern about police reform is heightened because the present Minister for Police takes a very different view about the importance of fighting corruption than his predecessor did. In the *Sunday Telegraph* of 25 November 2001 the then Minister for Police said he would not focus on corruption and that "police corruption in my mind is overemphasised". Those sentiments are a particular worry when set against the fact that the PIC has yet to report on Operation Malta. That is all the more reason that it must present the report before the election. We should be able to comment on the report during the election campaign. It is important to remind the House what happened when the Leader of the House was Minister for Police. We realised that Operation Malta was running out of time and agreed without hesitation to extend the appointment of former Commissioner Urquhart so that he could continue the inquiry. I gave the Leader of the House full marks for that. One of my greatest worries is that the current commissioner has said that Judge Urquhart will not be writing the report. Judge Urquhart heard all the evidence and saw the demeanour of the witnesses. In the public interest and according to his duty and oath, he must write the report.

Prior to the 1995 election we finished the parliamentary session election talking about police issues. John Hatton was a member at the time and he focused on police accountability. All things being equal, it would not have been my choice to talk about this issue today, but it is entirely consistent with the standard John Hatton set that we conclude this Parliament by discussing police accountability, the performance of the PIC, the need for it to report on Operation Malta and the need for Judge Urquhart to write the report. Although I do not want to detract from the goodwill that has been offered by members, it is appropriate that I raise this matter. At the end of the day, in spite of that goodwill, we are upping stumps probably until April or May with unfinished business on the part of commissions that have been established by Parliament and are required to report to it. That fact should be recorded.

The balance of a strong police executive with sound accountability mechanisms does not exist to my liking. It is a matter of unease to many people that those mechanisms are not in place in the way we believe they should be. It is important for the commissioner to explain what has happened over the past couple of days and why he has done taken he action he has. That would clear the air, many police officers would be much happier and the public would be reassured. The public would be reassured if the PIC were to make some final decisions about the conflicting evidence given by senior police officers, many of whom are still serving. The purpose of this place is to provide oversight and ensure accountability. That is the message I leave this Parliament.

Motion agreed to.

**The House adjourned at 1.33 p.m. until
Tuesday 25 February 2003 at 2.15 p.m.**
