

LEGISLATIVE ASSEMBLY

Tuesday 11 November 2003

Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

DEATH OF MR WILLIAM GEOFFREY LUTON, A FORMER SERJEANT-AT-ARMS

Mr SPEAKER: It is with regret that I inform the House of the death on 7 November of William Geoffrey Luton, who served as Serjeant-at-Arms from 28 July 1973 until 30 January 1981.

Members and officers of the House stood in their places.

ASSENT TO BILLS

Assent to the following bills reported:

Local Government Amendment (Cudgegong (Abattoir) County Council Dissolution) Bill
 Evidence Legislation Amendment (Accused Child Detainees) Bill
 Gaming Machines Amendment (Miscellaneous) Bill
 Police Association Employees (Superannuation) Amendment Bill
 Environmental Planning and Assessment Amendment (Development Consents) Bill
 Funeral Funds Amendment Bill
 Hairdressers Bill
 Industrial Relations Amendment (Public Vehicles and Carriers) Bill

TRIBUTE TO MR JOHN WHITE

Ministerial Statement

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [2.20 p.m.]: Today I pay special tribute to an outstanding individual on the staff of Tourism New South Wales, John White, who is in the gallery today. On 28 October 1963, just over 40 years ago, John joined the public service with the then Department of Tourist Activities. If ever there was a stalwart at the Department of Tourism, Sport and Recreation, it would have to be John White. John was appointed as a junior clerical assistant, general scale, with duties including answering telephone inquiries and despatching literature. As honourable members would know, the agency has had several name changes and restructures since that time from the Department of Tourist Activities to today's name, the Department of Tourism, Sport and Recreation.

Throughout those changes, John has been the records guru. I guess we could all imagine the changes in records management that have taken place over the past 40 years as computer systems were developed and became more sophisticated. John has kept ahead of all that, and kept track of hundreds of thousands of files over the years. About 15 years ago, John implemented the original computer system, CARMS, which was the basis of the first computerised filing system, and it has been in place since then. I know that everyone thinks of John as a happy and bright person for whom nothing is ever too much trouble. I am told that he has the remarkable ability to remember and locate a letter that arrived several years previously. Well done!

Clearly, John is a man of amazing memory and organisational skills. I have no doubt that his fine principles and values of public service were shaped from an early age when he and our Premier, Bob Carr, attended Sunday School together at St Andrews Presbyterian Church, Maroubra. John now holds the title of Administration Services Officer for the Department of Tourism, Sport and Recreation, and he is looking forward to the task of amalgamating the records of Tourism New South Wales with those of the Department of Sport and Recreation. I commend John White for his dedication and commitment to the agency and join with all staff in saying that the organisation would not be the same without him. I congratulate him on 40 years of loyal service to the people of New South Wales.

Mr IAN ARMSTRONG (Lachlan) [2.33 p.m.]: On behalf of the Opposition and all members in this place I join with the Minister and the Government in extending hearty congratulations to Mr John White on 40 years of loyal and unflinching service, despite governments, Ministers and tourists coming and going, and despite his unfortunate start when he had to sit with the Premier in Sunday School.

Mr Carr: I won the *Bible* prizes.

Mr ARMSTRONG: That is not evident here today. This afternoon we have heard about someone who has given 40 years of his working life to the same employer, be it a public or a private employer. Recently I read that these days the average chief executive officer stays in his job for four years and the average Sydney home has a new owner every seven years. These days in society we see rapid changes in jobs, locations and addresses. We are now living in an entirely different environment. It is good to know that someone, who is obviously happy in his job, is setting benchmarks of loyalty and consistency.

We often hear from psychologists and others about how much counselling is needed these days to keep people happy. I do not know what John White's secret is, but he appears to have achieved that happiness. We need more people like John White to talk to the current generation of young people and to inform them that they can obtain job satisfaction by making a contribution. I have no doubt that John White's success is due to his being a contributor. He put everything into his job, as opposed to being someone who merely filled a position from 9.00 a.m. to 5.00 p.m.—or from 8.30 a.m. to 5.30 p.m. as it was in those days.

Steam trains were still in use in the 1960s. In those days some of the red rattlers that are running on our rail lines today were fairly new carriages; they were used to transport tourists around this State. Some of the dirt roads are now covered with bitumen, cars have become faster and people now fly around the world regularly. Tourism has come a long way and people's views and desires have changed. But records are still an important and essential part of running a business. I hope John White remains with the department for many more years. All our public service colleagues throughout government should take note of his achievements. I extend my congratulations to him.

UNPROCLAIMED LEGISLATION

Mr SPEAKER: Pursuant to standing orders I table a list of legislation unproclaimed 90 days after assent as at 11 November 2003.

DISTINGUISHED VISITORS

Mr SPEAKER: I acknowledge the presence in the public gallery of the former President of the New South Wales branch of the RSL, Rusty Priest, AM; the present New South Wales State President of the RSL, Don Rowe, OAM; the New South Wales Metropolitan Vice-President of the RSL, John Haines, OAM; and the Far West Metropolitan District State Councillor of the RSL, Mr Bob Durbin.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Mr Speaker announced the receipt, in accordance with section 78 of the Independent Commission Against Corruption Act 1988, of the report entitled "Report on Investigation Into Certain Applications Made to the Department of Fair Trading for Building and Trade Licences", dated November 2003.

Ordered to be printed.

LEGISLATION REVIEW COMMITTEE

Report

The Clerk announced the receipt, in accordance with section 10 of the Legislation Review Act 1987, of the report entitled "Legislation Review Digest No 5 of 2003", dated 10 November 2003.

PETITIONS

Gaming Machine Tax

Petition supporting the increase in gaming machine taxes and welcoming the fact that all extra revenue will be spent on the health system, received from **Miss Cherie Burton**.

Autism Spectrum Disorder

Petition requesting additional support for children affected by Autism Spectrum Disorder in all educational settings in New South Wales government schools, received from **Mr Daryl Maguire**.

Department of Education and Training Restructure

Petition requesting a delay to the proposed restructure of the Department of Education and Training, received from **Mr Russell Turner**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Ms Gladys Berejiklian, Mr Thomas George, Ms Katrina Hodgkinson, Mrs Judy Hopwood, Mr Malcolm Kerr, Mr Daryl Maguire, Mr Wayne Merton, Mr Robert Oakeshott, Mr Donald Page, Mr Steven Pringle, Ms Marianne Saliba, Mr Ian Slack-Smith, Mr George Souris, and Mr Andrew Tink**.

Self-funded Retirees Assistance Package

Petition requesting funding for an assistance package for self-funded retirees, received from **Mr Donald Page**.

Cudgen Creek Seaway

Petitions requesting that the Cudgen Creek seaway at Kingscliff be cleared of silt, received from **Mr Steve Cansdell, and Mr Russell Turner**.

White City Site Rezoning Proposal

Petition praying that any rezoning of the White City site be opposed, received from **Ms Clover Moore**.

Water Police Pymont Site

Petition opposing development of the current Water Police Pymont site, received from **Ms Clover Moore**.

Lane Cove Rotary Athletics Field

Petition opposing the use of the car park at Rotary Athletics Field, Lane Cove, as a construction storage site, received from **Ms Gladys Berejiklian**.

Freedom of Religion

Petition praying that the House retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Ms Marianne Saliba**.

Coffs Harbour Pacific Highway Bypass

Petition requesting the construction of a Pacific Highway bypass for the coastal plain of Coffs Harbour, received from **Mr Andrew Fraser**.

Jingellic to Holbrook Road Upgrading

Petition requesting funding for the upgrading of the Jingellic to Holbrook road, received from **Mr Daryl Maguire**.

Tumbarumba to Jingellic Highway Upgrading

Petition asking that the Tumbarumba to Jingellic section of State Road 85 be sealed, received from **Mr Daryl Maguire**.

The Alpine Way Upgrade

Petition requesting funding to repair, upgrade and realign 11 kilometres of The Alpine Way between the State border at Bringenbrong Bridge and the beginning of Kosciuszko National Park, received from **Mr Daryl Maguire**.

Windsor Road Traffic Arrangements

Petitions requesting a right turn bay on Windsor Road at Acres Road, received from **Mr Wayne Merton** and **Mr Michael Richardson**.

The Spit Bridge Traffic Arrangements

Petition opposing the proposal to add a two-lane drawbridge next to The Spit Bridge, and calling for a responsible and holistic solution to the transport, traffic, and freight needs of the area, received from **Mrs Jillian Skinner**.

Pacific Highway and Bago Road Intersection Upgrade

Petition requesting the upgrade of Bago road intersection in the Moorland to Herons Creek upgrade of the Pacific Highway, received from **Mr Andrew Stoner**.

CountryLink Rail Services

Petitions opposing the abolition of CountryLink rail services and their replacement with buses in rural and regional New South Wales, received from **Mr Greg Aplin**, **Mr Peter Draper**, **Ms Katrina Hodgkinson**, **Mr Ian Slack-Smith**, and **Mr Russell Turner**.

Newcastle Rail Services

Petition requesting the retention of Newcastle rail services, received from **Mr Bryce Gaudry**.

Redfern and Surry Hills Bus Services

Petition requesting improved bus services in Redfern and Surry Hills, received from **Ms Clover Moore**.

Casino to Murwillumbah Branch Rail Line

Petition requesting the extension of the Casino to Murwillumbah branch line to south-east Queensland, received from **Mr Donald Page**.

Tamworth and Armidale Rail Services

Petition opposing the proposed cut to the CountryLink rail service between Tamworth and Armidale, received from **Mr Richard Torbay**.

Northcott Place Community Development Worker

Petition opposing the removal of the community development worker at Northcott Place, received from **Ms Clover Moore**.

Dunoon Dam

Petition requesting the fast-tracking of plans to build a dam at Dunoon, received from **Mr Thomas George**.

Wagga Wagga Electorate Fruit Fly Control

Petition requesting funding for fruit fly control/eradication in Wagga Wagga, Lockhart, Holbrook and Tumbarumba, received from **Mr Daryl Maguire**.

Circus Animals

Petition praying that the House end the unnecessary suffering of wild animals and their use in circuses, received from **Ms Clover Moore**.

Sow Stall Ban

Petition requesting the total ban of sow stalls, received from **Ms Clover Moore**.

Recreational Fishing

Petition opposing the closure or restriction on recreational fishing activities within the Murray and Murrumbidgee river system, and within the Murray-Darling river system, received from **Mr Adrian Piccoli**.

QUESTIONS WITHOUT NOTICE

**FORMER MACARTHUR HEALTH SERVICE CHIEF EXECUTIVE OFFICER
MS JENNIFER COLLINS**

Mr JOHN BROGDEN: My question is directed to the Minister for Health. Why did the Minister look after Jennifer Collins, a close friend of the Minister for Infrastructure and Planning, and Minister for Natural Resources, when she was forced to resign as Macarthur Health Service Chief Executive Officer following the deaths of at least 17 people at Camden and Campbelltown hospitals and arrange a high-paying senior executive service position for her with the Central Sydney Area Health Service?

Mr MORRIS IEMMA: The issues at Camden and Campbelltown are still the subject of a final Health Care Complaints Commission [HCCC] report, which is due some time before the end of this year. In the interim, the draft report, which was the subject of media comments some time ago, contained some very serious preliminary findings that required action. In addition, from briefings and meetings that I have had, I know that change is required in that area of south-western Sydney, notwithstanding that we also have to wait for the HCCC final report. The Government has to get the balance right. First, we cannot allow the legal rights of individuals to be trampled or prejudiced, and I refer to everyone. I will come to the individual about whom the Leader of the Opposition has asked a question. Second, we cannot allow the legal processes to prevent change from happening. What has happened in Camden and Campbelltown is the start of the process to get change happening.

Mr John Brogden: Point of order: I refer to relevance. The Minister is yet to address the issue relating to Jennifer Collins. If she was not good enough for Camden why is she employed in Central Sydney?

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

Mr MORRIS IEMMA: The first step was to act on the findings of the clinical review team, which was sent at the end of August or early September to review the practices and procedures at Campbelltown and Camden. That report is complete, and I was briefed on it during my leave. The key finding of the review team led by Professor Bruce Barraclough was a requirement for a change in leadership approach in the Macarthur Health Service.

Mr SPEAKER: Order! I call the honourable member for Davidson to order. I call the honourable member for The Hills to order.

Mr MORRIS IEMMA: As a result, the chief executive officer of that area health service was removed from his position. The department received legal advice that there are no grounds at this point in time to remove Jennifer Collins from the health system as a whole.

Mr SPEAKER: Order! The Leader of the Opposition has asked a question. The Minister is answering the question. The Leader of the Opposition will listen to the answer in silence.

Mr MORRIS IEMMA: One of the members of the review team—Mr Wallace, who is the assistant chief executive officer of Central Sydney Area Health Service—put to Ms Collins that there was a requirement for a change in leadership to enable moving forward in that area. There are no adverse findings against Ms Collins and—

Mr John Brogden: Then why was she moved?

Mr MORRIS IEMMA: To obtain a change in the leadership, which is a key requirement for improving the quality of health services. The primary objective is to improve the quality of health services for the people of Macarthur.

Mr John Brogden: What about the position at Central Sydney?

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr MORRIS IEMMA: The position at Central Sydney is a non front-line health service position.

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

Mr MORRIS IEMMA: It is an administrative position and the facts are that grounds do not exist at this point in time to remove this person from the health system altogether.

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

Mr MORRIS IEMMA: I will now return to the Health Care Complaints Commission [HCCC] final report. I repeat what I have consistently said: If there is a final determination that there is wrongdoing, then people will be held to account at the time when the final report is brought down. In the interim, it is clear that change is required. That is what has happened at Macarthur in terms of the leadership.

Mr SPEAKER: Order! I call the honourable member for The Hills to order for the second time.

Mr MORRIS IEMMA: I will also make it clear that there will be more changes in that health service in personnel, in policy and in practice so that we can restore public confidence in those two hospitals.

Mr JOHN BROGDEN: I ask a supplementary question. In view of the Minister's answer, why was Jennifer Collins not simply suspended, or did she threaten legal action?

Mr MORRIS IEMMA: I said at the beginning that it is necessary to balance the legal consideration and—

Mr SPEAKER: Order! The Leader of the Opposition will resume his seat.

Mr MORRIS IEMMA: The legal advice provided to the department was that grounds do not exist at this point in time for her removal totally from the health service.

Mr John Brogden: Why didn't you suspend her?

Mr MORRIS IEMMA: I repeat, the action has been taken on the legal advice provided to the department.

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

Mr MORRIS IEMMA: If in the final report of the Health Care Complaints Commission there is a finding against any individual of wrongdoing, they will be held to account. The important thing was to change the leadership in order to begin the process of building a better health service for the future.

LIGHT HORSE INTERCHANGE

Mr ALLAN SHEARAN: I address my question to the Minister for Roads. How is the Government honouring the contribution of the New South Wales Light Horse during World War I?

Mr CARL SCULLY: Eighty-five years ago today the guns fell silent in what was called the war to end all wars. The Great War, as much as any single event in our history, helped forge the Australian character, and gave us a sense of national identity. But it came at a terrible cost. For Australia, as for many nations, World War I remains the most costly conflict ever in terms of deaths and casualties. From a population of fewer than

5 million, 300,000 men enlisted, of which more than 60,000 were killed and 156,000 were wounded, gassed or taken prisoner. The extent of this loss can be seen in the thousands of memorials, small and large, in nearly every city, town and village in New South Wales and throughout Australia. It is important that we do not forget this great struggle, and the sacrifice of so many young lives.

The Glebe Island Bridge was renamed Anzac Bridge to commemorate the Anzac legend. Today I inform the House that the new interchange between the M4 and the West Link M7, formerly known as the Western Sydney Orbital, will be named the Light Horse Interchange in honour of the mounted regiments from New South Wales and other States that fought at Gallipoli and in the famous charge of Beersheba. And while many members of the Light Horse came from across New South Wales, particularly from the North Coast and Northern Rivers, Sydney's western suburbs have had a long and proud association with the Australian Light Horse.

Following the outbreak of war in 1914, men from Western Sydney, which was an area then considered rural, if not quite the bush, rushed to join the Light Horse. In fact, one of Australia's longest continuously serving regiments—the 1/15 Royal New South Wales Lancers, first raised as the Sydney Light Horse in 1885—has been present in Western Sydney at Parramatta since 1891. During World War I, the Australian Light Horse regiments fought as infantry at Gallipoli in 1915, taking part in battles at Lone Pine and the Nek. Later, one regiment was sent to France, with the remaining 14 regiments taking part in historic battles in the Middle East, the most famous of which was the charge of Beersheba. This charge was one of the last mounted charges in history, and the last successful mounted charge in military history. At Beersheba the 4th and the 12th Light Horse regiments charged into the Turkish trenches, machine guns and artillery positions at 4.30 p.m. on 31 October 1917. Without swords, as they were not on issue to the Light Horse, the lighthorsemen drew their long bayonets to flash in the setting sun as swords. Watching the charge was trooper Eric Elliott. This is what he had to say:

It was the bravest, most awe-inspiring sight I've ever witnessed, and they were ... yelling, swearing and shouting. There were more than 500 Aussie horsemen ... As they thundered past my hair stood on end.

Beersheba fell to the Australian Light Horse. The charge was later immortalised in the 1941 film *Forty Thousand Horsemen*, and again in 1987's *The Lighthorsemen*. The Light Horse eventually entered Jerusalem and were the first allied troops to enter Damascus, shortly before the Armistice. During World War II the lighthorsemen returned to Western Sydney. They were based at a major training camp, then called Wallgrove—what is now Wonderland Sydney, near the M4 intersection, and very close to the site of the new interchange. Lighthorsemen patrolled the main water supply pipeline from the Warragamba Dam, which runs through the area. It is because of this long association that it is fitting that the new interchange at Eastern Creek carries the name of the Light Horse. By naming this motorway link the Light Horse Interchange, present and future generations of Australians will be reminded of the debt that we owe to all of our past and present service men and women.

I would like to thank the New South Wales branch of the RSL, and in particular the former vice-president, Mr Rusty Priest, who is in the public gallery. Thank you very much, Rusty. It was your idea and that of your colleagues in the RSL, and the Government has been very keen to progress this proposal in recognition of all who served with the Australian Light Horse. I would like to acknowledge and thank the New South Wales State President, Don Rowe, and the Far West District State Councillor of the RSL, Mr Bob Durbin, as well as Metropolitan Vice-President John Haines. The interchange is Australia's first motorway-to-motorway intersection. It will be 23 metres high and will feature three levels of on and off ramps so that motorists can easily and safely travel between the motorways.

I have requested that a committee be formed, comprising representatives of veterans, the Roads and Traffic Authority and the WestLink consortium, to develop plans to incorporate a memorial to the Australian Light Horse at the interchange. This could include a statue of a soldier and horse, and display panels telling the story of the Light Horse. By naming this important interchange after the Light Horse, tens of thousands of people every day will be reminded of the long association of Western Sydney with these legendary soldiers and the debt we owe them all. I hope it will make people more aware of the role the Light Horse played in our history and in forming our national identity.

VIDEOPHONES AND VIDEO CAMERAS IMPROPER USE

Mr ALAN ASHTON: My question without notice is addressed to the Attorney General. What is the Government's response to community concerns about new technology, such as videophones, being used improperly?

Mr BOB DEBUS: There is no doubt that modern technology has delivered many great benefits, but it is also a fact that technology is being rapidly adapted for criminal purposes. The constant challenge for the law and the law-makers is to ensure that our criminal legislation keeps pace with the relentless advances of science. Media reports across Australia have recently focused on the problems posed by the proliferation of so-called videophones and compact video cameras. These irresistible consumer products are readily available and very affordable. Indeed, they have become almost ubiquitous in contemporary society capturing birthday celebrations and holiday snaps. But there are others who seek to use these cameras for sick and sinister purposes.

A new breed of twenty-first century-style peeping Toms are using these devices to photograph unsuspecting victims in bedrooms, change rooms and toilets for their own sexual gratification. Perhaps even more concerning is the fact that these devices have the ability to broadcast images instantly. The Victorian Privacy Commissioner recently observed that video cameras give people the power of a television station in their own hand. On 15 September this year a well-known current affairs program ran a story about a young woman who was horrified to discover she was being taped while undressing in the home of a family friend.

In 1998 the New South Wales Government introduced the Workplace Video Surveillance Act, which sets strict parameters on the use of video surveillance equipment in workplaces, including a ban on the use of cameras in toilets, showers and bathrooms. But it is clear that a loophole still exists in situations where covert photography or videotaping of unsuspecting victims is conducted in an offender's own home. There have been a number of extremely concerning instances of twenty-first century peeping Toms escaping any penalty because our current laws do not allow for new technology. Because of legal technicalities, the existing laws of peep and pry do not apply, nor do any of the laws concerning acts of indecency. Those loopholes have emerged as a direct result of the creation of new technologies. A recent New South Wales case saw the unsuccessful prosecution of a man who pleaded guilty to using a hidden camera to videotape his female flatmates in the shower. The magistrate found that no laws adequately covered this particular type of offence, and the case was dismissed.

It is clear that this sort of behaviour should be deemed not only illegal but also criminal. People have a reasonable expectation that their privacy will be respected. That is why I announce today that the Government intends to introduce a new offence called "indecent filming or photographing". The offence will carry a maximum penalty of 18 months imprisonment, which is consistent with the penalty for an act of indecency. Clearly, the problem is not confined to New South Wales. Media reports across the nation have identified this as a serious issue for contemporary Australia. The Government is committed to meeting that challenge.

LIVERPOOL RANGE RAIL TUNNEL PROPOSAL

Mr ANDREW STONER: I direct my question without notice to the Premier. Why has the Premier dealt a major blow to regional development in the north-west of New South Wales and the Hunter by killing off a proposal for a new rail tunnel through the Liverpool Range, which is considered vital for the development of the Port of Newcastle and the coalfields in the Tamworth-Gunnedah Basin?

Mr BOB CARR: The Nationals have a fine track record. Their former leader, when he was a Minister in a long-forgotten government, wasted \$50 million of taxpayers' money on Luna Park. As some wag said at the time, "Just as well he was a qualified accountant. Imagine how much he would have lost if he did not have accounting qualifications!" The House may have heard that before; anyhow, I thought I should mention it. The Leader of The Nationals asked, "Why did the Government reject a proposal for a \$130 million tunnel?" The answer is: because two independent evaluations found it would not be a responsible use of taxpayers' money.

Mr Andrew Stoner: What about the Sydney Harbour project?

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

Mr BOB CARR: He is attacking us for cleaning up Sydney Harbour. That is how out of touch he is. In the last election I said proudly to the people of New South Wales that we have cleaned up Sydney Harbour. I made this comment but once. The next day whales and dolphins sailed through the heads. In the last election we had the endorsement of not only 57 per cent of the people of New South Wales, but of all the marine mammals along the coast, because we cleaned up Sydney Harbour. As for this tunnel proposal, we want to spend money on public works that earn the optimal return to the taxpayers of New South Wales.

Mr SPEAKER: Order! I call the honourable member for Southern Highlands to order for the second time.

Mr BOB CARR: Booz Allen and Hamilton in September 2000, and an assessment by the Department of State and Regional Development, concluded that this project would generate a small return on capital, assuming a new coalmine was developed concurrently. Their advice was that it would be more efficient to focus on enhancing passing loops and considering other changes to existing train operations to meet the current and future rail freight needs of the region. The capital cost of such changes would be about \$17 million, and they will be given careful consideration in line with local coal operations. We will continue to consider economically viable propositions, but we will sign up to capital works projects on the basis of a reasonable cost-benefit analysis.

Mr Andrew Stoner: No wonder you aren't popular in the bush.

Mr BOB CARR: Our capital works spending is heavily weighted to the bush. That is why The Nationals made no gains at all in the bush in the last election. That is why The Nationals had to change leaders after the last election. The Leader of The Nationals said that we are not popular in the bush. Someone has thrust into my hands the *Namoi Valley Independent*, a newspaper originating in precisely the region we are talking about, which says this—

Mr Andrew Stoner: Which town?

Mr BOB CARR: The Leader of The Nationals forces me to summarise it. It praises the Government's record on its land use decisions in the region to an extent that is almost embarrassing to The Nationals, and it refers to our decisions in that region on the Brigalow belt on water—

Mr Andrew Stoner: What decision?

Mr BOB CARR: The Leader of The Nationals argument is with the editor of the paper, not with me. I am referring to what the editor said. Is he implying that the *Namoi Valley Independent* is an organ of the Australian Labor Party? Are members opposite implying that I ring the editor of the *Namoi Valley Independent* and tell him or her what to write?

Mrs Shelley Hancock: Yes.

Mr BOB CARR: That is hugely defamatory to him or her and, I dare say, to me.

Mrs Shelley Hancock: It's true.

Mr BOB CARR: Yes, I am the master manipulator. I control the *Namoi Valley Independent*. I write its editorial! Enough of these distractions! Someone has handed me something about KPMG and their role in this, but I will leave that aside for another question. I thank the House for its attention. If honourable members want to ask me questions about KPMG I will be constrained to answer them.

HEALTH CARE REFORM

Mr MILTON ORKOPOULOS: My question without notice is addressed to the Minister for Health. What is the latest information on the health reform agenda in New South Wales?

Mr MORRIS IEMMA: In response to the honourable member's question, there is greater hope for genuine reform following a meeting I had yesterday with the new Federal Minister for Health, Tony Abbott. It was the first opportunity I have had to sit down with the new Federal Minister for Health to try to progress some of the national reform ideas that have been advanced for more than a couple of years by State governments and clinicians around the country. He was most receptive, and I am greatly encouraged by what he had to say yesterday as well as his attitude to the way forward. I look forward to many more meetings with Minister Abbott to try to progress real reform to national health care.

One of the key challenges for Tony Abbott is convincing Peter Costello and John Howard of the necessity for greater interface between our public hospitals and general practice. The New South Wales Government is working on proposals for the co-location of after-hours general practice [GP] clinics in our hospitals to try to take the pressure off emergency departments. Since the collapse of bulk-billing and the introduction of co-payments, families have turned increasingly to emergency departments for their health care. Tony Abbott inherited from the previous Minister, Kay Patterson—under the instructions of Peter Costello and

John Howard—a flawed funding formula for the five-year health care agreements. The second key challenge is to examine the funding formula and produce one that recognises that public hospitals right across this country are under more pressure and that they deserve a new formula that will deliver more support, not less, from the Commonwealth.

The third key challenge is the delivery of a better deal on aged care. As we know, at any one time in New South Wales public hospitals approximately 900 people who should be in residential nursing home care are in acute public hospital care beds. Yesterday I was encouraged by what Mr Abbott said and his recognition of the urgent attention required in this area. New South Wales is working on proposals in four key categories—residential transitional care, home and community-based rehabilitation care, services in the home and regional residential placement officers—to put to the Commonwealth that will result in a better deal for our elderly citizens. They will benefit from better transitional care, better community care options and greater access to nursing home beds, which are in critically short supply across New South Wales and the country generally.

New South Wales is working on a package to put to Tony Abbott and his agency not only to provide a better deal for our senior citizens but also to free up acute care public hospital beds, which will provide greater access for all to our public hospitals. I referred earlier to GP after-hours services. We have been working with the general divisions of practice on suitable locations in and near our public hospitals that would enable the provision of a good GP after-hours service. Some of the locations that we are considering, and we will put before the Commonwealth in co-operation with the Australian Medical Association and the general divisions, include Concord, Shoalhaven, Manly, Wyong, Ryde, Auburn, Hornsby, Blue Mountains, Sutherland, St George, Prince of Wales and Lismore. General practitioners are working with the State Government and the Commonwealth to try to relieve the pressure on emergency departments in our public hospitals that has increased as result of the collapse of bulk-billing, and the slow and inexorable death of the universality of Medicare.

These are the key challenges before Tony Abbott. I was greatly encouraged by yesterday's meeting. The Prime Minister and the Federal Treasurer must produce a funding package and move on these key areas of reform—things that Kay Patterson refused to do. It is interesting to note that yesterday was the first time the Federal Minister for Health had agreed to sit down one-on-one with a State Minister for Health to try to progress some of these issues. This is a great opportunity for both the Commonwealth and State governments to deliver better quality care for the people of New South Wales and Australia. It is a win-win situation.

CENTRAL COAST AMBULANCE SERVICES

Mr CHRIS HARTCHER: My question without notice is directed to the Minister for Health. Given health services union evidence to the Public Accounts Committee that ambulance services on the Central Coast are in "a very parlous state", will he now guarantee that the next lot of ambulance officers available for deployment will be allocated to the Central Coast, to guarantee adequate ambulance response times?

Mr MORRIS IEMMA: The Government went to the election with a clear commitment to recruit an additional 250 ambulance officers during this term of office. That was done in consultation with the union. The union came to the Government and put a proposition to my colleague the former Minister for Health about the priority areas for the employment and deployment of additional ambulance officers. The Government will deliver on that commitment. I am quite happy to consult with the Health and Research Employees Association on those areas. The Ambulance Service is working on key or priority areas for the deployment of these additional officers. I am happy to ensure that the service consults with the union in that objective.

GIFTED AND TALENTED STUDENTS PROGRAMS

Ms KRISTINA KENEALLY: My question without notice is addressed to the Minister for Education and Training. What is the latest information on the Government's gifted and talented programs for New South Wales government high schools?

Dr ANDREW REFSHAUGE: I thank the honourable member for her question and for her interest in education.

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

Dr ANDREW REFSHAUGE: In February the Premier and the former Minister for Education and Training announced the Government's commitment to give more support and encouragement to gifted and

talented students in New South Wales. Thousands of gifted and talented students will benefit through the introduction of the academic extension programs that will be provided through all comprehensive high schools commencing in 2005. The commitment is part of the Government's plan to reinvigorate our local comprehensive high schools to make them the bedrock of the New South Wales education system. Under the plan some 15,000 students will benefit from the new gifted and talented programs in all New South Wales government high schools from 2005. At present New South Wales leads Australia in relation to such programs. Our programs allow gifted and talented students to move through the curriculum at a faster rate. They enable students to be challenged by more abstract material and to use advanced problem-solving skills. They allow participants to gain a greater depth of knowledge and engage in higher order thinking skills.

Mr SPEAKER: Order! Members of the Opposition will resume their seats.

Dr ANDREW REFSHAUGE: I refer to a 13-year-old student, Sean Donovan, who is in year 9 at Tempe High School, in the electorate of the honourable member for Heffron. Last year he completed his 4-unit Higher School Certificate [HSC] mathematics, when he was in year 8. He is now studying university level mathematics by correspondence through the University of New England. He obviously has a significant ability to understand and process numbers—he could do fractions before he entered kindergarten. The local primary school recognised that he was very talented in regard to mathematics. When he was in year 4 he was able to go across the road to Tempe High School to do high school mathematics. He did one year 7 class and it was realised that he was way ahead of that, so he went straight into year 9 mathematics. He was enrolled in year 4 at the primary school at the time. Only last week I awarded him a medal in the twenty-fifth annual Australian Mathematics Competition medals presentation ceremony, along with 35 other Australian students who won a medal.

Mr SPEAKER: Order! There is too much audible conversation from both Government and Opposition benches.

Dr ANDREW REFSHAUGE: All over New South Wales our public schools are producing talented students. At the Tamworth High School students regularly accelerate through their courses. In fact, last year two year 12 students undertook distinction courses, one in philosophy and one in modern cosmology. The school fosters a love of learning. The deputy principal said:

Students like Peter and Toby were gifted in many areas—they both also loved music—but they weren't seen as different at school.

The school has certainly done well for them. The expanded program will provide more opportunities to a wider range of students at all high schools around the State. The new draft plan will enable individual schools to develop their own gifted and talented programs to meet the needs of their students. It will provide support for schools to develop and implement the programs by examining the best ways to identify gifted and talented students in schools, provide ideas on curriculum that meet the needs of gifted and talented students, examine the teaching practices for those students, and provide schools with options for planning, implementing and evaluating the programs. This new plan will provide educational opportunities for an additional 15,000 gifted and talented students from 2005 onwards. It will involve all of the 430 comprehensive high schools across the State. The programs will involve members of the local school community—including teachers, parents and students—in identifying and supporting gifted students.

The Government has now consulted with teachers, parents, community groups and leading world experts to develop policies and resources for the program. From next year all schools involved will be provided with support to develop and implement their programs. Principals, school staff and parents will decide what type of extension programs are best suited to their school and to their students. In August the Canadian expert Professor Francoys Gagne came to Sydney after attending a conference in Adelaide. He spoke to a number of school principals and made it clear that in regard to gifted and talented students New South Wales absolutely dominates Australia. We do much bettering New South Wales—dramatically better—than any other State. In line with the Government's plan, Professor Gagne also highlighted that the top 10 per cent of students—not just the top 1 per cent or the top 2 per cent—should be focused upon in these programs. According to his research, if that is done all the students of a school seem to benefit. The Government is working through those programs. We are making all of our high schools centres of all-round excellence. Gifted and talented students in New South Wales get the best opportunities out of all the States. Under this plan they will get even more opportunities.

MID WESTERN AREA HEALTH SERVICE BUDGET

Mr RUSSELL TURNER: My question is directed to the Minister for Health. Why is he placing local businesses that supply goods and services within the Mid Western Area Health Service under extreme financial pressure by failing to pay creditors who are owed more than \$5 million outside the accepted trading terms?

Mr MORRIS IEMMA: The Mid Western Area Health Service has an issue with creditors, as the honourable member has outlined. The Director-General of the Department of Health has had meetings with the chief executive officer. The area health service has put forward a plan to improve its performance, which is being reviewed. There is an ongoing review process by the department to ensure that the area health service works within its budget. We have record budget funding for all the area health services and there are particular issues with that area health service. There is a plan.

Mr Ian Armstrong: Point of order: I must make the point that it is not only the Mid Western Area Health Service; the Southern Area Health Service is not paying the bills either.

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

Mr MORRIS IEMMA: It is under constant review. The plan includes specific savings strategies to reduce its problems, reduction of expenditures in activities not directly related to patient care, improvement of its management performance, and exerting tighter control over its expenditure. The performance of that area health service budget is under review by the department. Like every other health service, it is expected to take its budgets and its treatment of creditors seriously. That is what we expect, that is what is happening at the moment with the monitoring of the performance of the health service, and that is what will continue.

GAS-FIRED ELECTRICITY GENERATION

Mr PETER BLACK: My question without notice is directed to the Minister for Energy and Utilities. What is the latest information on the development of gas-fired electricity generation in the State's north-west?

Mr FRANK SARTOR: The New South Wales Government is committed to encouraging investment in our electricity sector.

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

Mr FRANK SARTOR: The Government has established a transparent process to meet our future energy needs. We want to stimulate investment that achieves two objectives: meeting the needs of our growing economy while at the same time achieving acceptable environmental benchmarks.

Mr SPEAKER: Order! I call the honourable member for Murrumbidgee to order for the second time.

Mr FRANK SARTOR: I am pleased to inform honourable members that Country Energy has executed contracts that will allow a significant electricity project to go ahead in the Narrabri region, and that passes both of those tests—the project supports the growth of the economy while meeting acceptable environmental benchmarks. The company has agreed to terms for a 10-year power purchase agreement with Eastern Star Gas. The deal gives Eastern Star the financial backing it needs to invest in its natural gas generation project on the Coonarah gas field. The agreement entitles Country Energy to purchase all of the electricity generated by the project and all of the greenhouse gas reduction credits that it generates. The agreement follows 18 months of negotiations.

The project will commence next month and will involve the construction of 12 separate generators that will be connected to the national grid. It will be operational next year and will produce 12 megawatts of electricity, or 18,000 megawatt hours of energy, in any year. The project will also generate jobs and will supply energy equivalent to the needs of 13,000 homes a year—that is equivalent to a city the size of Albury. Thirty people will be employed in constructing the generators. The project involves great news for the environment: the gas-fired generators will reduce greenhouse gas emissions, compared to the equivalent coal-fired generation, by 36,000 tonnes of carbon dioxide each year. That is the equivalent of taking 12,000 cars off the road for a year. This project is a clear demonstration of how the Government's greenhouse policies are working. It is an example of how setting the right policy framework delivers good outcomes. The Narrabri project will create an estimated 36,000 greenhouse abatement certificates.

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

Mr FRANK SARTOR: Country Energy can surrender those certificates to help meet its greenhouse obligations, but that is not the only example of greenhouse initiatives. Country Energy has also agreed to purchase energy from the Lake Bonney wind farm in South Australia, which will be commissioned in February

next year. That project is expected to produce enough energy to power 40,000 homes by 2004. In addition, Country Energy is purchasing electricity from an innovative food-waste-to-energy plant at Camellia in Sydney's west. That plant recycles up to 800,000 tonnes of waste each year and converts it to organic fertiliser that will generate enough electricity to run 3,000 homes. With the right policy framework the incentives are there for new investment, for the market to play its role to cut into the investment cycle and to enhance the energy supply for this State.

In 2002 New South Wales produced a statement of system opportunity that could be regarded as a prospectus for future investment in energy generation in this State. That document is a transparent process and is the signal to the market of where opportunities lie to supply additional power. There are now more than 2,000 megawatts of proposed generating capacity on the drawing board for New South Wales, and that includes a 400 megawatt gas-fired power station on Lake Illawarra and 340 megawatts of gas-fired generation proposed by Wambo power ventures near Wagga Wagga. Another nine projects are planned for the State, four of which involve wind power and others involve co-generation—they are being seriously considered. The Narrabri project is a great example of an environmentally sound project that will enhance generation capacity and also meets peaking requirements. The State is delivering on the environment and on infrastructure.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTIONS

University of Western Sydney Funding

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [3.24 p.m.]: My motion is urgent because the Senate will shortly consider Brendan Nelson's higher education reforms—reforms that would severely disadvantage the University of Western Sydney. My motion is urgent because the reforms will rip \$14 million out of the University of Western Sydney. My motion is urgent because the reforms will place courses and campuses at risk. As the reforms currently stand they will place a university degree out of the reach of many in the west. The Senate Standing Committee on Employment, Workplace Relations and Education has looked at Nelson's package and made a series of recommendations. It is urgent that the Commonwealth Government immediately implement those recommendations to ensure that higher education is not damaged in Western Sydney. I urge the House to consider my motion as urgent because places need to be set in Western Sydney, particularly in the area of nursing.

Mr SPEAKER: Order! The honourable member for Murrumbidgee will come to order.

Ms DIANE BEAMER: I welcome the opportunity to speak to members of the Opposition; I am sure that they are interested in this issue. My motion is urgent because the House needs to send a message to the Federal Government asking that it seriously look at the recommendations of the Senate committee and listen to each of the 21 vice-chancellors who made a submission to the committee.

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

Ms DIANE BEAMER: It is urgent that we send this message to the Senate before it votes on the legislation.

Area Health Services Recruitment

Mr STEVE CANSDELL (Clarence) [3.27 p.m.]: My motion is urgent because at the end of this month the Carr Labor Government will implement changes to the way in which area health services in country and coastal areas can recruit staff. This matter is urgent because a leaked NSW Health memo shows that advertisements for jobs in country and coastal areas will be reduced to just four lines in metropolitan newspapers. If advertisements for these jobs are limited to metropolitan newspapers, how can country and coastal communities attract the best skilled staff for their communities? This decision will severely disadvantage the people in my electorate because there will be fewer responses to the advertisements. In fact, the decision will impact on every member of this House who represents a country or coastal electorate.

This matter is urgent because my local area health service will not have a chance to tell its story to a metropolitan audience as to why it is good to move to and work in the area. Generalising and centralising the recruitment process when advertising for staff in Sydney newspapers means that an individual area health service cannot sell the benefits of work in its area to a metropolitan audience. When an area health service can expand on the position and the services provided by the area health service it may provide the hook for a professional to pursue the opportunity even further. This matter is urgent because this Sydney-centric Labor Party decision is indicative of a government that does not understand country or coastal New South Wales.

While decisions are made from glass office towers in Sydney by highly paid bureaucrats and Labor Party minders, our hard-working health staff in country and coastal areas struggle to meet the demands placed on them by an overstretched New South Wales health system.

This matter is urgent because, apart from their names, none of the area health services will be able to distinguish between themselves. Diverse services such as the Far West Area Health Service, which stretches from Tibooburra to Balranald and from Broken Hill to Walgett, will have no capacity to sell individual benefits. We have been told that a web site address and contact number will be able to be accessed by anyone requiring further information about the advertised position. However, I have been told that that web site is out of action more often than not, and that telephone calls to the contact number result in the activation of a voicemail system that is nothing short of frustrating.

Private hospitals will be able to sell themselves through metropolitan advertising, while public health services will be limited to four bland lines of advertising. As I understand it, NSW Health is not committed to any other advertising to explain the benefits of working in country and coastal New South Wales. NSW Health figures for August alone show that more than 54,000 people are on the elective surgery waiting list—an increase of 152 in one month. The number of patients waiting more than 12 months for surgery increased from 5,400 in July to 5,800 in August—an increase of 8 per cent in just one month. This matter, which is urgent, is proof of the impact of this Government's cutbacks to surgery and hospital budgets after the last election.

Question—That the motion for urgent consideration of the honourable member for Mulgoa be proceeded with—put.

The House divided.

Ayes, 50

Ms Allan	Mr Greene	Mrs Paluzzano
Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Mr Bartlett	Mr Hunter	Mr Price
Ms Beamer	Mr Iemma	Dr Refshauge
Mr Black	Ms Judge	Ms Saliba
Mr Brown	Ms Keneally	Mr Sartor
Ms Burney	Mr Knowles	Mr Scully
Miss Burton	Mr Lynch	Mr Shearan
Mr Campbell	Mr McBride	Mr Stewart
Mr Collier	Mr McLeay	Mr Tripodi
Mr Corrigan	Ms Megarrity	Mr West
Mr Crittenden	Mr Mills	Mr Whan
Ms D'Amore	Mr Morris	Mr Yeadon
Mr Debus	Mr Newell	<i>Tellers,</i>
Mr Gaudry	Ms Nori	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

Noes, 34

Mr Aplin	Mr Humpherson	Mrs Skinner
Mr Armstrong	Mr Kerr	Mr Slack-Smith
Mr Barr	Mr McGrane	Mr Souris
Ms Berejiklian	Mr Merton	Mr Stoner
Mr Cansdell	Ms Moore	Mr Tink
Mr Constance	Mr Oakeshott	Mr Torbay
Mr Debnam	Mr Page	Mr J. H. Turner
Mr Draper	Mr Piccoli	Mr R. W. Turner
Mrs Hancock	Mr Pringle	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Ms Hodgkinson	Mr Roberts	Mr Maguire
Mrs Hopwood	Ms Seaton	

Pairs

Mr Carr	Mr Brogden
Ms Gadiel	Mr Fraser
Ms Meagher	Mr Hazzard
Mr Watkins	Mr O'Farrell

Question resolved in the affirmative.

UNIVERSITY OF WESTERN SYDNEY FUNDING**Urgent Motion**

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [3.40 p.m.]: I move:

That this House calls on the Federal Government to:

- (1) immediately implement the recommendations of its Senate Employment, Workplace Relations and Education Committee report into higher education funding, especially in relation to the University of Western Sydney; and
- (2) reject Brendan Nelson's flawed higher education legislation package.

This is not the first time that I have spoken in the House about the savage higher education cuts that Brendan Nelson is trying to force on Western Sydney. The cuts, if implemented, will rip \$14 million from the bottom line of the University of Western Sydney [UWS] and force a reduction in courses and the possible closure of campuses. The cuts will place a university degree out of the reach of many students in Western Sydney.

I have called previously for the scrapping of the Federal Government's higher education legislation. However, my motion today is backed by the findings of the Senate Standing Committee on Employment, Workplace Relations and Education, which conducted an exhaustive inquiry into Brendan Nelson's proposed cuts. The committee examined nearly 500 submissions in its four-month investigation. What were its recommendations? It came to exactly the same conclusions that I and other Government members put to the House on 16 September: The Federal Government's package is fatally flawed. It meets none of the Commonwealth's stated objectives of equality, quality, diversity and sustainability. In fact, the committee chair, Senator Kim Carr, concluded:

... the package would degrade Australia's great public University system and lumber students and families with increasing debt.

The committee recommended in particular—we put the same recommendations to this House in September—that the proposed Commonwealth Grants Scheme be rejected while the University of Western Sydney gets less under the scheme than it does under existing operating grants.

I have been forced not only to speak out against the proposed cuts but to defend the University of Western Sydney from outrageous attacks against its reputation and professional administration. The UWS dared to stand up to Brendan Nelson and say no to his cuts. I said at the time that these attacks were nothing but a smokescreen: Federal members of Parliament were tasked with diverting attention from Brendan Nelson's package by criticising the UWS. That smokescreen has now been blown away. The Senate committee was asked to look at all aspects of Nelson's package, including the financial impact of the changes on universities and on students, and alternative policy and funding options for higher education. The committee held nine public hearings and received almost 500 submissions, of which less than half a dozen were in favour of the package. Fewer than six submissions backed these short-sighted reforms.

The heads of 21 universities appeared before the committee and unanimously rejected the package in its current form—not one backed the package. The vice-chancellors of Sydney and Melbourne universities, Professor Gavin Brown and Professor Alan Gilbert, described the package as "bureaucracy run riot" and said that Brendan Nelson had turned into the frog prince. At the very least extensive amendments were demanded. I have said all along that Brendan Nelson's package will increase higher education inequalities in Western Sydney. The Senate committee agreed. It found that the package was "based on false assumptions" and said that the Federal Government "did not listen to the stakeholders or, at worst, it put them through a charade". It concluded that the new regime:

... will shift costs to students ... and undermine economic and social prosperity [and] impose a heavy burden on families.

In other words, the package will decimate the University of Western Sydney and once again place tertiary education out of the reach of many in the west. The committee found Nelson's reforms to be so flawed, on both philosophical and technical levels, that they did not warrant a second reading in the Senate. The University of Western Sydney has always said that the package is unfair and that if it is implemented the university will be worse off. The Senate committee also reached that conclusion. Its report states:

... the most obvious disadvantage was in the serious funding cuts affecting the University of Western Sydney.

Some \$14 million will be ripped from the university's baseline while Sydney's other major universities will benefit. The University of Sydney will receive an extra \$35 million, the University of Technology, Sydney will receive \$16.8 million, and Macquarie University will receive an extra \$13.6 million. The Commonwealth fails continually to acknowledge the unique role of the University of Western Sydney. It is more than a university: it is a community and regional resource. About 70 per cent of Western Sydney residents use its resources. That means that 7 out of 10 people in the region use its libraries, sporting fields and conference and research facilities. Australian Bureau of Statistics figures indicate that only 3 per cent of people in Western Sydney have a university degree compared with 5 per cent of people in the remainder of Sydney. The UWS has been trying to redress this inequality. That is why it is important for the Commonwealth to take notice of this report, particularly recommendation No. 6, which states:

That the Commonwealth Grants Scheme be rejected while universities, such as the University of Western Sydney ... receive less under it than under existing operating grants.

As I have said, the Commonwealth and Brendan Nelson have failed to recognise the value of the UWS to the community of Western Sydney. Brendan Nelson's proposals fail to acknowledge the university's regional importance. As a regional university, the UWS has higher costs than other universities. Its campuses, which are spread across Western Sydney, require supporting infrastructure, such as libraries and administration buildings. The university has called continually for the Commonwealth to recognise its status as a regional university. Brendan Nelson has ignored these calls but the Senate committee has not. Its recommendation No. 18 calls for:

The regional loading [to] be extended to include the University of Newcastle and universities serving the outer metropolitan regions such as the University of Western Sydney.

If the Commonwealth is serious about higher education reform it must implement this recommendation. If it does not do so it will fail not only the UWS but the region of Western Sydney and its families. The Commonwealth Government refuses to recognise the importance of Western Sydney as a region. A Newspoll survey conducted in August supported the findings of the UWS and the Senate committee when it revealed that 9 out of 10 of those surveyed opposed any funding cuts for the UWS. Some 99 per cent of respondents felt it was important that Western Sydney had its own strong, independent university. It is time that Federal members of Parliament such as Jackie Kelly, Ross Cameron, Kerry Bartlett and Pat Farmer started representing their region. It is time they stood up and fought for the University of Western Sydney.

Perhaps the most damning aspect of Nelson's reforms is the lack of new Higher Education Contribution Scheme places, especially for the University of Western Sydney. I have spoken before about the urgent need for more places at the UWS, especially in nursing. Last year the University of Western Sydney [UWS] was forced to turn away 136 fully qualified applicants and a further 1,000 applicants at a time when hospitals in this region and across the State are crying out for nurses. Once again, the Senate committee recognised what the Federal Government refuses to see—under Brendan Nelson's legislation there will be not one new nursing place at the UWS. The Senate committee recommended that the Commonwealth fund an extra 20,000 full-time and part-time university places across Australia. No doubt some of those places would go to the UWS so that those in Sydney's west who want to study and work in the nursing profession in the region can do so. I implore the House to send a message to Canberra. I ask the honourable member for Hawkesbury to talk to colleagues in Western Sydney and tell them that we need our fair share of funding. [*Time expired.*]

Mrs JILLIAN SKINNER (North Shore) [3.50 p.m.]: This motion is merely an attempt by this Government to deflect attention away from the disaster it is making of its responsibilities in relation to education: that is, the provision of education services through schools and TAFE institutes. In the short time that this Minister has been in office this Government has made an unholy mess of its proposed restructure claims. The Minister is now trying to get this House involved in a debate about matters which concern the Commonwealth Government, not the State Government. The Federal Minister for Education, Science and Training rightly referred to the Senate report as nothing more than a politically motivated exercise intended to frustrate and delay the Government's vital higher education reforms.

As the Minister said, this House has debated the education reform package, so this is not a new discussion. It is nonsense for this Chamber to waste valuable time on this matter, which is considered to be urgent. The Federal Minister has guaranteed that the University of Western Sydney will not lose out. The funding arrangements will ensure that students will get a fair go. Because the motion is a nonsense in terms of this Parliament's responsibility, I intend to move an amendment that refers to this Government's responsibility in relation to schools. As I said, the Government, and the Minister for Education and Training in particular, have presided over two drafts of a reform package for the department. The first was so flawed they had to withdraw it and go back to the drawing board for restructure mark II.

This devastating proposal will cut the jobs of 1,000 experts in their field—many of them teachers who have developed expertise in various areas, such as multicultural education for students who have English as a second language, and others who have experience in implementing and assisting teachers to implement programs through the Priority Schools Funding Program.

Mr Geoff Corrigan: Point of order: The honourable member for North Shore is talking about her proposed amendment. She has not moved the amendment.

Mrs JILLIAN SKINNER: I move:

That the motion be amended by leaving out all words after "House" with a view to inserting instead:

condemns the Carr Government for:

- (1) its plans to cut 1,000 jobs from the education department, mainly positions providing expert assistance and support for classroom teachers, and
- (2) suggesting, through the lawyers presenting its case against a teachers pay rise in the Industrial Relations Commission, that teaching is not a profession.

This is a matter that the House should debate with great urgency. Teachers who are struggling to do the right thing by their students know that these 1,000 support positions will be abolished. This Government, through its lawyers in the Industrial Relations Commission, says that teaching is no longer a profession. The commission was told that teaching is now about educational outcomes, monitoring assessment and reporting and that teachers are no longer professionals. They need only to tick boxes—they are box tickers. That is an insult to all teachers in this State. I have been flooded with emails from teachers who agree with me that we should support teaching as a profession.

The community and the Government should value teachers and provide them with every possible assistance and support to make their life easier and acknowledge that they are professionals. But this miserable Government fails to acknowledge that it has any responsibility for schools and for the teaching profession, and is trying to divert attention by raising a matter that concerns the Commonwealth Government. I have received complaints that this Government has been very secretive about what jobs it will cut. I have gleaned some information by downloading job charts but without being able to compare them with the current situation it is difficult to make an assessment. However, because there is such angst in the department many people who work in units within the Department of Education and Training are now providing me with information.

Today I received a letter containing many pages of charts and documents in relation to multicultural education in the Western Sydney region. The letter states that in 111 English as a second language [ESL] primary schools and 36 ESL high schools the number of support positions for teachers implementing ESL subjects in the classroom will be reduced. It is ludicrous for the Minister to say that she is concerned about Western Sydney when this Government proposes to implement such changes. Students from the University of New South Wales conducted last year, and continue to conduct, a very revealing research project on the physical condition of toilets in public schools. If the Minister is worried about Western Sydney she should go to the web site and read about the run-down state of schools in her area. The toilets are in a deplorable state.

This subject should not need to be debated in this House. I have been told by parents—particularly mothers of primary school children—that their children do not go to the toilet at school, but wait until they get home, after 3.30 p.m. Does the Minister think that is acceptable? That is what is happening in schools under this Government. Toilets are dirty and dingy and are often situated near the back fence of the school, where children feel unsafe and threatened. Yesterday a colleague sent me some correspondence about a high school where the concrete floor of the toilet block slopes so badly that urine floods back and has eaten into the floor. The University report mentions doors of toilets that do not fit properly and old-fashioned chains that are so high the children cannot reach them. The report also refers to taps leaking and sinks being blocked because the schools do not have the money to either maintain or replace them. The Government tried to fob off this matter by saying that the cleaners are not doing their job. This is a matter that requires substantial capital funding. These buildings need to be replaced.

The Government can help to address this issue by supporting the Government School Assets Register Bill, which is currently before the House. The Coalition supports public education in New South Wales. The Government is failing not only the teachers but the students in our public education system. I am reminded by my very good friend, and a former teacher, the honourable member for South Coast, that TAFE teachers and

TAFE students particularly are up in arms about the TAFE fees that have been foisted on them by this Government. TAFE teachers have not been given recognition for the difficult circumstances and conditions under which they work. Restructure of TAFE—the first model of which completely decimated TAFE—was revived only because of the public outcry. Shame on the Minister for Western Sydney for putting forward such a stupid motion. She should support the Coalition's amendment.

Mr GEOFF CORRIGAN (Camden) [4.00 p.m.]: It would be easy to divert from the motion and deal comprehensively with the amendment moved by the honourable member for North Shore. However, the real issue before the House today is cuts in funding to the University of Western Sydney. I will be particularly interested to hear what the honourable member for Hawkesbury has to say about this matter. No doubt the constituents of Western Sydney would be interested to hear his contribution. Higher education in Western Sydney is at the crossroads. As the Minister said, the Commonwealth Government now has a choice. It can push ahead with its reforms and severely disadvantage the University of Western Sydney, or it can ensure that that university is funded fairly and that the families of Western Sydney will continue to have genuine access to higher education.

If the Government chooses to ignore the report and its recommendations, the impact on my community will be disastrous. The university has said it may be forced to close a campus to recover lost funding. Which campus would that be? Of course, the Campbelltown campus. This would kill higher education in the Campbelltown-Camden area. The nearest university is more than 50 kilometres from Campbelltown. Students would be forced to travel for hours on end. At best, Brendan Nelson's cuts would see courses reduced. But again, students in Campbelltown would still be forced to travel if they want to get a university degree. Likewise, raising Higher Education Contribution Scheme [HECS] fees would have a drastic impact. Western Sydney has an excellent TAFE system—one of the best in the country.

Mrs Jillian Skinner: Talk to the TAFE teachers.

Mr GEOFF CORRIGAN: I do talk to the TAFE teachers. I have spoken with three of them this week. Twenty per cent of University of Western Sydney places are in nursing and education. The honourable member for North Shore should tell us more about nursing and education—a Federal Government responsibility—which are protected in terms of HECS fee increases. If the university were to avoid campus closures or course reductions, it would have to quite substantially raise HECS fees for other courses, possibly to the full 30 per cent. Again, this would have a massive impact on participation rates. Mature-age students in my electorate who have made many sacrifices to attend university would be forced out.

My greatest fear is that already low participation rates in Western Sydney would fall even lower. To ensure fairness, the Senate Committee has recommended that the maximum HECS fees not be increased above 30 per cent. The Commonwealth must immediately recognise the University of Western Sydney as a regional university and accord it regional loading. This would be consistent with other Commonwealth policies in relation to the University of Western Sydney. The university has previously received two substantial Federal Government grants in association with the Sustainable Regions Program for work in the Campbelltown areas that are categorised by the Commonwealth as "regional" for the purposes of that program.

The University of Wollongong, originally not included in the regional loading, was finally granted it after heavy lobbying. Conversely, the University of Newcastle was denied regional loading on the basis that it was too close to Sydney. The report's recommendation to give regional loading to the University of Western Sydney must immediately be implemented. This would ensure that the University of Western Sydney is funded fairly in comparison to other more established universities. Affordability is a big issue in my community. Under Brendan Nelson's proposals, universities will be able to offer a full-fee paying quota of up to 50 per cent of student places in a particular course. This will freeze many of my constituents out of universities. They simply cannot afford those fees. More frightening, however, are clauses 35 and 36 of the bill, which allow for 100 per cent of places in a course to be full-fee paying at the Minister's discretion. Think about that: 100 per cent full-fee paying places at Brendan Nelson's discretion, completely locking many of Howard's battlers out of university.

This is not a reform package. It is all about the Commonwealth ignoring its responsibilities and shifting the cost onto those who can least afford it. The Commonwealth Government must immediately implement the recommendations of the Senate inquiry. It must fund the University of Western Sydney fairly. It must accommodate demand and provide funds for an extra 20,000 places. It must recognise the University of Western Sydney as a regional university. It must guarantee that HECS fees will not rise by 30 per cent. And it must guarantee that no course will ever have 100 per cent full-fee paying places. It is interesting that honourable

members opposite have chosen to say that this is a Federal issue. It is not uncommon for members in this Parliament or in the Federal Parliament to talk about this very issue. Indeed, the honourable member for Macarthur, the Hon. Pat Farmer, said in Federal Parliament on 6 November:

While infrastructure planning is the responsibility of state governments, many members of this place work with their local councils and state governments to ensure that the views of the electorates are considered when new developments are proposed.

What we in this place are doing is bringing the needs and concerns of our community to the attention of the Federal Government. Interestingly, after Campbelltown council sought to bring these issues to the attention of the Federal Government, the local paper, the *Macarthur Chronicle*, carried an article today which stated, in part:

Macarthur Federal Liberal MP Pat Farmer reacted angrily to council's decision to ask Dr Nelson to explain his "vision for University of Western Sydney" under the proposed higher education funding reforms.

In a letter tabled at last week's council meeting, Mr Farmer accused councillors of "politicising" an issue they had "no direct responsibility for".

Pat Farmer went on to say in that article:

I am glad they read my letter because I wanted to get the point out there. What they need to know there at council is that I'm the federally-elected Member of Macarthur and the person who gets involved in federal issues.

On 6 November he was speaking in Federal Parliament on a State government responsibility, infrastructure planning. I do not mind if Pat Farmer talks in Federal Parliament about a State government matter. But if that is so, why should we not talk about Federal issues that affect our people? It is perfectly proper for Pat Farmer to raise this matter in the Federal Parliament. And it is perfectly proper for local members to raise it in the State Parliament for the attention of our Federal counterparts.

Mr WAYNE MERTON (Baulkham Hills) [4.05 p.m.]: This is a typical Labor stunt. It is a ploy by a Minister, and the member purportedly representing Western Sydney, although it demonstrates clearly that she does not understand what is happening in that area. The advice I have from the Federal Minister for Education, Science and Training is that the university will not be worse off. The Minister also said the University of Western Sydney would require transitional funding of \$7 million for the years 2005 and 2006. He said from 2007 the impact of the funding changes for the University of Western Sydney "will be positive"—in contradiction to Professor Reid's assertion that "the cut to the funding base is permanent". The Federal Minister also advised that the funding was calculated originally in 1990:

... based on courses that were offering at that time. Over the decade, some universities have shifted their courses in line with the needs of the students and the community. In the case of UWS, it now offers more places in areas such as business and administration, which are cheaper to provide than courses such as agriculture and science. Under the new arrangements the University will be funded on the same basis as other institutions. The Commonwealth will now provide the same funding to a student studying a particular course in Perth as it will in Western Sydney.

That blows the argument of the Minister for Western Sydney out of the water. She can say nothing credible against that statement. If the Minister thinks I am exaggerating, might I remind her that Jenny Macklin of the Australian Labor Party announced on the Thursday night before the federal budget was introduced that Labor was going to oppose the education reform package—at a time when it did not even know what would be in the package. That is, some days before the package was announced, members of the Labor Party were saying that they would oppose the package. I turn now to what was said by another Labor guru, Senator Carr, who confirmed:

If Labor is elected at the next Federal election, then it will not be undertaking any changes to the reforms.

In other words, the Labor Party—which is opposed to industrial relations reforms and seemingly all other Coalition reforms—did not propose any change to this package of reforms. But let us look at a matter that the New South Wales Government can do something about. This is its supposed forte. Labor is in government in New South Wales, and it runs this State's schools. What a mess it is making of that. For a start, day after day teachers write to me in an effort to get justice, social security and fairness relating to their pay. Instead, the New South Wales Government has cut 1,000 people from the New South Wales education system to fund its phoney budget promises. And that is quite apart from considerations like school toilets that our children are frightened to use and parents are frightened that their children will use.

A fatality occurred at the dangerous intersection at Jasper Road. We tried to buy extra land to provide a drop-off-and-ride area for the kids, but no money was available. Part of the Baulkham Hills High School

property was sold to provide school facilities, but the Government kept the money. The Minister professes to be the champion of Western Sydney. When she speaks on the radio she is a little ray of sunshine—bright and breezy—but the problem is that she is neither breezy nor bright. One of the Government's great reforms is a 300 per cent increase in TAFE fees that has to be paid up front. A battler with a wife and three or four kids at home who are trying to get ahead in their careers will not be able to afford such an increase. The Government is inconsistent and hypocritical. It is certainly not fair dinkum. The Minister should not smile. It is not funny for those who live at Mount Druitt who are trying to undertake TAFE courses. They are the people she purports to represent, yet she is stabbing them in the back—and she has the hide to talk about fair play!

If the Minister thinks Western Sydney is hard done by, the Government should show its good intentions and good faith by providing a rebate of some of the \$9 million that Western Sydney delivers to the Government in payroll tax. This motion is a sham. The Federal Labor Party will not do anything about the legislation if it gets into office. I do not know how the State Government can say it opposes the package prior to its release, but apparently the geniuses opposite can do so. They should concentrate on things for which they have a mandate, such as the repair of our run-down schools. Let us repair the schools that have rising damp and give our teachers who are responsible for educating our children a fair deal. The Minister should not try to involve herself in a political crusade for a Federal election that the Labor Party will lose. The people of Western Sydney understand what is happening. They are fair dinkum; they want to get ahead. They do not want to hear depressing talk from the Minister. They want better schools, but under the State Government they are not getting them. The Minister might think it sounds great to be called a ray of sunshine, but the reality is that she does not deliver.

Mr PAUL LYNCH (Liverpool) [4.10 p.m.]: I am delighted to support the motion moved by the Minister for Western Sydney. I note by way of preliminary comment that the best we seem to have had from the Opposition is a series of matters that have nothing to do with the motion moved by the Minister. That seems to be a concession by members of the Opposition that it has no grounds on which to oppose the motion. The best they can do is throw up distractionary tactics about other topics.

Mrs Jillian Skinner: Schools are distractionary tactics?

Mr PAUL LYNCH: I expect that sort of response from the honourable member for North Shore when people on this side of the House defend Western Sydney. The histrionics from the honourable member for Baulkham Hills were extraordinary. One is tempted to wonder what he had for lunch to make him to perform in such a way. The only thing he said that related to the motion was that the funding changes for the University of Western Sydney would be positive. But in the next breath he explained why they would not be positive. He then trotted out the explanation that Brendan Nelson gives as to why less money would be allocated to the University of Western Sydney. It was an extraordinary performance. Having said that the impact would not be negative but positive, he then justified why it would be negative. Perhaps if the honourable member for Baulkham Hills had not had whatever it was he had for lunch and had turned his mind to the real issues he would not have postured such an extraordinarily absurd argument.

Mr Wayne Merton: Point of order: The member is casting unfair and unfounded aspersions at me. As far as lunch is concerned, I have not had any. I went to a medical appointment and I came straight to Parliament. He should be asked to withdraw his comment.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Mr Wayne Merton: I ask him to withdraw the comment. It is as simple as that.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The honourable member for Baulkham Hills will resume his seat.

Mr Wayne Merton: Yes, there is a point of order.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order. The honourable member will resume his seat.

Mr Wayne Merton: You are ruling that there is no point of order. Is that your formal ruling?

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! I have ruled that there is no point of order. I again ask the honourable member to resume his seat.

Mr PAUL LYNCH: I regard a number of significant aspects of the report as positive. In particular I draw the attention of the House to recommendation 1, which reads, in part, as follows:

Important features of the nation's higher education system are being fundamentally reshaped and redefined by the Higher Education Support Bill. Such a radical assault of the fundamentals of the system was not foreshadowed nor discussed during the review process. The sector and the broader community do not support discarding university autonomy and academic freedom.

These bills will initiate a regime which will shift costs to students. It will stifle student choice and impose a heavy burden on families. These bills will deepen inequities in society, and undermine economic and social prosperity.

Recommendation 6 notes:

That the Commonwealth Grants Scheme be rejected while universities, such as the University of Western Sydney ... receive less under it ... than under existing operating grants.

Recommendation 7 notes:

That the maximum HECS fee not be increased by 30 per cent and that ministerial discretion to increase HECS fees be removed from clause 93-10.

Recommendation 11 notes:

That full fee paying domestic undergraduate places be abolished.

Recommendation 18, which is particularly significant, reads as follows:

That the regional loading be extended to include the University of Newcastle and universities serving outer metropolitan regions such as the University of Western Sydney and Victoria University of Technology.

Those recommendations, and the report as a whole, constitute a complete rejection of Brendan Nelson's flawed proposals. In general terms the package is bad and inappropriate. What is particularly objectionable is that it specifically targets Western Sydney and is particularly damaging to the University of Western Sydney. Under the proposal of the Federal Government there will be \$14 million less by 2007. On any view, and using even basic mathematics, transitional funding of only \$4.7 million is inadequate. That loss of funding will be a permanent cut to base funding. The justification that Minister Nelson trots out, and the honourable member for Baulkham Hills tried to tangle with, is that the assessment is based upon a fairly unwelcome return to a weighted formula for courses. That formula was abandoned more than a decade ago.

What makes the funding allocations even more absurd is that although the University of Western Sydney will lose \$14 million, the University of Sydney will get \$35.3 million and Macquarie University will get \$13.6 million. It is not possible under Brendan Nelson's scheme to find a university that is as badly treated as the University of Western Sydney. It is fundamentally inequitable and unfair to punish people because they live in Western Sydney, and that is precisely what Minister Nelson is doing.

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) [4.15 p.m.], in reply: The recommendations of the Senate committee pose a significant number of considerations for Brendan Nelson. This morning I was heartened to read that 24 of the 40 recommendations are being considered in some way or another. So far there has been no mention of increased HECS fees or a change to the University of Western Sydney [UWS] funding. Although Brendan Nelson regards as relevant some of the recommendations that were considered irrelevant by the Opposition, those that relate specifically to UWS have not rated a mention. As a number of speakers in the debate have reported, between 2005 and 2007 funding for UWS will be cut by \$14 million. At the same time Charles Sturt University will receive an extra \$14 million and the University of Sydney will receive more than \$35 million in additional funding.

I implore Brendan Nelson to rethink his proposals as they relate to the University of Western Sydney, and I am not alone. Each one of the 21 vice-chancellors who attended the Senate committee hearing supported changes to the legislation; not one supported the legislation. Only half a dozen of the 500 submissions received by the Senate committee supported the legislation. We are asking for a fair deal for university education in Western Sydney and for those who attend the University of Western Sydney. We ask Brendan Nelson which campus in Western Sydney he will close down. Will it be the campus at Hawkesbury?

[Interruption]

No! So members opposite are saying that it will be in Campbelltown. Is that what we are saying? We are saying that we will rip the guts out of Campbelltown. That is what members opposite are saying.

Mr Wayne Merton: Point of order: The Minister has posed the question and then she proposes to answer the question she has posed, which is fundamentally flawed.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is no point of order.

Ms DIANE BEAMER: In the extraordinary speech that was given earlier, first we were told that there will be no funding cuts to the University of Western Sydney [UWS] and, second, we were given the justification of funding cuts. I am not sure that members opposite understand that there will be funding cuts to UWS, and that they are not justified. The submissions showed they were not justified. I support tertiary education for Western Sydney, which is 2 per cent behind in university places.

Madam ACTING-SPEAKER (Ms Marianne Saliba): Order! There is too much interjection.

Mrs Jillian Skinner: Do you support schools in Western Sydney?

Ms DIANE BEAMER: Of course I do. That is a farcical and stupid question. Half of the undergraduates at the UWS are the first in their families to attend a university, yet members opposite want to cut that option out. They want to cut out from the UWS the funding that will allow those students to be the first ever in their families to attend a university, unlike the rest of Sydney, which has nearly twice as many university graduates. Unlike those areas, Western Sydney is struggling to keep its head above water. Attempts have been made to justify the cuts by claiming that the UWS is not running courses which attract greater amounts of funding; it is running courses that are cheaper, and therefore the funding should be reduced. What a lot of hogwash! The University of Western Sydney is a community resource that is used by the whole of Western Sydney. I implore the honourable member for Baulkham Hills and the honourable member for Hawkesbury, who represent electorates in Western Sydney, to tell the Federal member for Lindsay, Jackie Kelly, to stop bagging the UWS. They should support their local university.

Question—That the words stand—put.

The House divided.

Ayes, 48

Ms Allan	Ms Hay	Mr Pearce
Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Ms Judge	Mr Sartor
Mr Black	Ms Keneally	Mr Scully
Mr Brown	Mr Knowles	Mr Shearan
Ms Burney	Mr Lynch	Mr Stewart
Miss Burton	Mr McBride	Mr Tripodi
Mr Campbell	Mr McLeay	Mr West
Mr Collier	Ms Megarrity	Mr Whan
Mr Corrigan	Mr Mills	Mr Yeadon
Mr Crittenden	Mr Morris	
Mr Debus	Mr Newell	
Mr Gaudry	Ms Nori	<i>Tellers,</i>
Mr Gibson	Mr Orkopoulos	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Martin

Noes, 36

Mr Aplin	Mr Humpherson	Mrs Skinner
Mr Armstrong	Mr Kerr	Mr Slack-Smith
Mr Barr	Mr McGrane	Mr Souris
Ms Berejiklian	Mr Merton	Mr Stoner
Mr Cansdell	Ms Moore	Mr Tink
Mr Constance	Mr Oakeshott	Mr Torbay
Mr Debnam	Mr O'Farrell	Mr J. H. Turner
Mr Draper	Mr Page	Mr R. W. Turner
Mrs Hancock	Mr Piccoli	
Mr Hartcher	Mr Pringle	<i>Tellers,</i>
Mr Hazzard	Mr Richardson	Mr George
Ms Hodgkinson	Mr Roberts	Mr Maguire
Mrs Hopwood	Ms Seaton	

Pairs

Ms Gadiel
Ms Meagher

Mr Brogden
Mr Fraser

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

FAMILIES FIRST PROGRAM**Matter of Public Importance**

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [4.31 p.m.]: I draw the attention of the House to the importance of programs that support families and improve outcomes for children in New South Wales. It is well recognised that what happens in a child's early years sets the stage for later life. The first three years are particularly critical in a child's neurological, emotional and physical development. To be healthy and well adjusted, children need love, kindness and good relationships, which add together to build confidence, self-esteem, feelings of security, and develop the capacity to learn and encourage problem solving. Good parenting is the key to providing all of that to our children. Parenting is one of the most rewarding jobs, but those of us who have children know that it can also be one of the toughest.

Parents may feel isolated, unable to cope or lack confidence in parenting, especially if they have just had their first baby or are trying to manage without support from friends or family networks—a difficult situation indeed. Sometimes parents need support, information and advice to help them create the conditions under which they find it easier to raise and develop their children. Those conditions include knowledge of child development, techniques in self-esteem, improved ability to cope with stress, support of extended family and social networks outside the family, good health and adequate income and housing. Parenting is also one of the most widespread jobs, with about 87,000 babies born every year in New South Wales—or, as members could calculate, about one baby every six minutes.

For those reasons, it is important to provide early support in assisting parents to give their children the best possible start in life. Children are the future of New South Wales. In my electorate, major support is provided by the Government's early intervention and protection strategy, Families First. Families First is a \$117 million whole-of-government initiative which works in partnership with non-government organisations to help families give their children the best possible start in life. Families First helps parents build skills and confidence in parenting, improves children's health and wellbeing, supports parents so they can respond to problems early and encourages communities to support families and parenting.

Families First provides formal and informal family support networks and services in local communities that support families with children from birth to eight years of age. The services include a home visiting service to new parents, community playgroups, schools as community centres, and family workers. I am proud to say that the New South Wales Government was the first government in Australia to adopt such an integrated, early-intervention approach to support children's early development. That was done to address the increasing number of families in contact with the child protection system and the concentration of families with high needs living in some communities. It was based on international research showing that every dollar spent on supporting children and young families could save many more dollars in policing, health and welfare in later years.

This year marks the fifth anniversary of Families First in New South Wales and the completion of the statewide roll-out of the Families First strategy. By the end of the year, services will operate in every region across New South Wales, one year ahead of schedule. Five years on, achievements for parents and children in the communities include a total of more than 220 new services having received funding to give parents the help they need, with more to come next year; home visiting by nurses being provided to 30,000 babies annually, with nurses set to visit the 87,000 babies born each year in New South Wales by the end of next year; and families linking with other families, including with volunteer parents for support. The volunteers will share their experiences of parenting. More than 450 trained volunteers now visit more than 600 families, and there are 26 new volunteer home visiting services.

Achievements also include the 76 supported playgroups, which reach more than 900 children and parents, that have been set up in local communities. Playgroups give parents the chance to build parenting skills, access specialist services and information and improve child development. Currently 62 new family workers visit more than 240 families in their homes to offer support to parents to develop social and parenting skills and link families to services and group activities for families and children. More than 20 schools have been established as community centres. They are based in primary schools and provide a range of programs such as playgroups, parenting skills courses, transport and breakfast clubs, with an estimated 68,000 families benefiting every year. In addition, families living on many public housing estates can more easily access services and the specialist services for pregnant women have been extended.

The Families First program was pioneered in 1999-2000 in the far North Coast, mid North Coast and south-west Sydney areas. In 2000-01 the initiative was extended to the Hunter, inner Western Sydney and Orana Far West, with the Southern Highlands, Nepean, New England, Central West and the Central Coast areas included in the roll-out last year. I have seen the value that those important services give to families in my electorate of Campbelltown. In July, the honourable member for Camden and I visited some of the organisations that were provided with more than \$3.8 million through Families First for home visiting programs and family workers in Western Sydney. We announced a further \$766,000 to be provided next year for family-focused services in Campbelltown and Macarthur to allow them to continue their good work.

When we visited those services, it was clear that they have made a real difference and have had a positive impact on families in the area. Local organisations that help families with babies and young children include the Benevolent Society, which provides trained volunteers, and the Campbelltown Family Support Service, which runs the SCOPE Family Worker Program and provides four trained family workers. Those workers support families with young children both individually and in groups. The family workers visit families in their homes and work with parents to develop parenting skills. The services have group activities such as playgroups and children's and women's programs. Both those programs have operated successfully for three years in Campbelltown, Camden and Wollondilly, that is, across Macarthur.

Another valuable service in my area is a playgroup with a difference called Paint and Play. It operates on a footpath, in parks or in open spaces on housing estates in Claymore and neighbouring Macquarie Fields. Paint and Play comes to families. It goes close to their homes in places that are safe and familiar. Workers set up toys, paint equipment, music and story time, and they lay out a healthy morning tea. Community nurses, teachers, child-care workers and housing staff all join in, talk to parents and play with the kids. The program, which links parents and provides them with practical support and friendship, is aimed at families with children from birth to five years of age who live on housing estates and who would not normally visit services or take part in playgroups. The program focuses on small areas such as a street or a housing estate, it has enabled the building of relationships in the neighbourhood and it works with members of the community in caring for the children.

The program has also encouraged families into more formal support services such as playgroups and parenting centres. The low-cost, low-maintenance project does not require a lot of time or planning and the benefits are significant for families who are most in need and least likely to attend other services. Another important program in my area is the Airds Bradbury Community Centre, which received one-off funding last financial year for its promoting effective parenting through a play sessions program. That supported playgroup works with families to help new mothers link with local services and meet for mutual support. Many other small but equally valuable projects are operating in the area. The Claymore book project received \$25,000 last year to help parents provide books for their children and encourage literacy and reading.

An amount of \$70,000 was allocated to the Macarthur Communities for Kids Project, which targets vulnerable families in housing estates. The Benevolent Society will receive \$527,000 in recurrent funding for the First Five Years Program, formerly the Macarthur Homestart Program—a volunteer home-visiting project. UnitingCare, Burnside, received one-off funding of \$70,000 for the Shared Action for Children Centre. Other projects include funding for health, schools, the St Vincent de Paul Society, the Northcott Society and the Claymore Neighbourhood Centre. Families First is presently being evaluated by government agencies, the University of New South Wales and the Australian Bureau of Statistics to measure how effective it is. The first review in south-west Sydney has shown significant achievements. It found that Families First resulted in more support being available for families.

The take-up rate for home visiting by nurses was 97 per cent and 60 per cent of families using the volunteer home visiting service were pleased with that service. Families First has strengthened services for

families, resulted in a better focus on intervention and prevention, and garnered widespread support with its aims being seen as sensible. None of those things could have been achieved without the hard work of many people in that field. I pay tribute to their work. The Government's approach to Families First is working on the ground in my electorate. The reward for the community is a strengthening of our service system and our communities to better support parents and children.

Mr BRAD HAZZARD (Wakehurst) [4.41 p.m.]: Most honourable members would be aware of the importance of government intervention for those families who need support. I am sure that the comments that were made earlier by the honourable member for Campbelltown, who spoke sincerely in debate on this issue, could be echoed by many honourable members. For the past three years Opposition members have expressed concern about this Government's mismanagement of the Department of Community Services [DOCS]. Every year for the past three years we have received a report from the Child Death Review Team—the latest report was issued the week before last—which shows that every year between 70 and 80 children die in circumstances that warrant investigation by the Child Death Review Team. A substantial number of those children are known to the Department of Community Services, which raises an important issue that must be considered.

The services provided by this Government are completely and utterly inadequate. Children are continuing to die at the same rate—if not at a greater rate—than they have in the past. In addition to that increase in the number of child deaths, more and more children are being taken from their families and put into foster care. The Families First program that this Government purports to have introduced is not doing the job that it should be doing. Today we heard the honourable member for Campbelltown deliver a speech that was prepared by a bureaucrat in the Minister's office. Opposition members are not suggesting for one moment that there is no need for a Families First type program but we want an effective program that will deliver real differences for families heading towards trouble and who are currently in trouble.

A program such as that should be implemented before a family reaches crisis stage. When a family is in crisis greater support mechanisms should be put in place. I listened with great interest to all the wonderful statistics referred to earlier by the honourable member Campbelltown. I do not know whether the honourable member is aware that in many cases the Families First program was implemented on a party political basis in successive electorates across this State; it certainly was not implemented on a needs basis. The honourable member referred earlier to the introduction last year of the Families First program on the Central Coast, as though that was something about which we should be excited. Many children have died on the Central Coast as a result of the failure of the Department of Community Services to provide families with adequate support.

The Families First program was introduced in that area three years after the death of Jessica Gallacher. She died in horrific circumstances to which I have referred before in this House and to which I do not intend to refer again today. There was no immediate response by this Government to that problem and, when it did respond, we saw a begging bowl type response to a huge problem right across this State. The Government's performance has not improved. Prior to debating this matter of public importance I spoke to officers from the Department of Community Services who informed me that this Government has failed miserably to allocate the level of resources that are necessary to provide support for those families. I have been told that Families First can work well but that it does not work well very often because it does not have the resources or the staff that are necessary to deliver services that are needed across the State.

Earlier we were given a limited description of people in the community who are doing this work. I thank the honourable member for Campbelltown for placing those statistics on the record. Let us compare the number of officers who are allegedly doing the job with the 130,000 requests to the Department of Community Services Helpline. This Government's budgetary allocation for family support services is just a drop in the ocean. We are witnessing a begging bowl mentality. People have to go begging to this Government to obtain support services that are necessary for families. Families are still not able to access all the services that they need in the areas in which the Families First program has been implemented. Preventive models work well and parenting classes, toddler training, budgeting classes and mothers' groups all contribute to a safer and more protected environment. However, very few families who are experiencing problems are able to access those services.

The Government will keep quiet the fact that level one, two and three responses are required by the Department of Community Services to a child at risk of harm. Everything that I have said in this House in the 2½ to 3 years that I have been shadow Minister has turned out to be true, despite the protestations of the former Minister, the Hon. Faye Lo Po' and the current Minister, the Hon. Carmel Tebbutt. Department of Community Services officers are currently addressing between 50 and 75 per cent of all level one cases—cases of

exceptionally high risk—in this State. Between 25 to 50 per cent of all reports of level one child abuse that are received through the Helpline are not being properly responded to or investigated. Reports of level two child abuse require a response over a number of days and level three reports are sent off for referral.

In most DOCS offices across the State all those level two and level three reports are not receiving any response. It is in those areas that we would expect to see Families First working exceptionally well, but it is not working well because it is not available. Only a small number of families have access to this service—something that I am sure does not surprise anybody. Helpline, the centralised service that was initiated just over two years ago, was a source great controversy in this House. The Premier and the former Minister, Faye Lo Po', said that it was working and that Opposition members were raising issues that just were not true. They said that the Helpline was a great success and that it was a wonderful initiative of the Labor Government, which has been proved to be rubbish.

Now, all these years later, literally thousands of reports to the Helpline receive no response and thousands of calls do not get through. I am also reliably informed that thousands of faxes are lying unanswered on desks at the Helpline office. When the department was in deep trouble a couple of years ago it told callers, "Okay, you don't have to sit on the line for two, three, four, five or six hours trying to get through, you can send a fax." Is the department getting better? No, it is getting worse. Across the community services sector good programs with potential, such as Families First, are being swallowed by the mess. They are disappearing under the weight of this incompetent Government's mismanagement of community services.

A host of other issues are related to Families First. The Helpline has just introduced a new data system—honourable members may know about this. It has converted from the client information system [CIS] to the key information and directory system [KIDS]. DOCS officers who are working hard and doing their best cannot keep their heads above water and make the responses they must make in order to support the families they must support or even to investigate the child abuse cases they must investigate. What has the Government done to those caseworkers? This brilliant Labor Government is responsible for yet another major stuff-up in the DOCS computer system. I was reliably informed today by DOCS officers who are working at the coalface, struggling with the burden of their responsibilities, that the system can take up to an hour to transfer data from the old client information system file to KIDS. This Government's capacity to stuff up child protection in New South Wales is amazing!

This problem translates to Families First and other similar services by lengthening the time it takes to identify which children are at risk and in need of assistance. I was told today that when assessing whether a child is at risk DOCS officers must, in addition to transferring data from CIS to KIDS, convert the information from a number to a name. When they have completed that process they must pull up three separate screens in an attempt to ascertain whether a child is at risk and requires an intervention. My heavens, the honourable member for Campbelltown should tell his Minister to talk about a matter that is really important: the stuffed-up DOCS system.

Mrs BARBARA PERRY (Auburn) [4.51 p.m.]: I draw the attention of the House to the importance of the Families First strategy to the electorate of Auburn. It has long been recognised that what happens in a child's early years plays a crucial role in determining his or her later life. Hence supporting families and encouraging good parenting must assume a place of priority on any responsible government's agenda. Parenting is one of the most rewarding jobs there is but it can also be one of the toughest—and I speak from personal experience! Parents sometimes need support, information and advice in order to fill the gaps and to assist in the areas where they are lacking through no fault of their own. Families First meets this need by offering a carefully developed and robust early intervention and protection strategy. Funded to the tune of \$117 million, this government initiative works in partnership with non-government organisations to help families give their children the best possible start in life.

Families First helps parents build skills and confidence in parenting whilst supporting them so that they can respond to problems early. Just as importantly, it encourages communities to support families and parenting. It provides formal and informal family support networks and services in local communities. These services support families with children aged zero to eight years, such as home-visiting services for new parents, community playgroups, schools as community centres and family workers. The New South Wales Government was the first in Australia to adopt such an integrated, early intervention approach based on sound reasoning—international research indicates that every dollar spent supporting children and young families could save \$7 in later years in policing, health and welfare—and to address the problems of the increasing number of families coming into contact with the child protection system and the concentration in some communities of families with high needs.

This year marks the fifth anniversary of the implementation of Families First in New South Wales and the completion of the statewide roll out of the Families First strategy. By the end of the year services will be operating in every region across New South Wales—one year ahead of schedule. More than 220 new services have now received funds to give parents the help they need. I have seen the value of these important services to families in my electorate of Auburn. In Auburn Families First initiatives began in 2002, with \$840,000 spent on doing the groundwork—that is, integrating early intervention and prevention strategies into existing services and establishing new Families First services. This strategy of working with local services and the community in a cooperative manner has proven to be the key factor in making Families First a success throughout the State.

I am pleased to inform the House that \$2.3 million of new funding for the 2003-04 year has just been allocated to the broader area comprising my electorate to provide the next stage of Families First services and to support parents and carers of young children over the next three years. Among the valuable services it funds is the Auburn Migrant Resource Centre, which receives annual funding of \$60,000 for the provision of early intervention and prevention strategies for newly arrived refugee families with temporary protection visas, most of whom are from Africa. The adults all have children aged zero to eight years in their care, as well as grandparents, aunts and uncles in some cases. This service links these families to mainstream services in the community and aims to support and meet their unique and varying needs. An annual sum of \$70,000 will be made available over three years for a community development project that targets families living in new housing areas in Auburn. Families in these areas will benefit from parent support programs and programs to support the development of young children. Playgroups will be an integral part of the service. These are isolated families, who will be supported by parenting programs and through the establishment of a strong social network.

Some \$107,000 a year will be allocated over three years for a schools as community centres project at Auburn North Primary School. This project will offer expanded use of school facilities to prepare children for school and will run five days a week. I am particularly pleased by this development as Auburn North is home to children from a wide range of cultural backgrounds—33, in fact—a good number of who would benefit greatly from such a provision. I have spoken before in the House about the good work of the school in promoting harmony and appreciation between the pupils and I have commended the principal, Mark Harris. Mr Harris and his staff work both compassionately and tirelessly for the welfare of their students, and their excellent work will no doubt be greatly complemented by the centre. I understand that the groundwork is presently being laid by way of networking the services in the area, recruiting for a facilitator and beginning the process of forming a management committee.

I also commend the Western Sydney Area Health Service for continuing to develop innovative models of perinatal care through the universal home visiting strategy. This service will assist in identifying those families who would benefit from sustained home visiting. It is great to see the partnership approaches that have been adopted by services in this area in delivering these programs. Helping families give their children a good start in life is one of the best things that we can do for them. The reward for government is seeing the strengthening of our service system and our communities to support parents and children better. A greater cause I cannot imagine.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [4.56 p.m.], in reply: I thank honourable members for their contributions to this debate. I was pleased to hear the honourable member for Wakehurst acknowledge that Families First works and deserves our support. He has spoken to caseworkers and, as a consequence, recognises that Families First—which is a preventative initiative that works with families—is worth pursuing. Families First is about prevention, breaking undesirable long-term cycles and supporting parents. In its final roll out Families First will support all first-time parents and all 87,000 babies who are born in this State every year.

Families First is about teaching people the skills they need to be effective parents. Babies do not come with a manual. Parenting is a difficult job. Many parents have social support networks, comprising friends and relatives, upon which they can rely. We can talk to our friends and family, get our troubles off our chest and experiment with the methods they used. However, some people do not have a support network. They may be isolated from their families, perhaps as a consequence of family breakdown. Families First offers parents a way to learn from the experience of others—such as nurses, volunteer home workers or the many family workers who are part of the service—and to gain new skills.

Honourable members will be aware that there is no easy way to determine whether a family is at risk. However, by implementing preventative programs such as Families First and by working with communities and families, we will hopefully stop many families from getting into a situation of risk in the first place. We have no

doubt that the honourable member for Wakehurst has a genuine and sincere interest in this issue. However, I was interested to hear him talk about the support the Coalition would have given to caseworkers. I can imagine how he felt when he got the phone call two days before the election that said "Brad, mate, we've overspent on election commitments. We have a bit of a problem. We are going to make a few cuts to your shadow portfolio."

Mr Barry O'Farrell: Point of order: I will not take the usual point of order that the honourable member is not telling the truth, but I will say that when summing up a matter of public importance one is not meant to introduce new information no matter how untrue it is.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! That is an interesting debating point, but it is not a point of order.

Mr GRAHAM WEST: The honourable member for Wakehurst was expecting a small cut. I wonder how he felt when, 48 hours before the election, he was told that the Coalition was not going to equal the Government's commitment but was going to cut it by \$750 million? What could \$750 million have done? Under the Coalition's proposal, 650 Department of Community Services front-line caseworkers could be cut.

Mr Brad Hazzard: Point of order: The honourable member for Campbelltown would have been more sensible to stick to the script. In his reply the honourable member should not be fabricating stories but should be responding to the issues raised. He knows that the Coalition called for a royal commission and was looking to have that inquiry after the election. We said that we would then find out what needed to be done, which is exactly what Morrie O'Sullivan said in the inquiry before this House. The Coalition never withdrew anything. That is the Premier's rubbish, lies and fabrication.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! That is another eloquent debating point, but it is not a point of order.

Mr GRAHAM WEST: If the Coalition had been elected to government it would have cut \$150 million in additional funding for early intervention, \$18.3 million for joint investigation response teams and police and community workers, \$450 million in additional funding for services to support foster children and foster carers, and \$20 million for new legal and psychological staff to support front-line caseworkers. Thankfully people saw sense and returned the Labor Government, which has put more than \$1 billion into the Department of Community Services, delivering many front-line caseworkers. It has strengthened programs such as Families First and will continue to work with communities, families at risk and all families. If honourable members want empirical data on whether Families First is working they can refer to the reviews by the University of New South Wales, the Australian Bureau of Statistics and other government agencies, which say that it is making a difference, it is working and it is valued by people who access the service.

Discussion concluded.

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (ETHICS COMMITTEE) BILL

Second Reading

Debate resumed from 31 October.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.02 p.m.]: I lead for the Opposition on the Independent Commission Against Corruption Amendment (Ethics Committee) Bill. The Opposition will be opposing the bill and the amendments contained therein. We regard this as yet another retreat from public accountability by the Carr Government, which we see on a daily basis in the handling of freedom of information legislation, in relation to the privacy commission, with the abolition of the Commission of Community Services and with the abolition of the prisons Inspector General. The Government is not prepared to have its dealings both in government and with the public exposed to public accountability and transparency, and to the light of day. At some stage one has to draw a line.

The Independent Commission Against Corruption Amendment (Ethics Committee) Bill seeks to establish an ethics and privileges committee for this Parliament. Nothing in the report of the ethics committee of June 2002 proposed such a change. I am speaking specifically in relation to the proposals to transform the Standing Committee on Ethics into a Standing Committee on Parliamentary Privilege and Ethics. The

Government and the honourable member for Campbelltown, the Parliamentary Secretary, who delivered the second reading speech, have not explained to either the House or the public what arguments were advanced to change the status of the committee. It is important for us to know the motivation behind the bill. When one reads the draft resolution establishing a Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics one discovers that it seeks to limit members in this place in respect of privilege. Paragraph (iii) 9 (c) of the draft resolution, as tabled by the Parliamentary Secretary, states:

(c) While a matter is being considered by the Speaker—

in the existing standing order when a member raises a matter of privilege the Speaker considers it—

a Member must not take any action or refer to the matter in the House.

This proposal would impose a restriction upon the rights of members that has not existed in this place for the past 147 years. It is a difference in the way that we handle matters of privilege, and it again goes to my view that the Government is not prepared to subject itself to accountability and transparency. Currently if I raise a matter of privilege in the House and it is being considered by the Speaker I may make reference to it and make a statement about it in the House if I think it is of some note, notwithstanding the fact that the Speaker is considering it. I might take other action in relation to the matter. The provision in this resolution specifically prevents me from doing that. I say to the Independent members in this place—who, I hope, are listening to proceedings for a change—that it runs contrary to the proposals advanced by the Independents, including the honourable member for Bligh, during the hung Parliament in New South Wales.

This bill is an attempt to wind back the rights of members of this House. The Independents should oppose this bill on that basis alone. I am curious that in expounding the privileges side of this proposed committee the Parliamentary Secretary noted that the committee would have all the functions of a privileges committee. Indeed, it would mirror the activities of the Legislative Council committee with one exception—that is, the citizen's right of reply. A citizen's right of reply obtained bipartisan support in this House. If a privileges committee is going to be finally established, I do not understand why we would not give it responsibility for a citizen's right of reply. It defies logic to me, and I suspect to the Independents. Currently that responsibility rests with the Standing Orders and Procedure Committee. The Standing Orders and Procedure Committee is essentially the rules committee of this place, not the rules committee of the Australian Labor Party, which has a far wider purview in the operations of the party of the Acting-Speaker and members opposite. Essentially, the committee is a body which is controlled by the government of the day and which sets the standing orders.

Through this bill the Government is seeking to establish what it says is a privileges and ethics committee and to give it responsibilities in relation to privileges—responsibilities that I argue diminish the rights of members of this place, as I outlined a moment ago. However, the Government is not prepared to give the privileges committee responsibility for a significant issue: the citizen's right of reply. That fits very nicely with the next proposal in this bill—that is, to remove the community representatives from the committee, save for those occasions when the code of conduct is going to be reviewed.

By way of background, when the Independent Commission Against Corruption Act was amended to provide for a code of conduct for members of Parliament—which was long overdue, notwithstanding having been established in 1988—it was clearly not understood by members of the then Parliament, given activities currently at the Independent Commission Against Corruption. That is clear from the report of the standing committee dated June 2002, wherein one of the claims made in support of the code of conduct was that it was reissued in the member's handbook after the 1999 election campaign so that members and their staff could be clearer about what the code did and what it said could not be done.

A former member of this House is at present before the Independent Commission Against Corruption in relation to breaches of the code of conduct. That member said in evidence that he was not aware of that code being re-issued. It pains me that something that the ethics committee said was a positive appears, in the test of the ICAC hearing, not to have been a positive at all, because at least one former member of this House claimed he was unaware of the provisions of the code.

To establish the code of conduct and the legislation for the code of conduct the Act was amended to provide that three community members serve on the Legislative Assembly's ethics committee dealing with these matters. In amending the ICAC legislation a clear distinction was drawn between how the upper House would review its code and how the lower House would review its code. As a member of the lower House and someone who has concerns about the upper House—concerns that go to the heart of how those members assess the

everyday needs, concerns and issues of members of the general public—I think the Parliament at that time made the right call. It said to members of the lower House—the people's House, as it is often referred to—that: On your ethics committee there shall be members of the wider community who shall participate with you in the review of this code of conduct.

The argument advanced by the ethics committee in its report delivered last year is that that proposal is cumbersome and administratively burdensome; that it is unnecessary for members of the community to be involved in other than regular reviews of the code of conduct. I acknowledge that the legislation before the House seeks to extend the period of those reviews from two years to four years. I have no concern with the extension of that period. I am concerned about the removal of the community representatives from the committee, because the original intent was to provide this House, the lower House, the people's House, with an opportunity for public input. Interestingly, if one looks at the legislation and at the proposal of the committee, one finds a difference in language. The explanatory note to the bill states:

Schedule 1 [4] enables the committee designated by the Legislative Assembly to appoint any member of the public for the purpose of assisting the committee to carry out any of its functions in relation to the Legislative Assembly's code of conduct, including the review of the code of conduct.

I know that the chair of the committee is to speak next in this debate. I thought it was the desire and suggestion of the committee, as expressed in its June 2002 report, that community members should join the committee only when it was reviewing the code of conduct. Yet the language of the bill is that the public members assist the committee to carry out "any... functions in relation to the Legislative Assembly's code of conduct, including the review of the code of conduct." That role is broader than that proposed by the parliamentary committee, which was that community members come on board only to review the code of conduct.

I do not intend to detain the House. We are concerned about the Government and accountability and transparency in relation its operations. We are concerned that what masquerades as a privilege and ethics committee amendment bill is in effect an attempt to wind back the rights of members of this House to pursue any matters of parliamentary privilege that are of concern to them. We are concerned about the removal of community members from the committee, because at the time codes of conduct for members of Parliament were being discussed the clear differentiation was made between how the upper House would operate and how the lower House would operate. For those reasons, we intend to oppose the bill. I say again to the Parliamentary Secretary that I would appreciate his telling the House what was the motivation for the specific change of privileges, because that was not the subject of the ethics committee's report, it is not mentioned in any of the ethics committee's recommendations, and so far it remains unexplained during this debate.

Mr JOHN TURNER (Myall Lakes) [5.14 p.m.]: I wish to speak only briefly on this bill and support the comments made by my colleague the Deputy Leader of the Opposition. I served on the original ethics committee, at the time it considered the draft code of conduct. I had the privilege of serving under chairman Mr Nagle. This issue was the subject of significant debate over a long period of time. During that period committee members travelled extensively to find out what was appropriate in other jurisdictions, to give us an idea of what was happening in those jurisdictions. That was a quite interesting experience.

I recall that we met with Lord Nolan following the questions for cash matter that occurred in England. Lord Nolan, a very knowledgeable man, gave us the benefit of his wisdom. I was able to form some very constructive views in relation to the direction that I thought the code of conduct should go. Examples of misconduct were discussed when we were in Wisconsin. I will make reference to some of those discussions to highlight the absurdity of extremes to which we can take some of these codes. I am not saying we should not have a code. However, in one instance it was 109 degrees when we went to a meeting with the ethics commissioner and persons who were lobbying the Wisconsin Congress. One of the lobbyists was a former government undersecretary.

On arrival at the meeting we were offered refreshments—coffee, soft drink or water. From memory, I accepted a soft drink. I noted the commissioner and the chief executive officer of the ethics commission did not accept any refreshments. After the meeting I asked why they would not have a drink. They said it would be unethical to accept even a drink of water. I hope we never have that sort of absurdity in this State. Obviously, the commissioner and lobbyists were good friends; they appeared to know each other well. I asked what would happen if one of the lobbyists wished to go to the premises of one of the members of the State Congress for a barbeque. I was told that not only would they have to take their own meat, drink and tomato sauce but they would also have to take their own gas bottle to barbeque their food. Thankfully, we do not have that situation in New South Wales.

In particular, we had a great discussion about the appointment of community representatives to the original ethics committee. Appointing lay people to a committee was a controversial issue. There is no question about that. I believe it was the only time that had happened. The proposal was supported by committee members from both sides of politics. There may have been some dissent from Mr Stephen Mutch, but I will not go into that in case my recollections in that regard are not entirely accurate. The committee initially advertised for lay persons to be appointed, and 49 expressions of interest were received. We met with applicants after their number had been reduced to about seven. Yes, we were still concerned about the role that appointed lay people might play.

We resolved to appoint three lay persons. They were Mrs Leonie Tye, Mr Stan Hedges and Mr Kim Wilson. Mr Wilson was a former judge of the Supreme Court and National Court of Papua New Guinea, and he was at the time a member of the National Native Title Tribunal, the Immigration Review Tribunal and a consultant to the Seven Network. So he had fairly wide-ranging interests. Mrs Tye had been in business for 25 years and was the mother of three. She had been involved in a number of community organisations and said she represented middle Australia. Mr Hedges had been an Auburn councillor from 1958 to 1995, when he retired. His service included 16 years as mayor. He was a former member of the Local Government Appeals Tribunal and for a time President of the New South Wales Harness Racing Club and also a member of the Sydney Community Council.

A wide range of community interests were portrayed by those three people, probably as wide as one could possibly get. It was a hedge against the insulation of members of Parliament, and it also sent a message to the community that we were reaching out to bring a balance to the ethical arguments that we in this insulated community perhaps saw in a different light. Likewise, the Law Society changed its tune and appointed lay people to its complaints committee. This has been a step forward.

Pursuant to sessional orders business interrupted.

DISTINGUISHED VISITORS

Mr DEPUTY-SPEAKER: I acknowledge the presence in the gallery of the Hon. Richard Dalla-Riva, a member of the Victorian Legislative Council who represents the East Yarra province and is the Opposition spokesperson for Corrections. I also acknowledge the presence of Mr Noel Maughan, the member for Rodney in the Victorian Legislative Assembly, the Hon. Dianne Hadden, who represents the Ballarat province, and Mr Rob Hudson, a member of the Legislative Assembly for Bentleigh.

PRIVATE MEMBERS' STATEMENTS

HUNTER HOME-START INCORPORATED VOLUNTEERS GRADUATION

Mr JOHN BARTLETT (Port Stephens) [5.20 p.m.]: One of the first functions I performed after being elected to this Parliament in 1999 was to attend the Drug Summit. I was a member of a group that examined the effects of drug and alcohol abuse on children from birth to two years of age and from birth to five years of age. During discussions it was revealed that if, during their formative years, young children are sexually, physically, emotionally or nutritionally abused, the size of their brain can be 15 per cent smaller than that of a child who comes from a normal, nurturing home. Such abuse prevents children from developing synapses and neurones that enable them to develop trusting and loving relationships. As a result of the Drug Summit the Government launched the Families First program, which includes a program called Home-Start. For the past five years or so I have been involved in the Home-Start program in the Hunter region.

People have only one chance to develop the synapses and neurones that enable them to establish trusting and loving relationships. Abused children often cannot connect with parents, peers or teachers, and they can have difficulties with relationships later in life. During stressful periods—such as going to school, starting high school, and finding jobs—they often turn to licit and illicit drugs to help them through. On Friday 7 November I was delighted to attend the Hunter Home-Start Incorporated volunteers graduation. Volunteers from group 6 from Cessnock, group 3 from Maitland-Singleton, group 5 from Raymond Terrace, and group 6-R1 from Westlakes completed the 10-week Home-Start course. The graduands will visit homes and try to implement changes to prevent the abuse of young people in those homes becoming entrenched and causing problems such as those to which I referred. Each area had a wonderful co-ordinator, including Ann Fletcher

from Raymond Terrace, Val Watson from Maitland-Singleton, Maureen Owens from Cessnock, and Kath Booth and Marianne Falkiner from Westlakes. In a very touching acceptance speech Donna, one of the volunteer graduands, said:

My name is Donna and I have just completed the Homestart Volunteers Course. I completed this course with 7 other committed, enthusiastic, courageous and fun loving ladies who are Ann, Donna Y, Barbara, Christine, Naomi, Cassandra and Trish ...

What brought myself to want to be a volunteer with Homestart? The answer to this question comes easy to me, I moved to Raymond Terrace to provide my children with a fresh start, I left my profession as a registered nurse behind along with the husband and tried to start again as a single mum of three. With no family or friends nearby this new life soon became very isolating and I started losing confidence in myself and in my parenting skills. Then I read a pamphlet in my children's school newsletter about Homestart. This pamphlet was not about becoming a volunteer but about having a volunteer visit you in your own home to offer practical support, friendship and to share their wisdom of their parenting experiences. I picked up the phone and within days I was linked up with my Homestart volunteer Katherine (who is here today, as my friend to see me graduate). Katherine gave me back my confidence in being a mother, gave me support and her friendship. A few months later I was back on track and equipped with my past experiences, I decided that I wanted to help others facing difficulties as Katherine had done for me. This is why I became a volunteer.

Some 30 people volunteered for the course and graduated last Friday. What they are trying to do for the young people in their different areas is a credit to them all.

WARRINGAH OVERDEVELOPMENT

Mr BRAD HAZZARD (Wakehurst) [5.25 p.m.]: I express concerns on behalf of the residents of Wakehurst about development throughout Wakehurst and Warringah generally. During the past few years the Carr Government has driven an over-the-top housing strategy that has resulted in intense development throughout Collaroy and Dee Why. The Government is now reaching its tentacles further as it seeks to develop the site of the abandoned Beacon Hill High School. A number of months ago the Government dismissed the elected council. Prior to the council's dismissal a great number of development issues were raised, and the council often bore the brunt of the criticism. But in reality the primary causative factor in development on the northern beaches is the policy of this Labor Government to push more and more development into areas such as Warringah.

We know that the Government has no idea how to deliver necessary infrastructure. There is very little infrastructure on the northern beaches. The transport system is still diabolical, and despite numerous promises the hospitals have not been upgraded. Prior to the election the Government, supported by the honourable member for Manly—the Independent member who is the closest and best buddy of the Government—promised us another hospital. But the reality is that many months after the election there is no new hospital, no money, no better transport, no more police—nothing. My constituents are extremely concerned about the current level of development. However, we have been offered one opportunity with the Government's appointment of an administrator, Mr Dick Persson.

I make no comment about Mr Persson: he is doing the job that he was put there to do. He has certainly liaised with local members and the community, to the best of his ability, to try to gauge the feelings of the community. By now he should have, and probably has, worked out that the community is ropable about the level of development on the northern beaches, in particular in his Warringah council area. Mr Persson has decided to spend a substantial amount of money on a referendum in March next year. Everyone knows that this Government has thrown democracy overboard and that councils throughout the State will have to wait another six months for their elections. But Warringah does not have a council, and it does not look as though we are going to get one for some time. Mr Persson has determined that he will consider whether the local electorate wants a popular mayor and the possible removal of the ward system. I would like an answer to those questions from our community. I would like to see our local constituents empowered to make those sorts of decisions.

I strongly urge the State Government to support the call I am about to make. If \$100,000 is to be spent by Mr Persson on what is, in effect, a mini-election, and if we are going to drag the constituents of the area out of their homes on a Saturday—not to democratically elect a council but, rather, simply to answer a couple of questions—perhaps now is the time to give democracy a go. John Lennon said, "Give peace a chance" and I am saying, "Give democracy in Warringah a go." Some very broad questions that go to the heart of what the people in Warringah want for the area could be asked. Let us set aside politics and what the Government has done to us, and ask the community what they want. What do they want in Dee Why? What do they want in Collaroy? What do they want in Beacon Hill? What do they want in Forestville?

Mr John Turner: They want Brad.

Mr BRAD HAZZARD: I thank the honourable member. Those are some questions that go right to the local issues about what sort of development is acceptable and what level of development is not acceptable. The community in Beacon Hill is rightly outraged that the Government is proposing medium-density development throughout the entire site of the old Beacon Hill school, including the playing fields. It is totally ridiculous for the Government to even contemplate getting rid of those playing fields. On behalf of my constituents, I demand that those playing fields be excised, just as so many other things these days are being excised. I want those playing fields excised from any consideration of development. I also want the Government to support a series of questions asking what the community wants. I want the Government to pay for that. I want the Government to support Mr Persson's proposal.

LURNEA PUBLIC SCHOOL AIRCONDITIONING

Mr PAUL LYNCH (Liverpool) [5.30 p.m.]: I advise the House of issues surrounding Lurnea Public School. In essence, the problem that currently confronts the school is that although substantial funds have been raised by members of the school community to provide airconditioning in the school, a dispute between Integral Energy and the Department of Education and Training has prevented them from doing so. In essence, no-one seems to be happy to take responsibility for resolving the problem. On 4 November I met with representatives of the school community—Tina Harris, president of the school council, Karen McCarren, president of the parents and citizens association, and Neville Pringle, a school council member and vice-president of the parents and citizens association.

Lurnea Public School was built in about the 1960s. It is located, obviously, in Sydney's south-west. Its classrooms do not have airconditioning. Members of the school community determined to do something about that, and accordingly they have been fundraising for about five years. That involved all the usual fundraising stratagems, and also involved obtaining support from the Mounties club at Mount Pritchard. I know the Lurnea community very well, and for them to raise the sum of \$25,000 would have required a great deal of hard work and a significant commitment by the school community. However, there have been difficulties with the actual installation of the airconditioning units. The school's electrical system could not cope, and its power board was replaced earlier this year with a State government grant. I remember thinking that would resolve all the problems with the school's electrical work. However, it certainly did not resolve the issue of the installation of airconditioning units.

It now emerges that further work needs to be done to allow enough electricity into the school for the airconditioning units to be installed and to operate. Something called a kiosk needs to be installed, and departmental properties officers have advised the school that it will cost somewhere between \$50,000 and \$120,000. It is not only the precise cost of the kiosk that is indeterminate, but also the responsibility for funding it. The school has been trying to resolve this issue but it is getting nowhere. The department says it is an Integral Energy problem. Integral Energy does not seem to want to know. The school community speculates that because Integral Energy recently lost the contract to supply electricity to Department of Education and Training schools, it has no interest in resolving this problem. I have no idea whether that is correct. If it were true, of course it would be quite serious.

There are some broader considerations. It is appalling that such an impressive fundraising effort could result in this situation. The community rallied together and the school community did all the work that was necessary to raise a substantial sum of money. As a consequence, donors and contributors of funds will feel let down if their money cannot be used for the purpose for which it was donated—that is, to provide airconditioning for the school. It would bode ill for future fundraising efforts and would be the worst thing that could happen to those who tried to resolve the problem. The lack of airconditioning will also emphasise the difference between this school and newer nearby schools that have been designed differently and do not react in the same way to high temperatures.

I am also led to believe that the problem is not restricted to Lurnea Public School. I understand that seven other schools in the district require a kiosk, although I believe the Lurnea Public School is the only school in the district with available funds to be used to provide airconditioning. If there are eight such schools in one district, how many schools in other districts are similarly affected? I ask both the Minister for Education and Training and the Minister for Energy and Utilities to have some sensible discussions to resolve this problem and achieve a sensible outcome. At the moment the situation is absurd, and it must be resolved.

COUNTRY WOMEN'S ASSOCIATION COWRA BRANCH EIGHTIETH ANNIVERSARY

Mr RUSSELL TURNER (Orange) [5.35 p.m.]: It gives me much pleasure to inform the House that the Cowra branch of the Country Women's Association of New South Wales [CWA] last Friday celebrated 80 years of service to the Cowra district and 80 years as part of the largest voluntary women's organisation in Australia. My wife, Diane, and I were made most welcome by the President, Josephine Cox, and members of the branch on that very auspicious occasion. The celebration took the form of a morning tea at the association's club rooms, a special church service at St Peter's Presbyterian Church in Cowra, and later a wonderful lunch which was hosted by the Presbyterian women's guild. We had a great day while celebrating 80 years of history of the Cowra branch of the CWA.

The branch was formed on 7 November 1923 with a membership of 26 ladies, but by the end of the first year the membership had grown to 120. Meetings initially were held above the Collins shoe store in Kendall Street until 1925, when the management of the largest department store in Cowra, Reid Smith's, allowed their store to become the meeting place. A rest room was provided within the Cowra District Hospital complex in the late 1920s. The branch purchased its own land in Macquarie Street on 13 August 1929 from Matron Buswell for the staggering amount of £335. At the time Matron Buswell ran a maternity hospital which was adjacent to the branch's land. In 1930 tenders were called for the building of rest rooms on that land, and the first rest rooms for the branch were built at a cost of £1,505. Since that time the branch has been meeting in a purpose-built home in Macquarie Street to provide fellowship and voluntary services to members of the association.

I make special mention of one of the members who attended the celebration on Friday—Mrs Elvine Elliott Horsfall, who is a founding member of the branch. As the local member of Parliament I have been able to get to know Elvine, who still lives at Billimari, out of Cowra, and still drives herself into Cowra at the ripe old age of 89. She was a junior member at the time she joined the CWA—at nine years of age. She is still contributing to and enjoying the branch very much. It is worthy of note also that on the day before she attended the meeting she filled her car with petrol at the service station but unfortunately the pump did not switch off. She suffered some rather serious petrol scalds, but that did not prevent her from attending this wonderful celebration.

The CWA provides tremendous fellowship for its members. Its supporting schemes include medical research funds, scholarships, emergency funding during floods and fires, et cetera. The national association contributes to international projects and has built and run units for the aged. Its residential club at Potts Point provides good, reasonably priced accommodation for members who need to come to Sydney for medical or other reasons. The association contributes to the Royal Flying Doctor Service and has hospital visiting committees. Those services have been provided for 80 years. The CWA has a strong lobby group, and it is proud of the strength of that lobby group in ensuring that governments provide services to country people. The association's branches welcome newcomers to various towns and extend a hand of friendship by inviting them to join the local CWA. The local VIEW Club holds evening meetings at the Cowra CWA hall. I congratulate the Country Women's Association on its 80 years of service.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.40 p.m.]: I thank the honourable member for Orange for drawing attention to the wonderful work done by the women in his electorate in supporting their local community. Perhaps we could join together more effectively to ensure that the level of volunteerism to which he referred, particularly in regional New South Wales, is better acknowledged through the Australia Day awards. Much to my chagrin, it is the women in rural and regional New South Wales who form the backbone of the volunteer community. We have just heard a litany—and I use that word in a positive sense—of magnificent contributions by women and women's organisations.

The Country Women's Association [CWA] is not the only organisation to do such good work. Yet women make up fewer than one-third of all nominations for the Australia Day awards. Naturally, they cannot be strongly represented in the outcome. It is time we acknowledged that to be worthy of award one does not have to be from the big end of town. Volunteerism—the kind of work done by those women day in day out, year in year out—is of real value to the community, and that ought to be recognised. The Australia Day awards should recognise achievement at all levels, but more women, particularly those from regional and rural New South Wales, should be acknowledged for their work. I suspect that means we will have to put the acid on the CWA to provide nominations. I know the association will be reluctant to do so, because that is not its style. It is important that country and rural women are recognised for the value of their work. I am pleased to say that I have arranged for a contribution towards the association's conference next year.

OLD TOONGABBIE UNITING CHURCH 125TH ANNIVERSARY**WESTMEAD HOSPITAL TWENTY-FIFTH ANNIVERSARY**

Ms PAM ALLAN (Wentworthville) [5.42 p.m.]: In the past two days I have attended two important anniversaries. First, on Sunday morning I attended the 125th anniversary of the Uniting Church of Old Toongabbie. I congratulate Reverend Young Dae Lee, the current minister of that church, and Jennifer Champion, the editor of the church's wonderful newsletter, on their work in preparing for the celebration. I will give a copy of the newsletter to the Parliamentary Library, because it contains a fabulous history of the Uniting Church in the Old Toongabbie area. A vigorous congregation met last Sunday morning to commemorate the event—and 125 years is a long period of time. In 1798, when the early parishioners got together, Toongabbie was a fairly tough place. On 19 June 1798 three Europeans were killed and three were wounded by a force of the Dharag people led by Pemulwuy, an Aboriginal activist from western Sydney. I note that Holroyd City Council is about to name a new suburb near Greystanes after Pemulwuy. I look forward to his being commemorated in that way.

The second anniversary I attended—the twenty-fifth anniversary of the opening of Westmead Hospital—was held yesterday morning. The hospital was opened on 10 November 1978 by the then Premier, Neville Wran, and the guest of honour was former Prime Minister Gough Whitlam. Yesterday the guest of honour was former Prime Minister Gough Whitlam, who attended a wonderful breakfast attended by more than 600 people. Former chief executives of the hospital, the former and current chairmen of the Westmead Hospital board, the former head of obstetrics, the former head of nursing, and former head doctors were also present. Yesterday Gough Whitlam said:

Men and women of Western Sydney, I am here to celebrate the trifecta of achievement of Western Sydney, which we have been celebrating in recent times.

He was referring to the establishment of the University of Western Sydney and the establishment of Westmead Hospital. On Thursday night Gough Whitlam will be the keynote speaker at the thirtieth anniversary of the Western Sydney Regional Organisation of Councils, another initiative of his Federal Labor Government.

Yesterday there was a tremendous atmosphere of support, as well as nostalgia, for the great events that took place 25 years ago when the Westmead Hospital was formally opened. I was joined by Councillor Peter Herlinger, representing Holroyd City Council, a former board member of the Western Sydney Area Health Service, along with many other current and former staff. In 1978 there was tremendous publicity about the opening of the hospital. Premier Neville Wran was given a great headline in the *Parramatta Advertiser*—"Right where it's needed"—followed by "Wran the man meets the boys", as the construction workers gave Neville Wran a rousing welcome at the opening of the hospital. At that time Parliament was not sitting. When it sat a couple of weeks later the then Minister for Health, Kevin Stewart, answered a question from the local member, Barry Wilde.

In his response Kevin Stewart revelled in the acclaim that the community was giving the Government at that time as a result of the establishment of the hospital. He emphasised that although the former State Liberal Government had developed the idea for the hospital, it would not have been established without the active personal intervention of Gough Whitlam. In fact, Whitlam gave \$4 million to the Liberal-Country Government of New South Wales to get the hospital established. A number of years were spent in procrastination, a word often used for the inactivity and inertia of the then Askin Government in relation to establishing the hospital. It was not until Whitlam personally intervened and threatened the Government that construction commenced.

The hospital was opened to much fanfare. The final cost was about \$175 million, and at that stage it was to provide nearly 1,000 new beds for Sydney's west. I congratulate the public relations branch of the Westmead Hospital on organising yesterday's event. I congratulate Gough Whitlam, Neville Wran and everyone associated with the establishment of Westmead Hospital. In Parliament we hear a great deal about health issues, but it is important that we acknowledge that the development and construction of Westmead Hospital has made a significant difference to the way of life of most people of Western Sydney.

STATE ENVIRONMENTAL PLANNING POLICY 5

Ms GLADYS BEREJIKLIAN (Willoughby) [5.47 p.m.]: I highlight my concern and disappointment at the State Government's inaction in relation to its review of State environmental planning policy [SEPP] 5. That inaction is causing great concern amongst local residents and uncertainty to all stakeholders, including the

aged-care sector and the property industry. Minister Knowles promised a short, sharp review of around six weeks, yet six months later nothing has happened to resolve the future of SEPP 5. Before the last State election, the Coalition fought strongly against developments under SEPP 5 as it currently stands. In May this year the State Labor Government finally admitted that the loopholes in the policy made SEPP 5 unworkable for communities. In fact, in this place on 28 May Minister Knowles finally admitted:

SEPP 5 can be a blunt instrument, and it can also be the subject of abuse. I am sure honourable members could tell stories about some of the B-grade end of the development industry exploiting SEPP 5, whacking up spec developments and scarpering with the profits, but not making an effort to fit in with the neighbourhood.

Our communities need genuine, quality aged-care and disability accommodation in appropriate locations—the key words being "in appropriate locations"—but without the current loopholes which allow some developers to exploit SEPP 5 for inappropriate general medium-density development. State environmental planning policy 5 has caused great angst to many residents in the Willoughby electorate, who are concerned about the prospect of future applications. They justifiably believe that their neighbourhood and quality of life are at risk with the potential for such medium-density development being earmarked in inappropriate areas. Of major concern is the ability of SEPP 5 to override previously designated conservation areas. Similarly, the electorate of Willoughby has a significant ageing population who have limited options when searching for smaller accommodation.

The current uncertainty around the status of SEPP 5 applications is causing concern to residents who want to protect their neighbourhoods and genuine, quality aged-care providers who are also wondering when the Government will make a decision. When the review was announced the Opposition stated at the outset that there should be broader community and industry participation. Instead, the Government decided on a selective review. Even within the confines of that selective review the Government continues to drag its feet. For the sake of the peace of mind of all our local communities I urge the State Government to stop dragging its feet on this critical review. It has admitted that the SEPP 5 policy is severely flawed. It is now time for it to act.

SNOWY MOUNTAINS ENGINEERING CORPORATION PRIVATISATION

Mr STEVE WHAN (Monaro) [5.51 p.m.] On Saturday night I had the pleasure of attending the tenth anniversary dinner of the privatisation of the Snowy Mountains Engineering Corporation [SMEC]. I do not refer often in this House to celebrating the privatisation of any company, but in this case the SMEC privatisation is one of the great success stories of the Cooma and Snowy Mountains region. In 1993, 10 years ago, the then Snowy Mountains Engineering Corporation was sold to a staff-based syndicate that beat 23 other bidders for the rights to buy the company. Saturday night's function celebrated the great success of that local company. The Snowy Mountains Engineering Corporation grew out of the Snowy Mountains scheme. Its skills developed through the massive engineering works that characterised that project, and it has a large and diverse work force and now works across Australia, Asia, Africa and the South Pacific.

On Saturday night people from around Asia and Australia joined in the celebrations. The representatives of the many different nationalities present all worked together harmoniously, following the tradition that was established in Cooma, Australia's first multicultural town. On Saturday night the company presented its own awards for excellence and engineering. The winners of those awards highlighted the skills of that organisation. I had the pleasure of presenting one award for a project that assessed the level of hydrocarbons in the Kuwait water table resulting from the first Gulf War. The aim of that project was to determine whether oil spills from the Iraq invasion had entered the water table, thus enabling Kuwait to apply for reparations for ensuing damage. Other projects that were acknowledged included road projects throughout Asia, including an impressive project in Vietnam and a run-of-the river hydroelectric plant in China. The Australian award went to the work that SMEC did on the Pacific Highway project in the north of the State.

One of the most impressive things about the SMEC is its commitment to social and environmental goals. The SMEC foundation assists locals through projects such as the Royal Flying Doctor Service, contributing to bushfire appeals and providing assistance for local projects such as Cooma's Raglan Gallery and the Cooma North Public School reunion. Overseas it has assisted many projects, including an orphanage in Cambodia and projects in Asia, the South Pacific and Africa. The SMEC is undertaking work in those areas. One thing that was clear on Saturday night was the great spirit of the SMEC's work force and its strong commitment to bringing together a diverse group of skilled individuals who are working positively around the world to make this company so successful.

An international company such as the SMEC, which has such an outstanding reputation, could locate its headquarters anywhere. As Cooma's representative in this place I am pleased that the SMEC's headquarters

remain in Cooma. They are an important and valuable part of the Cooma community and economy. On Saturday night SMEC management acknowledged in particular the support that it received 10 years ago from the former member for Eden-Monaro, Labor's Jim Snow. Cooma also recognises his efforts. Jim's efforts resulted in the sale of the SMEC proceeding only on the basis that its headquarters were located in Cooma for a five-year period. As this business developed its headquarters became entrenched in Cooma.

As I said earlier, its headquarters have been located in Cooma for the past 10 years and we expect them to continue to be there in the future. Jim Snow, a great Labor member, also strongly supported the work force buy-out of the SMEC, the combination of a positive company and a diverse skills base. Since then the SMEC, through the work of employees who took over the company, has made a great contribution to the Cooma community. The SMEC has chalked up many impressive business and community achievements both nationally and internationally. I congratulate the chief operating officer, Peter Busbridge, the chair of the company, Bob Scott, its management teams and, importantly, SMEC staff in Cooma, in Australia and around the world on their achievements over the SMEC's first 10 years as a privatised company.

NRMA ELECTION

Mr ANDREW HUMPHERSON (Davidson) [5.55 p.m.]: A constituent in my electorate who has had a long and abiding interest in the NRMA has raised specific concerns about the NRMA election that is under way in New South Wales. Honourable members would be aware that the NRMA is this nation's largest motoring group. Over a number of years there has been entrenched in-fighting. The association has constantly been in the news, it has lost public confidence, and it is more about personalities than about providing road services to its members. The NRMA has been plagued by a number of different problems, for example, allegations of proxy rotting, personal and defamatory sprays, court visits, massive financial losses, boardroom disputes and ugly annual general meetings. In short, the NRMA has become dysfunctional. Millions of dollars of members' funds have been spent on defamation and other legal actions, and on a number of consultants. There has been inappropriate and excessive expenditure.

The current board under Ross Turnbull has made improvements to the organisation. It has increased and improved its public image and increased public confidence in the functions of the board from the lows it once had. The new board, which effectively stopped the rot, should be commended for its actions to date. It is responsible for a number of achievements. It has got rid of a number of people—I refer in particular to the Richard Talbot faction. Factional disarray is no more and the association is now focused, appropriately, on membership and better financial management. Members are now being asked to vote for constitutional change. A number of proposals have been put forward, some of which have merit, for example, regional representation on the board and a decrease in board membership from 12 to 9, which would bring with it substantial savings.

I am concerned about the sly and sneaky plans to enable existing board members to continue in their positions. I know members of the community and members of the NRMA have similar concerns. If members were to support the constitutional changes to which I referred, in many cases they would unwittingly and unknowingly support existing board members remaining in their positions. Board members for whom they would be voting separately would not be elected and existing board members would remain. That shonky plan, under the guise of positive reform, will enable the election result to be completely negated and existing members to continue their reign on the board even if they do not have the support of members.

It is a Trojan horse constitutional change. Members wanting to change the composition of the board may unwittingly render their board vote void by supporting constitutional change. It is a clayton's election. The new constitution will render null and void the current election of six board members, now being voted for from a field of 45 candidates, if they are endorsed. Many members of the NRMA are completely unaware of that. Incumbent board members have been using members' funds to promote constitutional change in the knowledge that it will provide them with a two-year extension of their tender. That is unprincipled. At best it is disingenuous and, at worst, it is fraudulent. It brings into question the corporate governance of the NRMA, a matter at which the Australian Securities and Investments Commission should have a good look.

This constitutional change was not brought to the attention of candidates, members or the public until recently. It is something that was known only by existing board members. That practice is unethical. Some members believe that conflict will once again beset their organisation. The public and NRMA members had no idea about the sneaky way in which this constitutional change had been crafted until the ballot was under way. Only about 3 per cent of the two million members of the NRMA have voted in the last few elections. I encourage every member of the NRMA to take an interest in this issue and to vote in the best long-term interests of the membership.

I regret to say that I believe members should oppose the constitutional change, which will have adverse consequences. I encourage members to consider voting for a change, but I will not endorse any potential candidates. I believe the legalities of the election should be examined, and I encourage the Attorney General to determine whether any State laws have been breached. I refer honourable members to the finding of the Federal Court in response to the current board's attempts to bring the annual general meeting forward—yet another dubious tactic. It states:

The situation in issue has arisen because the current directors of NRMA have decided upon the unusual course of proposing a constitutional change affecting the election of directors in the middle of a current election. They desired that NRMA be relieved from compliance with a provision of its Constitution to facilitate that proposal.

If no breach of corporate State or Federal law has occurred, I will be surprised. I encourage all relevant State and Federal Ministers to consider carefully whether the NRMA is acting in the interests of motorists.

AUSTRALIAN LEBANESE CHAMBER OF COMMERCE BUSINESS AWARDS

Ms VIRGINIA JUDGE (Strathfield) [6.00 p.m.]: I draw the attention of the House to the winners of the Australian Lebanese Chamber of Commerce [ALCC] Business Awards, which I had the pleasure of attending on 24 October at Le Montage Function and Convention Centre in Leichhardt in the inner west.

Ms Sandra Nori: In the electorate of Port Jackson.

Ms VIRGINIA JUDGE: The Minister for Tourism and Sport and Recreation has kindly reminded me that the centre is situated in her electorate. She does a great job meeting the needs of her constituents. Australia's close relationship with Lebanon is based on deep community links. It is estimated that more than 52,000 Lebanese-born and 66,450 second-generation Lebanese people reside in New South Wales, making the Lebanese community one of the biggest ethnic groups in the State. According to the 2001 census, 1,216 people who were born in Lebanon reside in the electorate of Strathfield, which I have the great honour and privilege of representing in this place.

Mr Michael Symond is the president of the chamber and also president of the Australian Lebanese Foundation. The chamber holds business lunches and seminars to help members gain further knowledge of the market and to facilitate interaction between members. It has a current membership of about 200 people, which is commendable. The chamber was founded in Sydney in 1985 and is recognised by both Australian and Lebanese governments. The chamber aims to promote and strengthen trade relations between Australia and Lebanon and other Middle Eastern countries. In recent years the ALCC has organised several trade missions in conjunction with State and Federal governments. Delegates from Australian companies representing sectors such as pharmaceuticals, construction, water treatment, waste management, banking and finance, foodstuffs and others took part in those missions. The ALCC offers guidance to those interested in doing business in either Lebanon or Australia. It has launched a number of Lebanese products on the Australian market and lobbied for the upgrading and treatment of fresh Lebanese produce to international standards.

The ALCC annual business awards night recognises businesses that have excelled in their fields. On Friday 24 October awards were presented in the categories of construction, industrial retail, executive serviced offices and hospitality, and an appreciation award was also presented. The winner in the construction category was JSC Design and Construction Pty Ltd. This dynamic family-oriented company comprises three directors and a project manager with more than 60 years experience in business. John Sassen is director of development, Joe Sassen is director of construction, and Dr Tony Hayek is director of business and strategic development. JSC employs 18 staff with a range of skills and experience.

The hospitality industry award went to Lahood Brothers. From humble beginnings, this company saw a chance to attack a market that no-one had taken on before. It realised that the club industry needed a one-stop shop that could provide quality products and reliable service. The company started by concentrating on fruit and vegetable trays. It soon outgrew its first fruit shop located in a basement and decided to purchase a factory in Greenacre. The business grew from there. The industrial retail award was won by Advanced Timber, which started in 1986 as a small hardware store and timber yard on Old Canterbury Road in Summer Hill.

Servcorp won the executive serviced offices award. The company commenced operations in Sydney 25 years ago and now has 45 centres from Paris to Auckland. The company focuses on a diverse portfolio of high-quality serviced offices in multiple locations and controls the market in Australia, Japan and in many other Asian countries. It also has a small presence in Dubai and Europe. The company aims to be the world's best in its field. It is committed to having the best management team in the serviced offices industry and its training process is second to none.

I congratulate members of the Australian Lebanese Chamber of Commerce on their hard work, and particularly the executive on its efforts. This voluntary organisation does important work not only in supporting small business, a sector that employs about 80 per cent of Australians, but in fostering good relations between Lebanon and Australia and between all sectors of our wonderful multicultural community in the inner city.

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [6.05 p.m.]: I commend the honourable member for Strathfield for her support for small business and for the Australian Lebanese Chamber of Commerce. The support of the ex-patriot community is important in growing small businesses into exporting enterprises, and the Department of State and Regional Development plays a role in strengthening that relationship. I encourage all honourable members to support foreign chambers of commerce—if I may put it that way—in their areas. They are important to the State's export sector growth.

CONDOBOLIN TEACHING STAFF RECRUITMENT

Mr IAN ARMSTRONG (Lachlan) [6.06 p.m.]: We have been notified that electoral boundaries throughout New South Wales will be redistributed before the next State election. A basic principle of determining electoral redistribution is one vote, one value. A former Labor Premier, Neville Wran, introduced that principle in this place in 1976 or 1978. The one vote, one value principle offers equality of opportunity and of government service provision irrespective of where people live. Under this principle, people in Bourke, Booragul, Broken Hill and Cabramatta are taxed equally. The same tax rate applies across the State. I have received a letter from the combined teaching profession in Condobolin in central New South Wales, which states:

I am writing to you on the half of the Condobolin Public Education Community. Our town, like many others, is facing difficulty in attracting and keeping teaching staff for our local schools (Condobolin High and Condobolin Public School).

As issues have arisen DET staffing have worked hard to fill our gaps in the short term and for the most part they have been successful, although many of the replacement staff have been untrained in the area they are to cover.

A combined group of staff, teachers federation and P&Cs have met and would like to see the following issues investigated in an effort to solve not only our problem but similar problems being faced by other rural communities.

- We are presently a five year four point incentive school. Our High School has had over 20 staff changes in the past three years including short term casuals sent for blocks, staff resigning after short stints, mobile staff coming and going. The only incentive to stay at Condobolin is the five year incentive and it has only been used once in three years. Clearly in today's economic and cultural situation, five years is too long for the people we are targeting to teach out west. We would suggest that the five year incentive schools become three year four point incentives.
- Housing, both renting and buying, is an issue. Six and eight point incentive schools (some less than an hours drive from Condobolin) will have 70 to 90% rental subsidy. Condobolin gets no subsidy and in fact, many local teacher housing residents recently had their rent increased.
- As a community we would also like the opportunity to promote the benefits of life out west to prospective staff and would be prepared to provide contacts for staff to discuss Condobolin and packages explaining the facilities available in our town.
- Incentive packages have been offered to other schools which include two vacation travel allowances per year, motor vehicle depreciation allowance, retention benefits and compassionate transfer right for teaching partners. All these would be relevant in our situation.
- Our primary school has over 20 staff of which only one is male. Could schools be permitted to nominate for a male classroom teacher in such situations?
- In addition to this we feel we should be considered for the mentor teacher program. Over 85% of our staff have only taught in one school (isolated and rural) and the help of an experienced teacher/executive could be extremely beneficial to our classroom teaching and learning.

We are also enthusiastic and available to discuss any other initiative our system can support to promote the appointment and retention of experienced staff to our schools.

That letter was sent on behalf of the principal of Condobolin Public School, the Condobolin Public School Federation representative, the Condobolin High School Federation representative, the Condobolin Public School parents and citizens president, and the Condobolin High School parents and citizens president. Condobolin is not an average school. The school has actively sought and been successful in encouraging overseas students, including from some of the islands, to study there over the years. Condobolin has a high Aboriginal population and a number of successful Aboriginal students have attended the school in recent years, including two high school captains about four or five years ago.

Many students from Condobolin have gone on to do great things in business and commerce; others have served with distinction in the armed forces or have worked in government departments. Condobolin is an

intelligent and lively community, with a good business community and a good area. However, it is not receiving fair and equal education support. I ask that the Government recognise that the people of Condobolin pay the same taxes—the same cents in the dollar—as anybody else in New South Wales, be it Sydney, Dubbo, Albury, Moss Vale, et cetera. It would be remiss of me not to mention one of the stars and graduates of Condobolin High School. He is one of the best-known men in Australia today, apart from the Prime Minister. I refer to Shannon Noll from *Australian Idol*. Despite his adversities, Shannon is now known worldwide. I hope that in a week's time he will be named Australia's number one idol.

PORT MACQUARIE ELECTORATE CHILD CARE SERVICES

Mr ROBERT OAKESHOTT (Port Macquarie) [6.11 p.m.]: I refer to the continuing plight of community-based preschools in the Port Macquarie electorate, which continue to express concern about the lack of appropriate funding and resourcing for those in need of affordable child care. While it is generally acknowledged that the recent \$3 million from the State Government to upgrade facilities was welcomed and well received by many centres, it is also broadly acknowledged that bandaid funding is not sufficient to provide the necessary recurrent income streams to address the chronic underfunding of our community preschools. This lack of reliable appropriate funding for capital works and ever-increasing maintenance needs, as well as the 50 per cent 12-month increase in insurance and increasing costs such as security needs, ensures that despite tight budgeting, persistent fundraising and broader support from the local community preschool fees continue to increase to maintain a quality education program.

Figures released from the Premier's Department, prepared by the Office of Regional Communities, as well as many other planning documents such as the Hastings Urban Growth Strategy [HUGS], continue to predict significant population growth on the mid North Coast. The Port Macquarie electorate is continually being identified as one of a handful of major growth areas in non-metropolitan Australia. This is combined with an economic profile that has direct implications for affordable living and, in this particular case, affordable child care. In the mid North Coast Regional Development Board's annual report released in August the Acting Chairman, Ron McDermott, made the following comment about our region:

Strong population growth has the potential to mask significant structural imbalances in the regions economy, with a relatively high welfare dependency/welfare ratio; a relatively high proportion of low paid/low skilled/casual service jobs; a relatively narrow economic base; and high under-employment.

He continued:

The National Economics "2002 State of the Regions" report ranked the mid North Coast as 61/64 on "per capita flow of funds" and "very poor households", with an "effective" unemployment rate of over 15%.

In light of this, there will be greater demand for affordable child care. This is of concern when, even today, centres are struggling to provide this service. Of great disappointment is the lack of co-ordination and the all too common demarcation dispute between the Commonwealth Government and the State Government in relation to child care support. For example, on the mid North Coast there are discrepancies in funding available to children's services. The Commonwealth child care benefit is available to families using federally funded child care centres as opposed to community preschools. Under the Commonwealth funding, community preschools are considered to be mere registered providers, thereby denying them access to the same level of funding.

There is widespread data that supports the argument for the preschool education-based experience: that it assists with the transition to school, that it helps with success in literacy and encourages the development of social skills, that it provides respite for parents-carers of young people with few other resources, and that it assists in the protection of children at risk. My understanding of the literature is that the long-term benefits of a quality early childhood education are far-reaching. This position has been endorsed by the Federal Minister for Children and Youth Affairs, Larry Anthony, who recently stated at the annual Country Children's Services Association that "one dollar spent now will save seven dollars in the future". It is disappointing that this rhetoric from the Federal Minister is not backed up with action to provide equity of Commonwealth funding to support that other Coalition principle of true choice in education, even at the early education and community preschool level.

Therefore, I call on the State Minister to address the sinking ship that is community-based preschools. As I have stated, there are a range of options as how to fund and resource these important local services in the future, yet the worst that could happen—and the worst that is happening—is a slow-moving, non-responsive, seemingly apathetic, water torture-like, approach to liaising and resolving these critical local and statewide

funding issues. High standards of education, safety and security will be maintained only with some consistent and guaranteed long-term funding streams, including the resolution to some longstanding points of dispute between the Commonwealth Government and the State Government related to child care funding. Only by doing this will genuine choice and genuine affordability once again be key principles behind the community preschool sector.

EARLY CHILDHOOD INTERVENTION SERVICES FORUM

Mr RICHARD TORBAY (Northern Tablelands) [6.16 p.m.]: Yesterday I attended a forum in Armidale for the providers of early childhood intervention services in the region. There were five presentations, from the Department of Ageing Disability and Home Care [DADHC], the New England Area Health Service, Families First, the Spastic Centre, and the Armidale and District Early Childhood Intervention Service. All those organisations are involved in providing services for children with disabilities or developmental delays in the zero to six age range. Just listing the names of a number of organisations delivering virtually the same service gives some idea of the difficulty parents have in identifying where to go for help. The personnel involved are well intentioned, but it is fair to say that the communication between them has not been as effective as it could have been and there have been some inevitable turf wars.

The intention of the forum was to find ways to work together more closely to improve communication and avoid duplication. It emerged that too few professionals are made available in the areas of physiotherapy, occupational therapy, speech therapy and psychology-social work. The pressure on the service providers is intense, and the criteria for families to access services is so complex that many children are either missing out altogether or are not receiving the complete range of services they need. To put it into blunt social and economic terms, by not finding a solution to this problem the State is setting up a long-term problem for itself. All experts in this area of childhood disability and developmental delay agree that early intervention can either resolve or minimise problems in the future. If the problems are assessed early and dealt with immediately, the response rate in young children can be rapid and effective. The later it is left, the less opportunity there is for improved outcomes.

We are talking of people's lives, families under pressure, and problems faced by schools and other institutions that provide services to children. There are enormous cost savings to be made if children with disabilities and developmental delay receive the therapeutic services they need to participate in normal life activities such as school and later on in the workplace. As I have said on a number of occasions, a number of organisations in my area are approaching this challenge with the best of intentions but with a lack of resources both in funding and personnel. The inevitable result of this scenario is that the criteria to access these services become tighter and tighter and parents are often involved in a merry-go-round where the full range of services they need is denied, as was put to me yesterday.

Each service has strict guidelines, assessments have to meet very narrow criteria, the therapies available from each service are limited, and clients of one service cannot access those of another even if that service does not provide the therapy required. There are long waiting lists, hard-pressed therapists are unable to get through their lists and many children are falling through the loop. The frustrating conductors of red tape once again have everyone playing a different tune, although we all belong to the same orchestra.

The pleasing result from yesterday's forum is that the service deliverers have agreed to meet again on 10 December to find solutions to this problem, which I suspect is being repeated in many other areas throughout the State. A model has been suggested that the community-based Armidale and District Early Childhood Intervention Service, which is funded by the Department of Education and Training and the Department of Ageing Disability and Home Care, should become the primary provider for these services. It is proposed that the intervention service be funded to employ four professionals in the areas mentioned above: speech therapy, occupational therapy, physiotherapy and psychology-social work. This would be the first port of call for parents following referral from general practitioners, paediatricians, maternity nurses and early childhood workers.

Similar models have been trialled successfully in Wagga Wagga and Orange, and if the meeting next month endorses it I would like to see it introduced into our area. It would mean that children would have immediate access to the full range of assistance they need on a one-to-one basis and through group workshops. The workshops are very cost effective, involving up to 15 children, and they allow therapists to monitor their progress and act immediately if treatment is required. I was asked by people engaged in early intervention services to help co-ordinate better communication between the agencies. I am hopeful that that has begun already and that any agreement to cut red tape and provide more immediate and effective services for these young children who need them so desperately to live full and satisfactory lives will receive the backing of the Ministers involved and the Government as a whole.

Private members' statements noted.

[Mr Deputy-Speaker left the chair at 6.23 p.m. The House resumed at 7.30 p.m.]

DISTINGUISHED VISITORS

Mr ACTING-SPEAKER (Mr John Mills): I acknowledge the distinguished presence in the Speaker's Gallery of Bishop Daniel, the Bishop of Sydney and affiliated regions of the Coptic Orthodox Church, and members of the church accompanying him.

COPTIC ORTHODOX CHURCH (NSW) PROPERTY TRUST AMENDMENT BILL

Second Reading

Debate resumed from 29 October.

Mr CHRIS HARTCHER (Gosford) [7.30 p.m.]: Mr Acting-Speaker, I join you in welcoming to this House His Grace Bishop Daniel, the Bishop of Sydney and affiliated regions, who is accompanied by other members of the Coptic Orthodox Church. Bishop Daniel was consecrated as Bishop of Sydney and affiliated regions on 12 October 2002. He holds an appointment from His Holiness Pope Shenouda III, the 117th Pope of the Coptic Church. His Holiness Pope Shenouda has been Pope of the Coptic Orthodox Church for some 32 years. The Coptic community started in Australia in the 1960s with 20 families that have now grown into thousands. They have made a wonderful contribution to the multicultural community that is Australia. The Coptic Church was founded on the great day of Pentecost when the Holy Spirit descended upon the Apostles in an upper room in Jerusalem. The Coptic Church was founded in 42 AD by the evangelist, St Mark, the author of St Mark's Gospel. The church acknowledges St Mark as its principal founder. The Pope is the patriarch of the See of St Mark and the patriarch of Alexandria.

The Coptic Church became the church of the majority of the people of Egypt. The word "Coptic" is taken from the Greek "Aigyptos". The Coptic people were the principal people resident in Egypt under the Roman Empire and the Byzantine Empire. The Christian faith as established by St Mark and as nurtured and encouraged by the Coptic Church was the principal faith of the Egyptian people. Under the Coptic Church a great monastic system developed, exemplified by St Anthony and other great saints who established monasteries, as well as a whole system of culture and education throughout the land of Egypt. This changed in 632 AD with the Arab invasion, which brought the Islamic faith to Egypt. Since 632 AD the Islamic faith has been the predominant faith in Egypt, and the Coptic Church has been the minority.

Despite the effluxion of time, despite the extraordinary changes that have taken place in the past 1,400 years, the Coptic Church has kept alive the light of the Christian Gospel throughout Egypt, and the Coptic Church has spread. The Coptic Church sent missionaries down the Nile to convert the people of Ethiopia. The predominant faith in Ethiopia is the Coptic religion. Coptic missionaries also spread throughout other areas of Africa. The church was always a bright light of Christianity in the Middle East. It remains the largest Christian faith in the Middle East. Accordingly, despite the vagaries and the difficulties of 1,400 years of being a majority church, the Coptic Church has always sought to nurture the Christian faith and establish itself as an integral part of Egyptian national life. On occasion the church has been subject to severe periods of persecution. As recently as 1981 to 1984 its Pope was confined to a monastery on the orders of President Sadat. It was only after the appointment of President Mubarak to take his place that the Pope was released from confinement.

From time to time the church has experienced severe persecution at the hands of Islamic fundamentalists. Even in most recent times extremists have committed acts of terrorism against members of the church, its buildings and establishments throughout Egypt. The church itself has always sought to live in harmony with the Egyptian Government and the Islamic faith in Egypt. The church has always refrained from any hostile acts. It is a religion of peace and a religion of charity. It has sought always to work harmoniously with the majority of the Egyptian people and, to an extraordinary extent, it has succeeded. It is in great harmony with the great majority of the Egyptian people. The Coptic Church has the proud claim of being the only church to have hosted the Holy Family. In St Matthew's Gospel we read how the Holy Family had to flee from the persecution of King Herod when he ordered the massacre of all the children in Bethlehem when the infant Jesus was about two years old. The Holy Family of Mary, Joseph and Jesus took refuge in Egypt.

Many years ago when I visited Cairo I went to the crypt of the old Jewish Synagogue where the Holy Family is believed to have taken refuge and was protected by the Egyptian community. Accordingly, while the church may date from 42 AD when the evangelist, Mark, established the See of St Mark, it had an even older lineage, right back to the Holy Family itself—back to the time of the birth of Christ. The church sent missionaries across Europe and Asia. It may interest honourable members to know that St Moritz in Switzerland

is named after a Coptic, St Maurice, who went to Switzerland to spread the Christian faith. In the seal of the town of St Moritz, which is now of course a famous ski resort in Switzerland, there is the insignia of the Coptic missionaries who brought the Christian faith to Switzerland some thousands of years ago.

The Coptic Church therefore has played a significant role in the development of modern Christianity and it has played a major role in the early church councils, the Council of Nicea, the Council of Constantinople, and the Council of Chalcedon. After the Council of Chalcedon the Coptic Church participated in no more ecumenical councils, but the church recognises not only the authority of the Holy Scriptures but also the authority of the first four great ecumenical councils. After the Council of Chalcedon there were disagreements as to what the teaching of the Coptic Church was in relation to other Christian churches, but it is now generally understood and agreed that the Coptic Church's teachings of the Christian faith are the same as those of other sister churches in the orthodox communion.

While the Coptic Church does not accept councils subsequent to the Council of Chalcedon, by accepting the authority of the first four councils it has accepted all and agreed with all the other orthodox churches on all the fundamental tenets of the Christian faith. Accordingly the Coptic Church is regarded by orthodox Christians, and indeed by Christians of all denominations, as a mainstream Christian church, upholding and expanding the light of the Christian gospel throughout the world.

When I was the Minister for the Environment in 1994 I had the honour of attending the high mass at Christmas, which takes place in the Coptic Church annually on 6 January—the original date for Christmas before the Latin church moved it to 25 December. In 1994 it was a marvellous experience in the old church at Sydenham. I think the church later moved to Bexley because it was subjected to aircraft noise. I was told that the service would be a short service—one that would go for only about four hours! The Coptic Church loves its great services, and takes pride in its great rituals.

Since the late 1960s, or at least since about 1974, its services have been translated into English and are now accessible to all who speak the English language in Australia. The services are not necessarily held in the ancient language of the Coptic people. The Coptic Church in the area of theology has played a major role in the development and enunciation of the Nicene Creed, which is the fundamental statement of the Christian faith that is upheld by all Christian churches. Accordingly the church's contribution to the development of Christianity is something which is not well known but which needs to be acknowledged. I am pleased to make that acknowledgement for the church now.

As I said earlier, originally there were some 20 Coptic families in Sydney. In 1967 Pope Kyrillos in Egypt consented to the establishment of a Coptic Church in Sydney. In January 1969 the first Coptic orthodox mass was held on Australian soil. In the 1970s there was considerable Coptic migration to Australia and other churches were established, such as the one at Rooty Hill which was later transferred to Guildford. Quite a number of Coptic churches have since been established throughout New South Wales. In 1974 the Coptic Church translated its Divine Liturgy into English and the church has continually emphasised the need for bilingual teaching through its Sunday schools and its religious services.

The Coptic Church established a Theological College of Australia in 1982, which was the first college to be established outside Egypt. Australians can feel that while the church did not originate in Australia, it certainly has a strong presence in Australia and a strong commitment to Australia. That commitment has been reinforced by the fact that the new diocese has been created and that Bishop Daniel has been consecrated as the new bishop. The Diocese of Sydney is responsible not only for Sydney and New South Wales but for the north Pacific and other areas throughout the Pacific Basin. The Coptic Church is ruled by its patriarch who, while known as the Patriarch of Alexandria and the See of St Mark, actually lives in Cairo. Together with his diocesan bishops, he controls the affairs of the church.

This bill proposes that the affairs of the church should vest in the bishop, who of course is the representative in Australia of His Holiness the Pope. The patriarch is chosen in an unusual way. When he dies, an electoral college comprised predominantly of laymen chooses three duly qualified monks who must be at least 50 years of age to be candidates for the office of patriarch. From those three monks the final choice is made by lot. There is no white smoke rising from the chimney, as happens in the Catholic Church. Accordingly, the church has sought to establish a strong educational movement for its children. There is an Institute of Coptic Studies in Cairo and a theological college as well as a Coptic museum. The teaching methods of the church have become the basis for the syllabus that is used in religious instruction for Christian children in government schools in Egypt. There are Coptic churches in Jerusalem, and in other places throughout the Holy Land.

I believe that all members of this House support this legislation, and support the wonderful contribution that the Coptic community and so many other communities have made to the development of multicultural Australia. All Australians wish the church well in its mission. All Australians wish the church well in successfully educating its children in the light of the Christian faith. I am told that the church has had great success in the upbringing of its children, the great majority of whom marry other members of the Coptic community and yet make a great contribution to Australian cultural and national life. We in the Coalition parties send the church our best wishes. We support this legislation, as do members of the Government and members of all political parties. We wish the church well.

Ms PAM ALLAN (Wentworthville) [7.47 p.m.]: I am delighted to support the Coptic Orthodox Church (NSW) Property Trust Amendment Bill. I am also delighted to see Bishop Daniel in the Speaker's Gallery, as well as other representatives of the church. I support the legislation not just because it is good legislation and a good initiative of the New South Wales Government but also because there is a large community of Copts living in the electorate of Wentworthville, and many more in other areas of Western and south-western Sydney. I listened with great attention to the speech made by the honourable member for Gosford, who outlined the history of the Coptic Church.

I reiterate that the Coptic Church has been in existence essentially since the fifth century, which is not a bad record. I emphasise also that since that time the Copts in Egypt and in other parts of the world have not necessarily lived in sympathetic political environments. Nevertheless, they have continued to flourish. During my time as the member for Blacktown and the member for Wentworthville I have met many Copts. They are resoundingly committed and ambitious to achieve in our society. Many highly educated members of the Western Sydney community are Copts and have traditional loyalties to the Coptic Orthodox Church, but have taken on Australia as their homeland. They make an exceptional contribution to the intellectual and social fabric of Western Sydney.

Recently I met with Edmond Atalla, whom I had not seen for some time. Edmond is Mamdouh Atalla's son and, I am happy to say, recently won preselection for Blacktown City Council on behalf of the Labor Party. He will run in the March election, and I understand he is leading the ticket for his ward in Blacktown City Council. It is good that the Copts will have direct representation in various political channels in this country. As the honourable member for Gosford said, there are more than 10 million Copts in Egypt's population of about 60 million. But, of course, two million Copts have migrated from Egypt and they practise their faith in hundreds of churches around the world, including more than 30 churches in Australia and New Zealand.

As a result of the expansion of the church in Australia and Asia, in June 2002 His Holiness Pope Shenouda officially ordained and appointed His Grace Bishop Daniel to be the first bishop with jurisdiction for New South Wales, Queensland and the Northern Territory as well as south and north-east Asia. I saw Bishop Daniel and heard him speak during Pope Shenouda's visit to Australia last year. I was delighted to attend the dinner at Darling Harbour together with other political representatives including Reverend the Hon. Fred Nile, the Premier and, I think, the Leader of the Opposition. I saw some keen discussion amongst leaders of political parties as they angled for the vote of the Copts in the lead-up to the State election.

The Copts, true masters of their own destiny as well as very intellectual people, are quite capable of making those decisions for themselves. When researching the history of Pope Shenouda III, I discovered that he came from the Monastery of the Holy Virgin St Mary and St John Kame, and was known as Antonius El-Souriany before he became Pope Shenouda. He lived in a cave about 11 kilometres from the monastery. After he was consecrated a bishop, as His Grace Bishop Shenouda, he lived in a separate cell in the old orchard in the monastery. The cave and the cell exist today. I note also that since becoming Pope in 1971 he has put an enormous amount of work into restoring the heritage of the monasteries in Egypt. He has taken an interest in natural resource management, irrigation and salinity—matters I am particularly interested in—and I am delighted that he has taken up that interest since his consecration.

Members of my constituency who arise as deacons within the church visit Egypt and spend time in those monasteries as part of their *Bible* preparation for the ministry. In conclusion, I am delighted that the Government has introduced this legislation. It often takes time to bring this type of legislation to Parliament because a lot of negotiation has to take place between governments and within the churches before property trust amendments can be formulated. It is great to see such unanimity across the Chamber with this bill. I look forward to continuing to work with my local Copts in the future.

[Debate interrupted.]

DISTINGUISHED VISITORS

Mr ACTING-SPEAKER (Mr John Mills): I welcome to the public gallery Dr Giurgis and Mrs Giurgis. Dr Giurgis is Secretary of the Board of Deacons of the Coptic Church.

COPTIC ORTHODOX CHURCH (NSW) PROPERTY TRUST AMENDMENT BILL**Second Reading**

[Debate resumed.]

Mr BARRY COLLIER (Miranda) [7.54 p.m.]: I am pleased to support the Coptic Orthodox Church (NSW) Property Trust Amendment Bill. I join my parliamentary colleagues in welcoming His Grace Bishop Daniel and the Reverend Fathers to the House. I acknowledge also the presence in the gallery of Dr and Mrs Giurgis. Dr Giurgis is Secretary of the Board of Deacons of the Coptic Church and he and Mrs Giurgis are members of the Church of St Mary, St Shenouda and St Bakhomious at Kirrawee, in my electorate of Miranda. The object of the bill is to amend the Coptic Orthodox Church (NSW) Property Trust Act to reflect the new constitution of the Coptic Church in the diocese of Sydney and affiliated regions. On 8 October 2002 a new constitution of the diocese of Sydney and affiliated regions was approved by His Holiness Pope Shenouda III, Pope of Alexandria and Patriarch of the See of St Mark.

Under the new constitution it is the bishop of the diocese who is the sole and exclusive authority in relation to financial matters in churches and the diocese. The bill amends the Coptic Orthodox Church (NSW) Property Trust Act to reflect that change. Solicitors, the congregation and the board have indicated that the church and the parishioners are in favour of the change. In June 2002 His Holiness Pope Shenouda III officially ordained and appointed His Grace Bishop Daniel to be the first bishop of the diocese. On 12 October 2002 I had the privilege, together with others from my community, to attend the enthronement of Bishop Daniel at St Marys and St Minas Church, Bexley. It was one of the most joyous church occasions I have ever attended. The enthusiasm with which His Grace was greeted, the enthusiasm of the parishioners, the enthusiasm of the Coptics who had waited so long to have their own bishop, was a sight to behold.

On 12 October 2003 I had the privilege of attending the anniversary of Bishop Daniel's enthronement at the University of New South Wales, again a joyous occasion and again greeted with very much enthusiasm by members of the Coptic Church. Since the first parish was established, on Australia Day 1969, the Coptic Orthodox Church has grown to 14 individual parishes across Sydney, a theological college, three schools, as well as numerous social and youth organisations. Since the enthronement of His Grace Bishop Daniel in October 2002 new parishes have been established in Sydney, Newcastle, Wagga Wagga, Singapore and, I am told, Japan. The number of clergy serving the dioceses has increased by six in just 12 months. His Grace has been the driving force behind a number of ongoing projects to serve the community, including the establishment of a Coptic nursing home, a youth centre and committees to research issues and cater for the needs of women, youth and children.

Under His Grace's encouragement, youth services and services for the homeless at Parramatta and the central business district have increased. I commend His Grace Bishop Daniel for bringing the Coptic community in Sydney together, harnessing its various resources and talents for the common good of all, both within the Coptic and the wider communities. In the Miranda electorate I am privileged to have the Church of St Mary, St Shenouda and St Bakhomious at Kirrawee, which was established in 1991. It was consecrated by His Holiness Pope Shenouda III, Pope of Alexandria, and Patriarch of the See of St Mark in December 1996, during his world-wide pastoral tour in the silver jubilee of his enthronement. The Coptic Church at Kirrawee is a religious, cultural and social centre for more than 200 Coptic families across the Sutherland shire.

Members of the Coptic community look to their church not just for religious instruction but for personal and family counselling as well as for assistance with children, employment and their seniors. The Copts were originally Christians with Egyptian heritage. The Coptic Church was established by St Mark in Alexandria, Egypt, in 42 AD, making it one of the earliest established Christian churches in the world. These days the Coptic Church at Kirrawee does not attract only those with Egyptian heritage, but almost half the congregation comprises persons from 20 different ethnic backgrounds, including Russian, Portuguese and South-East Asian. The leader of the Coptic Church at Kirrawee, the Reverend Father Tadros, OAM, is extremely committed to his community. I have had much to do with Father Tadros in my four years as the member for Miranda. I confirm that his commitment to his parish, the Coptic community and the wider community of Sutherland shire is simply unsurpassed.

I also acknowledge the hard work of Dr Giurgis and his wife, Sara, who are in the gallery tonight. They make a significant contribution to the wellbeing of the church and the diocese across Sydney and, in particular, in the Kirrawee area. The Copts, who are a tolerant and peace-loving people, make an important contribution to community development and harmonious living in the Sutherland shire and right across Sydney. I congratulate Father Tadros and I congratulate and thank Dr Giurgis for his work. In particular, I congratulate Bishop Daniel on his achievements in his first year as Bishop of Sydney and affiliated regions. I have great pleasure in commending the bill to the House.

Mr MALCOLM KERR (Cronulla) [8.00 p.m.]: As the honourable member for Miranda said earlier, the Coptic Orthodox Church plays a vital role in the Sutherland shire and right across Sydney and this State. The object of the bill—an issue to which other honourable members have referred—is to amend the Coptic Orthodox Church (NSW) Property Trust Act 1990 to reflect the new constitution of the Coptic orthodox churches in the diocese of Sydney and affiliated regions. This bill, which enjoys bipartisan support, has been drafted in consultation with the Coptic Orthodox Church. The voice of the church has been listened to and in many ways it has assisted in the formulation of this legislation.

The honourable member for Gosford referred to the history of the Coptic Church and to the important part it played in world history. The Hon. David Clarke from another place, who is present in the Chamber, has a vital association with the Coptic Church. Those honourable members who have spoken in debate on this bill have referred to the contribution that the Coptic Church has made to their communities. I commend this bill, which is the product of the harmonious relationship between the Coptic Church and New South Wales. As representatives of the community we are grateful for the role that the church has played in our communities. I wish it all the best for the future and I hope that this new constitution brings blessings to the church.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [8.02 p.m.]: It is with pleasure that I support the Coptic Orthodox Church (NSW) Property Trust Amendment Bill. St Marks Coptic Orthodox College is located in my electorate of Menai. As we heard this evening, the Coptic Church is based on the teachings of St Mark, who brought Christianity to Egypt during the reign of the Roman Emperor Nero in the first century. However, it was not until January 1969 that Father Mina Nematalla, under the guidance of His Holiness Pope Kyrillos VI, was sent as the first Coptic orthodox priest to begin service in Australia. In 1995 Father Mina was awarded the Order of Australia medal for his services to Australia over the previous 25 years. There has been remarkable growth—from just one church in Sydney to a total of 40 churches in Australia and New Zealand, three colleges, two primary schools, two monasteries and a hostel.

It is estimated that Sydney has a population of approximately 50,000 Coptic Orthodox Christians. I can confirm that the Coptic community in my electorate is determined to add another church to the current total that I have brought to the attention of the House this evening. It was the same determination and faith that saw St Marks College established as the first Coptic school in Sydney, providing an education for students from kindergarten to year 12. One of the most important teachings of His Holiness Pope Shenouda III—and I paraphrase the statement that he made—is that a church without youth is a church without a future. He is a very wise man. Originally established in Lidcombe in 1996, the college moved to its present permanent site at Wattle Grove in 1999. The year 2001 saw the first group of students graduate with the majority of them scoring well enough to go to university. As I recall, there were some very impressive individual results. I will quote from a statement made by Father Antonios, another wise Copt priest who is with us this evening:

Building a great school involves far more than bricks and mortar. The right staff, the right procedures, the right environment and most importantly a clear vision all need to be carefully nurtured and developed.

Last year St Marks College was honoured by a visit from His Holiness Pope Shenouda III. I was honoured to be an invited guest on that historic occasion. As the local member I can tell the House that the wider community holds that college in high esteem. Its success is a fine indicator of the importance that the Coptic Orthodox Church places on education, amongst other things. In their daily life the Copts have always fostered and promoted five key attributes: the importance of having strong family ties and values; the importance of having a good education; the importance of having successful careers; the importance of contributing and adding value to the society in which they live; and the importance of serving and helping others who are less able and fortunate.

As individuals, the Copts are known and recognised in particular for their academic and professional aptitudes and they have reached prestigious academic and professional stature all over the world. One such individual is Dr Boutros Boutros Ghali, who was the sixth United Nations Secretary-General from 1992 to 1997. Another individual is Dr Magdy Yacoub in London, one of the most renowned heart surgeons in the world. It is important to note that in each country to which the Copts have migrated they have formed an integral part of

that society and have made positive contributions socially, culturally, intellectually and academically. St Marks Coptic Orthodox College in Wattle Grove is but one small indication of that.

The Coptic Orthodox Church has always stated the importance of not living in isolated communities. They have integrated with and shared with other communities while maintaining their rich Christian heritage. In this respect the Coptic Orthodox Church enshrines and promotes the very values of life that enable Coptic people to reach out and learn from all that is valuable in their surroundings while encouraging them to be themselves. I join all honourable members in welcoming His Grace Bishop Daniel and his party to the Parliament this evening. I also congratulate the Government on introducing this legislation and continuing to assist the Coptic Orthodox Church to organise its financial and property affairs. I commend the bill to the House.

Ms VIRGINIA JUDGE (Strathfield) [8.07 p.m.]: I speak in support of the Coptic Orthodox Church (NSW) Property Trust Amendment Bill. I acknowledge in the House tonight the presence of His Grace Bishop Daniel, the Patriarch His Holiness Shenouda III, Pope of Alexandria and head of the Coptic Church in New South Wales, Father Tadros, Father Antonios, Father Gabriel, Dr Giurgis and Mrs Sara Giurgis. I refer briefly—something that I have done before—to Mr Damian Kassabgi. I had the great pleasure of meeting that young man several years ago. One of the things that really impressed me about him was his intense spirituality and his commitment to his faith and to his church, which is evident not only from what he says but also from what he does. He is a fine example of what the Coptic Orthodox Church is all about—the living God in our community.

That was my first introduction to the Coptic Orthodox Church. I was so impressed with that young man that I cannot commend him highly enough. If he is an example of the members of the Coptic parish and congregation the Coptic Orthodox Church must be a wonderful presence in our community. We are fortunate to have those people in Sydney. I refer now to the objects of this bill. The principal change of relevance in the operation of the Act is that under the new constitution the Bishop of the Diocese of Sydney and affiliated regions will become the sole and exclusive authority in relation to financial matters in churches and in the diocese.

Bishop Daniel will be the sole trustee of the Coptic Orthodox Church (NSW) Property Trust, replacing members of the New South Wales State board of the church. Solicitors for the church have indicated that both the board and church parishioners support the request by the church to the New South Wales Government to amend the Act so that it will be consistent with the new constitution approved by His Holiness Shenouda III, Pope of Alexandria and Patriarch of the See of St Mark. This bill continues a long-standing government policy to assist churches to organise their financial and property affairs by supporting legislation in relation to corporate property trusts.

Egyptians have been migrating to Australia for many years, but perhaps the first significant wave of immigration occurred in the 1960s. At this time His Holiness Pope Kyrillos selected Deacon Edward Labib Nematalla to be ordained as a priest to serve the Coptic Orthodox community in Australia. That was absolutely tremendous. Father Mina Nematalla arrived in Australia on 21 January 1969 and held the first mass on Australian soil in Melbourne. What a wonderful multicultural, multi-spiritual community we have in this country! In the 1970s, 1980s and 1990s a growing number of Egyptians migrated to Australia, and we are a richer community as a result. As the community grew, so did the congregation, because what do people do when they arrive in a new country? They support each other through their spirituality.

In June 2002 Pope Shenouda ordained His Grace Bishop Daniel for the Diocese of Sydney, which takes in New South Wales, Queensland and the Northern Territory. This large diocese consists of 14 churches in Sydney, one church on the Gold Coast, one church in Brisbane, one theological college, three schools, the St Shenouda Monastery, the Coptic Youth Centre and the Pope Shenouda Conference Centre. The community has been busy in that short space of time—I wonder what is next. Today there are 27 churches in Australia served by 38 priests, 14 of whom are in Sydney. A telling sign of the vibrancy of the activity of the congregation is the fact that in the past 33 years 23 priests have been ordained from the local congregation. In addition, four monks, six married priests and three nuns have been appointed from the local congregation. These priests, being bilingual and bicultural, have been a great asset and enhanced the pastoral services of the church. I am pleased to support this bill, which will help the Coptic Church organise its financial and property affairs better. I congratulate the Minister and his hard-working staff on drafting the bill, which I commend to the House.

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [8.11 p.m.], in reply: I thank honourable members for their constructive contributions to this debate and acknowledge the presence in the

Speaker's gallery of His Grace Bishop Daniel. It is His Grace's appointment as the first bishop for the Coptic Orthodox Diocese of Sydney and affiliated regions by His Holiness Shenouda III, Pope of Alexandria and Patriarch of the See of St Mark, that has required the changes in the bill that we have been debating. The bill continues the longstanding government policy of assisting churches to organise their financial and property affairs by sponsoring legislation in relation to corporate property trusts. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

**INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT (ETHICS COMMITTEE)
BILL**

Second Reading

Debate resumed from an earlier hour.

Mr JOHN PRICE (Maitland) [8.13 p.m.]: I support the Independent Commission Against Corruption Amendment (Ethics Committee) Bill and express some concern at the Opposition's hostility towards it. The legislation is certainly not designed to destroy the image of the Independent Commission Against Corruption Act or the functions of the Standing Ethics Committee. In fact, the bill's principal function is to permit the Legislative Assembly to designate a committee in line with the provisions that apply to the Legislative Council, therefore making it far more accessible to members. The current requirement to appoint citizen members from day one at the formation of each new Parliament has caused some difficulties in the past. We have to advertise the positions, interview potential candidates and make appointments. During the interview process we must ensure that the candidates are apolitical, are not professional ethicists and can make a constructive contribution to the committee. The difficulties are compounded by the requirement that a citizen member must attend the committee before a quorum may be formed. Consequently, the committee's ability to convene on a regular basis has been somewhat hampered by the availability of community members.

This bill will assist the committee's functions in several ways. First, it will reduce the requirement to review codes of conduct for members from twice to once a term. That is far more practical at this stage. Second, it will provide some flexibility by giving the committee the right to appoint an independent citizen member for the review of the code, which will occur only once every term. The committee also has a number of other functions, one of the most important of which is the education of members. Honourable members may recall that during the most recent orientation sessions for new members I gave an address in my capacity as Chairman of the Standing Ethics Committee. That was only the first step in the educative process, which we are eagerly awaiting the opportunity not only to advance but to promote in several other areas.

The problem with expanding the committee's functions to include privilege is that it simply mirrors what occurs already in the Legislative Council. Matters of privilege are considered far more frequently in the other place than in this Chamber. Therefore, I do not understand the concern of Opposition members regarding that part of the bill. The citizen's right of reply issue is not mentioned in the preamble to the bill, nor was it mentioned in the second reading speech. As far as I am aware, that issue has nothing to do with us. It resides where it should reside: with the Presiding Officers. It is not an appropriate issue for the Standing Ethics Committee to consider.

Citizen members were important in the establishment phase, and their input was extremely valuable in developing the code of conduct. Citizen members interacted with members of Parliament and developed the code in a combined two-House operation. Both Houses then adopted the code. The Legislative Assembly determined that we would continue to have citizen members on the committee, and we concluded the implementation phase in the last parliamentary term. To a large degree that phase involved considerable re-education of citizen members, who had little knowledge of parliamentary process, which we undertook as part of a study tour.

Now we have come to the review only, and the function of citizen members has become somewhat less important. Under the bill we still have the capacity to appoint citizen members. There is no reason why that cannot be done. In fact, I believe it would be a wise move. However, at the moment the procedure is cumbersome. I find it frustrating when meetings are cancelled or rescheduled several times so that we can form a quorum through the attendance of the citizen member. There is only one other Parliament in the world of

which I am aware that makes provision for citizen members. That is the Parliament of one of the provinces of Canada, and I understand that its citizen members have never been invited to join the committee. So there is no precedent for this arrangement, and the Parliament of New South Wales has been a trailblazer in this area. I think we have arrived at the point where members are largely responsible for their own conduct and education. Section 21.5 of the committee's "Review of the Code of Conduct" states:

This would also enable the Standing Ethics Committee to spend more time on its educational function, as opposed to the review function.

That statement speaks for itself when one considers that no amendment to the code has been suggested to date. In terms of transparency, it is completely out of order to suggest that the public will be denied access. The provision remains in the bill. Now that the code is established, a review requires local initiatives and taking note of movements in international as well as national trends in ethical conduct and code variations to maintain the highest standards of conduct by elected members, and ultimately by their electorate staff. We have the ICAC, to some degree the Parliamentary Remuneration Tribunal, an Ethics Adviser, the media and voter reaction to ensure that observance of the code and any amendments to that code is maintained. Any elected member who knowingly acts outside the code will soon be aware of the community's reaction, particularly at election time.

The provisions of proposed section 72E (1A), as set out in item [4] of schedule 1 of the bill, interacting, as required, with proposed section 72E (5), as set out in item [7] of the schedule, will ensure that the committee may appoint a member of the public to assist in the review of the code. That is clear. It is not ambiguous and it leaves no doubt. These amendments to the Independent Commission Against Corruption Act make the function of the committee more clear cut. They make the function of the committee common with that of the Legislative Council committee but retain the ability to seek continuing community input. By introducing this bill the Government is ensuring the high level of ethical standards that the community expects. I commend the bill to the House.

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [8.20 p.m.], in reply: I thank the members representing the electorates of Ku-ring-gai, Myall Lakes and Maitland for their contributions to this debate. I believe that the honourable member for Maitland has addressed all the concerns that were raised by the Opposition. I commend the bill to the House.

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

The House divided.

Ayes, 47

Ms Allan	Mr Greene	Mrs Paluzzano
Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Mr Bartlett	Mr Hunter	Mr Price
Ms Beamer	Mr Iemma	Dr Refshauge
Mr Black	Ms Judge	Ms Saliba
Mr Brown	Ms Keneally	Mr Scully
Ms Burney	Mr Knowles	Mr Shearan
Miss Burton	Mr Lynch	Mr Stewart
Mr Campbell	Mr McBride	Mr Tripodi
Mr Collier	Mr McLeay	Mr West
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Morris	Mr Yeadon
Ms D'Amore	Mr Newell	<i>Tellers,</i>
Mr Gaudry	Ms Nori	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

Noes, 34

Mr Aplin	Mrs Hopwood	Mrs Skinner
Mr Armstrong	Mr Humpherson	Mr Slack-Smith
Mr Barr	Mr Kerr	Mr Souris
Ms Berejiklian	Mr Merton	Mr Stoner
Mr Cansdell	Ms Moore	Mr Tink
Mr Constance	Mr Oakeshott	Mr Torbay
Mr Debnam	Mr Page	Mr J. H. Turner
Mr Draper	Mr Piccoli	Mr R.W. Turner
Mrs Hancock	Mr Pringle	<i>Tellers,</i>
Mr Hartcher	Mr Richardson	Mr George
Mr Hazzard	Mr Roberts	Mr Maguire
Ms Hodgkinson	Ms Seaton	

Pairs

Ms Meagher
Mr Watkins

Mr Fraser
Mr O'Farrell

Question resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CONSTITUTION AMENDMENT (GOVERNOR'S SALARY) BILL**Second Reading**

Debate resumed from 31 October.

Ms GLADYS BEREJIKLIAN (Willoughby) [8.31 p.m.]: The Opposition will not oppose the Constitution Amendment (Governor's Salary) Bill. As has previously been noted, the object of the bill is to amend the Constitution Act 1902 and the Statutory and Other Offices Remuneration Act 1975 to allow the salaries of future Governors of New South Wales to be determined by the Statutory and Other Offices Remuneration Tribunal. Currently, the New South Wales Governor is exempt from paying income tax. In 2001 the Federal Government passed changes to the Commonwealth Income Tax Assessment Act, making all vice-regal representatives liable for income tax as soon as the new vice-regal representative was appointed. That followed changes in the United Kingdom, where the Queen has voluntarily been paying income tax since 1993. As is consistent with arrangements in other Australian jurisdictions, the provisions of the bill do not apply to the current Governor. Those provisions will commence on the appointment of the next Governor.

The bill also reforms the current arrangements for determining the Governor's salary. The salaries of New South Wales Governors are currently set by the Governor's Salary Regulation 1990. As is outlined in schedule 2 to the bill, the Governor's salary will receive the protection of section 21 of the Statutory and Other Offices Remuneration Act, meaning that the Governor's salary can be reduced only by Parliament and not by a new determination of the tribunal. As a result of the change to the Commonwealth Income Tax Assessment Act, it is necessary to increase the salary for future Governors by an amount at least equal to the income tax to be paid. These amendments will ensure that the remuneration of the Governor is determined by an independent tribunal. Including the Governor's remuneration within the tribunal's jurisdiction will provide a transparent and independent process, which is used for many other public office holders in New South Wales. I commend the bill to the House.

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [8.33 p.m.], in reply: I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

FIREARMS AND CRIMES LEGISLATION AMENDMENT (PUBLIC SAFETY) BILL**Second Reading**

Debate resumed from 29 October.

Mr PETER DEBNAM (Vaucluse) [8.34 p.m.]: I am pleased to lead for the Opposition on the bill. The Opposition will move amendments to the bill, which I will discuss a little later. Clearly, the Government feels it needs to introduce this bill to make a number of changes to the Crimes Act and the Firearms Act to assist police. The Coalition is happy to support those changes. However, I will make a number of points about the provisions of the bill. The object of the bill is to create new offences under the Crimes Act 1900 and the Firearms Act 1996 to improve public safety. The new offences cover a number of different matters. One obviously refers to drive-by shootings. To use the terminology of the bill, the new offences under the Crimes Act are:

- (a) firing a firearm at a dwelling-house or other building with reckless disregard for the safety of any person (the maximum penalty being imprisonment for 14 years),
- (b) stealing a firearm (14 years imprisonment),
- (c) possession by an unauthorised person of an unregistered firearm in a public place (10 years imprisonment) as well as a separate offence (14 years imprisonment) in aggravated circumstances (namely, if the offence involves more than one unregistered firearm, an unregistered prohibited firearm or an unregistered pistol)

The newly created offences under the Firearms Act 1996 are:

- (a) selling a firearm part to an unauthorised person (5 years imprisonment) as well as a separate offence (10 years imprisonment) of selling a firearm part that relates to any kind of prohibited firearm or pistol,
- (b) selling firearm parts illegally on an ongoing basis (20 years imprisonment),
- (c) using a false document (such as a document that purports to be a firearm licence or permit) in order to obtain a firearm (10 years imprisonment).

The bill also makes other miscellaneous amendments to the Crimes Act and Firearms Act as well as to the Criminal Procedures Act and the Firearms (General) Regulation 1997. The bill has come about because of a crisis in gun crime in New South Wales. I have highlighted to the Government a number of times—too many times to recount—the incidents on our streets. We do not hear about all of those from the Government. Certainly the police media unit does not publicise all of those incidents. I want to highlight a number of problems we have had since the Government was re-elected in the March 2003 State election.

On 29 March there was a drive-by shooting at Tregear, on 5 April an armed hold-up at Ingleburn, on 12 April a robbery with pistol at Ingleburn, on 13 April a shooting at Rosemeadow, on 15 April a robbery with a rifle at Lightning Ridge, on 16 April a rifle fired at Byron Bay, on 19 April a robbery with handgun at Ingleburn, on 21 April a robbery at gunpoint at Canley Vale, on 27 April a drive-by shooting at Moorebank, on 28 April an armed robbery at Forestville, on 29 April a murder-suicide at Newcastle, on 29 April a shooting at Toongabbie, on 1 May a robbery with firearm at North Sydney, on 3 May a murder victim found at Rozelle, on 3 May a robbery with firearm at Tuncurry, on 8 May a firearm threat at Nabiac, on 8 May a murder by shooting at Telopea, on 10 May a drive-by shooting at Bonnyrigg, on 11 May a drive-by shooting at Bonnyrigg, on 11 May a shooting at Narwee, on 12 May a drive-by shooting at Auburn, on 12 May a drive-by shooting at Cabramatta, on 13 May a robbery with handgun at Lakemba, on 15 May a firearm produced at North Sydney, on 16 May a shooting at Glebe, on 18 May firearms offences at Surry Hills, on 19 May a robbery with handgun at Darlinghurst, on 19 May firearms charges at Waratah, on 19 May a shooting at Bradbury, on 20 May firearms offences at Bermagui, on 21 May a shooting at Yennora, on 21 May a shooting at Kemps Creek, on 21 May a robbery with handgun at Macquarie Fields, on 25 May a robbery with handgun at Surry Hills, on 25 May a robbery with handguns at Leichhardt, on 26 May a shooting at Bardwell Park, and on 1 June an armed robbery at Homebush.

I will put all these events in *Hansard* because we do not hear anything from the Government about all of them. It is important to understand, in the context of this legislation, that for the past eighteen months the Government basically has denied it has had a problem. It certainly denied it had a problem all the way up to September this year. The events I have read onto the record are those that I can identify between the State election and 1 June this year. I estimate they are probably a third or a half of the actual number of gun crimes during that period.

I will put on the record gun-related crime up to the current date. On 5 June, shotgun fired at Parramatta; 5 June, armed robbery at Adamstown; 7 June, shooting at South Strathfield; 7 June, armed robbery at Wentworthville; 9 June, carjacking at gunpoint at Mount Prichard; 17 June, shots fired into a car at Canley Vale; 19 June, home invasion at South Coogee; 1 July, carjacking with a handgun at Neutral Bay; 1 July, shooting murder at Griffith; 6 July, shooting at Mulwala; 7 July, armed robbery at Windsor; 8 July, armed robbery at Guildford; 12 July, armed robbery at the Central Coast; 12 July, shooting at Werrington; 12 July, shooting murder at Cecil Hills; 13 July, shots fired at a house at Fairfield Heights; 14 July, double shooting at Guildford; 15 July, robbery at gunpoint at Roseville; 17 July, robbery with firearm at Cabarita; 18 July, armed teenager at Erskine Park; 24 July, carjacking at gunpoint at Seven Hills; 26 July, armed robbery at Ultimo; 26 July, shooting death at Macksville; 26 July, drive-by shooting at Green Valley; 27 July, robbery at gunpoint at Penrith; 28 July, robbery at gunpoint at Five Dock; and, 30 July, shooting at Bankstown.

On 1 August, shooting death at Canley Vale; 4 August, attempted robbery in the central business district of Sydney; 4 August, robbery at gunpoint at Alexandria; 5 August, shooting death at Kemps Creek; 5

August, drive-by shooting at Greenacre; 6 August, robbery at gunpoint at Meadowbank; 6 August, shooting murder at Maroubra; 10 August, shots fired from a handgun at Fairfield; 10 August, shots fired from a handgun at Carramar; 11 August, robbery with a handgun at North Narrabeen; 13 August, shots fired into club at Bankstown; 20 August, robbery with a handgun at Bankstown; 27 August, shots fired at home at Condell Park; 29 August, drive-by shooting at Leichhardt; 29 August, shooting death at Punchbowl; 30 August, 34 handguns stolen at Chester Hill; and, 30 August, shooting at houses in Lurnea.

On 1 September, robbery with pistols at Arncliffe; 2 September, shooting at Dareton; 2 September, shots fired at car at Greenway Park; 8 September, barricaded police at Camden involving a gun; 9 September, revolver stolen at Windsor; 10 September, attempted gun theft at Lidcombe; 12 September, armed robbery at Roselands; 12 September, man shot at Surry Hills; 14 September, armed robbery at Pyrmont; 16 September, armed robbery at Wetherill Park; 17 September, drive-by shooting at Greenacre; 18 September, shooting at houses at Auburn; 19 September, armed robbery at Prospect; 22 September, drive-by shooting at Greenfield Park; 22 September, armed robbery at Allawah; 24 September, robbery with shots fired at Orchard Hills; 25 September, teenager shot at Cabramatta; 25 September, robbery with a pistol at Coogee; 25 September, robbery with a firearm at Winston Hills; 27 September, man shot in a drive-by at Green Valley; and, 28 September, murder at Nowra.

On 1 October, armed robbery at Blacktown; 2 October, robbery with shots fired at Toongabbie; 5 October, armed robbery at Woollahra; 6 October, armed robbery at Alexandria; 6 October, armed robbery at Guildford West; 7 October, armed robbery at Alexandria; 8 October, armed robbery at Casula; 8 October, shooting at Liverpool; 12 October, shooting at Wetherill Park; 12 October, shooting at Fairfield; 13 October, replica gun produced at Miller; 30 October, robbery with shots fired at Campsie; 13 October, robbery with shots fired at Vineyard; 14 October, drive-by murders at Greenacre; 16 October, drive-by shooting at Sadleir; 17 October, boy shot at Macquarie Fields; 17 October, armed home invasion at Wiley Park; 18 October, armed robbery at Oberon; and, 18 October, man shot at Narellan Vale.

On 19 October, armed robbery at Carramar; 19 October, man pistol whipped at St Marys; 19 October, revolver stolen at Drummoyne; 19 October, armed robbery at Birkenhead Point; 19 October, 15 handguns stolen at Greenacre and Castle Hill—two incidents; 20 October, two revolvers stolen at Liverpool; 21 October, drive-by shooting at Mays Hill; 22 October, replica handgun used at Moorebank; 22 October, carjacker opened fire at Edmondson Park; 25 October, attempted robbery and shots fired at St Peters; 26 October, robbery with shots fired at Rouse Hill; 26 October, armed robbery at La Perouse; 27 October, armed robbery at Newtown; 27 October, armed robbery at Rooty Hill; 27 October, revolver stolen at Surry Hills; 27 October, armed robbery at Auburn; 28 October, gunshot murder at Annandale; 29 October, attack with rifle at Byron Bay; 30 October, gunshot murder at Punchbowl; and, 31 October, armed robbery at Hoxton Park.

On 2 November, home invasion at Kingswood; 2 November, shooting murder at Yamba; 4 November, motorist shot at at Ryde; 4 November, man shot at at Smithfield; 4 November, armed robbery at Toongabbie; 6 November, shooting at Liverpool; 6 November, armed robbery at Leichhardt; 6 November, firearm stolen at Marulan; 6 November, armed robbery at Lurnea; 10 November, armed robbery at Rozelle; and, 10 November, armed robbery at Beecroft. That is a list of gun-related crime that I have been able to identify from the media. As I said earlier, it accounts for probably one-third or one-half of gun crime in this State. The hierarchy of New South Wales Police have done what they can to ensure that the full list is not made public. But the community has the message. It is not as though the Government introduced the bill as a result of gun-related crime that has occurred in the past few months. It goes back some years.

I have been highlighting the obvious concern about gun-related crime since I took over the shadow Police portfolio after the last State election. In the past six months I have issued a number of press releases in an attempt to draw the attention of the Government to the concern of the community about gun-related crime. On 27 May I issued a press release headed "Stop-start police investigation of shooting", which related to the suspension of an investigation into a shooting in Haymarket because of lack of resources. It is interesting to note that the Government initially denied that the investigation had been suspended. It was some 24 hours before the Government told the truth. The *Daily Telegraph* published one story highlighting the incident and the Government's denial that the problem was a lack of resources. Then 24 hours later the paper published another story from the Government stating that lack of resources was a problem and that the investigation had been suspended. On 28 May I issued a press release headed "Thugs with guns". These press releases are on the Parliamentary Library database. People can look at them, if they wish.

On 26 June I issued a press release headed "Bonnyrigg suffers third drive-by shooting"; on 13 July, "Illegal handgun culture is out of control"; on 15 July, "Four shootings in three days"; on 6 August, "Another

week of gun deaths on Sydney's streets"; and, on 10 August, "More shootings prompt more Government media strategies". The problem is that for eight years New South Wales has had media strategies from the Government and New South Wales Police, not policing strategies. On 31 August I issued a press release headed "Violence sweeps across NSW again"; on 4 September, "Glock theft adds to NSW's illegal handgun armoury"; and, on 10 September, "How many unmanned police stations store handguns?" I know that the Government has not checked that. I know that the Government continues to have a major problem with weapons stored in police facilities that are either unmanned overnight or manned by one individual. I know that eventually we will have a problem.

On 21 September I issued a press release headed "Government marks time while gangs rob and kill with illegal handguns" and on 23 September "3 month sentence is a betrayal of police and community". I will come back to that because it deals with the fact that in New South Wales there is currently no deterrent to having an illegal weapon. On 9 September I issued a press release headed "Another night of gun violence"; on 13 October, "Another 24 hours of gun violence"; on 14 October, "Mr Carr—Move beyond denial and admit there is a gun violence crisis"; and, on 15 October, "Government can't dismiss Sydney's gun warfare as a 'family feud'". After the Greenacre murders we had the ridiculous situation of the Government and senior police going all out to say that it was a family feud about child custody and a cultural problem. It was not a cultural problem. The cultural problem in New South Wales that the Premier has tried time and again to deny is that we have hundreds of—perhaps 1,000—young men who have access to illegal weapons and a willingness to use them to intimidate, rob and kill.

On 18 October the heading on the press release was " 'Urban terrorists' are not concerned by newspaper rhetoric". I make the point that from the Greenacre murders to the Commissioner of Police talking about urban terrorists during a Friday night briefing to the *Daily Telegraph* we went from denial that this was anything other than a family feud and people with criminal connections killing each other, to talking about urban terrorists in New South Wales and the need for the full resources of government to attack these people. That was quite a turnaround on the part of the Government. I think it realised that its downplaying of the problem was simply not being accepted by the community. On 19 October, the heading of the press release was "Guns, grenades & launchers—it's war on our streets". There has been some criticism that that press release was too sensational, but it was real and the Government and senior police know that, and finally they did something about it.

On 21 October the heading of the press release was "Armed robberies and another 18 guns on our streets". On 27 October the press release refers to another robbery in broad daylight at Rooty Hill. On 28 October the press release headline states "4 armed robberies while Premier discusses Federal issues". It was the usual Bob Carr practice. We have a major crisis on the streets of Sydney and a major problem in New South Wales, and Bob Carr resorts to his usual diversion—namely, talk about anything Federal. Obviously, he was again trying to undermine Simon Crean, but he was also using it as a diversion—anything to draw attention away from State issues. On 7 November the press release headline stated "Shooting & robberies across Sydney not just in South West". On 9 November the press release was "Police warnings ignored four years ago". On 11 November the press release was "28 robberies from Sunday night to Tuesday morning". I will come back to that later.

The Government finally moved beyond denial and admitted that there was a problem and that something had to be done about it. What did it do? In true style, it issued a four-page press release. The Minister for Police, Mr Watkins, issued a press release on 23 September that is headed "Watkins launches new assault in a war on handguns". He covered a number of points, and I will comment briefly on them. He used one heading that states "Increased Detection and Enforcement" and refers to Operation Vikings. I have made my feelings clear about Operation Vikings—it is a media-friendly strategy that comes simply out of the commissioner's contract, it is flawed and it needs to be changed. The sooner the Government does that, the better. It is a real problem. Increasingly, the police are understanding that that is a problem. What we need in New South Wales is police on the streets in all suburbs, not just in a couple of spots that are friendly to television cameras. That is what Operation Vikings has delivered.

The Minister's second heading in the press release stated "Enhanced Search Powers for Handguns". If the police need that, that is good. Some of that has flowed through to this bill. His third heading was "Harsher Sentencing for Handgun Crimes and other Legislative Changes". The Minister can talk about harsher sentencing, tough sentencing and New South Wales having the toughest gun crime legislation in Australia, but it is all simply garbage. It is rubbish. We all know that these people are not going to gaol. I will deal with that point in more detail later. That is one of the real problems in New South Wales. The fourth point in his press release is "Security Industry Review". How many times has the Carr Government announced a security industry

review? I am able to say that over the past few years that has been announced a number of times. It is a problem. The safe storage of weapons will always be an issue, but when police were removed from the streets of New South Wales—which is what has happened over a couple of decades—the security industry moved into the vacuum.

If people want safety and public order around their home or their business they turn to security guards. The way that the Government is running strategies for policing ensures that the police simply are not around to maintain public order, and that is why there has been an explosion in the number of security guards over the past couple of decades. Essentially, public order has been privatised. There are approximately 40,000 security guards and, among them, 3,000 weapons in the security industry. Obviously, there will be a problem with some of those weapons. We need to see police back on the streets. Point five in the Minister's press release referred to Operation Vulcan and \$5,000 rewards for phoning in about weapons. I have made the point to the Government time and again that it should get serious in relation to rewards. Let us have \$50,000 rewards. Although \$5,000 is perhaps a motivation to some people, we should indicate just how serious the Parliament is about this issue and make the reward \$50,000 for any information that will resolve outstanding gun crime.

The sixth point of the Minister's press release was "Improving NSW Police Handling of Firearms Offences". That has fed into this bill. The handgun amnesty was the seventh point. That is a joke. All the way through this year the Government has attempted to talk about the gun buyback and the amnesty, but they have had no impact whatsoever on illegal weapons in New South Wales. We have a problem on the streets because the Government has relied on those provisions. Point eight of the Minister's press release refers to improving national controls. I will not deal with that matter because that is the usual Federal Government diversion that comes out of Bob Carr's office and it has more to do with Walt Secord than anything substantial in policing. The last line of the press release states "A more detailed Firearms Reform paper is also available". I have to say that I have tried to get that paper for some time, directly and also through the Parliamentary Library, but it is simply not available. That is why I placed a question on notice to the Minister for Police some weeks ago that states:

In relation to your press release of 23 September 2003, "Watkins launches new assault in war on handguns":

- (1) Is the paper described as "A more detailed Firearms Reform paper is also available" available for the media and the public?
- (2) If so, why wasn't the Firearms Reform paper provided to the Parliamentary Library when requested?
- (3) Was the press release correct in relation to the Firearms Reform paper?

If it exists, why does the Government not produce it tonight? Let the Coalition see what that paper is. I can only assume that it does not exist, in which case whoever wrote that press release should confess that they got it wrong. I refer now to the Premier's press release. I have just referred to the September press release of the Minister for Police. In October the Premier issued a press release headed "New Laws to Lock Away Drive-by Shooters". I will put a couple of famous quotes on the record. Bob Carr said, "We're taking guns and the criminals who carry them off the streets". Nothing could be further from the truth! We have a major problem in Sydney and especially in south-western Sydney. Time and again I have said that there are probably hundreds of young men who have access to illegal weapons and they have a willingness to use them to intimidate, rob and kill.

The Carr Government is not seizing those guns and is not taking the criminals off the streets. The sooner the Government realises that the better. It has to act and move beyond rhetoric. Later in the press release the Premier resorted to his old rhetoric, which is, "We have the toughest gun laws in Australia". The laws simply do not work. They have not worked and they will not work until the Premier gets real on this particular issue. The Coalition parties will provide an alternative. I turn now to the Minister's second reading speech. He referred to tough new penalties and the toughest firearms laws in Australia. As I have demonstrated, that is just rhetoric on the part of the Carr Government and that has been a major failure of the Government over the past eight years—resorting to rhetoric instead of substance. A couple of issues have been fed into the bill. The Minister stated:

A recent court decision would have it that a firearm which is inside a private vehicle which is in a public place is not necessarily itself within that public place. That is clearly nonsense ...

I have been the Opposition spokesman for policing for the past six or seven months. That is the first statement from the Minister for Police, John Watkins, that I am able to agree with. His statement is correct. When the courts are clearly frustrating the will of the Parliament and the will of the community we need to correct them.

To some extent, it would appear that this bill corrects and clarifies that situation. Hopefully, to some extent, it reads the riot act to the judiciary and says, "Please implement the will of the Parliament." The Minister also stated:

The Government is also considering making more serious firearm crimes strictly indictable in order for such crimes to be tried in the District Court or the Supreme Court and, therefore, attract higher sentences.

If the Government is still considering it, I urge it to hasten its consideration and to do something about it. We are all waiting for that to happen. It is long overdue and the Government should do something. Parliament will probably sit for another few days and the Government will be able to bring in whatever changes it needs to make and pass the legislation. The real problem in New South Wales is that there is no effective deterrent to carrying an illegal weapon in this State. That has been proved time and again. On 23 September an article was published relating to a 24-year-old man who had a criminal record and who had an unauthorised handgun. He was caught with the handgun in a pool hall and he was using it to intimidate other people. Unbelievably, Blacktown Local Court gave him a three-month sentence for that offence. He was a smart young fellow and immediately knew that the sentence was out of kilter in New South Wales—no-one goes to gaol for three months for having an illegal handgun.

He appealed the severity of the decision. He was granted bail, from memory, of about \$1,000. He is now out on bail and appealing that sentence. He has appeared once in the District Court and the matter is to come on again in the next month or so. Here is a chance for the judiciary and the Government to ensure that that fellow goes to gaol. The penalty for possession of a prohibited weapon, a handgun, is 14 years. I remain an optimist and hope that that fellow will receive 14 years on appeal but, also being a realist, he probably will not get 14 years. I sincerely hope he will get a real lesson about justice in New South Wales, and that the three-month sentence that he appealed will be converted to years. That 24-year-old fellow has a criminal record and when the court made its decision it knew he had a criminal record. That fellow is the sort of person who the Government and the community are targeting, and he should go away for a long time.

A couple of days after that a gun dealer in Newcastle was found to have a stock of weapons, including 68 pistols, 45 rifles, 24 self-loading rifles, three shot guns, a shortened rifle—not just a rifle, but a shortened rifle—four machine guns, four sub-machine guns, a mortar bomb, seven grenades, a rocket launcher, seven silencers, a crossbow and ammunition. His defence was that he is a gun nut. The penalty for possessing any of those weapons is 14 years, but what did he get? Under the Premier of this State he was sentenced to three years gaol, to be served as periodic detention. What a total joke! The next case I mention is an absolute classic. On 10 October a bikie, about whom we all read, who had enough weapons to arm a small nation was charged \$500 for each of six charges. He ended up paying \$3,000. He had a criminal record and, as we subsequently found out, he was on parole.

The Premier's Parole Board said it would not revoke that parole, it thumbed its nose at the community and at the Parliament. Members opposite may be able to name the members of the New South Wales Parole Board. We should drag them in here and get them to answer to the people of New South Wales. The judge said that that fellow—who could arm a small nation and had a criminal record—would be fined \$3,000 instead of going to gaol for 14 years, and the Parole Board had the hide to say to Parliament that it would do nothing about that because it did not see any problem. That is the problem! There is no effective deterrent in New South Wales to having an illegal weapon and that is why there is gun crime every single day in this city. Earlier today I issued a press release.

Mr Paul Gibson: Another one?

Mr PETER DEBNAM: Yes, another one. The press release highlights the fact that this week, between late Sunday night and early Tuesday morning, there were 28 incidents of robberies or attempted robberies. About every 65 minutes there was a robbery incident.

Ms Virginia Judge: It is city of four million people.

Mr PETER DEBNAM: The honourable member for Strathfield said that it is a big city. When Brian Hagland was bashed to death at Bondi Beach in 1996, the only response of Paul Whelan, the then Minister for Police, was, "Hey, it's a big city—what do you expect?" Obviously, nothing has changed in the Carr Government between 1996 and 2003.

Mr Joseph Tripodi: The crime rate is down.

Mr PETER DEBNAM: That comment is from a gentleman who has betrayed his community, the constituents of his electorate. I have been speaking on behalf of his constituents.

Mr Joseph Tripodi: They are waiting for you at Villawood, my friend.

Mr PETER DEBNAM: I have been to Villawood.

Mr Joseph Tripodi: Last time you were at Villawood they stoned you.

Mr PETER DEBNAM: Yes, as the honourable member for Fairfield correctly says, the last time I was at Villawood—and he is referring to the Villawood Estate, which was demolished in 1997 or 1998—

Mr Joseph Tripodi: Due to my hard work.

Mr PETER DEBNAM: Yes. The criminals at Villawood stoned me when I visited that place. They surrounded my car and I had to race off. The same criminals that the honourable member for Fairfield is making jokes about are the criminals who are conducting a gang war at the moment. Some of them have died in the past six to 12 months. The honourable member for Fairfield may not know that, but if he understood the criminal history of his area he would understand that the fact that his Government did not address those problems at the time I was visiting the Villawood Estate—

Mr Joseph Tripodi: They are all in gaol.

Mr PETER DEBNAM: They are not all in gaol; they are on the streets and his Government has not been able to find them. Some of them are dead—some have died in the past 10 months—and the others are still running around. They are one part of the current gang wars in Sydney; and that is the problem. The Government does not understand what is happening in this State. A lot of focus has been put on the Greenacre murders in the past few weeks. The Greenacre murders were simply part of the current gang wars. The people that the honourable member for Fairfield is talking about are part of another gang war, but those two are not the only gang wars.

Mr Joseph Tripodi: That gang is in gaol.

Mr PETER DEBNAM: They are not in gaol. That is why some of them are dead on the street and some of them are still shooting, because the honourable member for Fairfield and his Government did not do the right thing back in the late 1990s. It is the Government's problem and the Opposition is laying the problem at the Government's feet. It is intriguing that the honourable member for Fairfield is in the Chamber tonight to talk about this issue, because he has done absolutely nothing about this in the time that he has been in Parliament.

Mr Joseph Tripodi: They are all in gaol.

Mr PETER DEBNAM: If they are all in gaol, who is pulling the triggers? I will come back to that. There is a solution here and it was read out by the Leader of the Opposition at a press conference last weekend. The press release stated:

MANDATORY MINIMUM SENTENCES FOR DRIVE-BY SHOOTINGS

The NSW Coalition will amend legislation before the NSW Parliament to introduce mandatory minimum sentences for people convicted of drive-by shootings, NSW Liberal Leader John Brogden said today.

The Coalition will amend the Government's bill to set a maximum sentence of 25 years with a mandatory minimum of 10 years. Labor's bill sets a 14-year maximum sentence, but no minimum.

"If a person is willing to shoot at houses in drive-by shootings, they should go to jail", Mr Brogden said.

"Bob Carr's so-called tough increased penalty of up to 14 years is no tougher than existing firearms laws.

"The maximum penalty for possessing an illegal firearm under current law is 14 years, exactly the same sentence for using the weapon to shoot at a house.

"Up to 14 years could mean anything, including weekend detention or a suspended sentence.

"Drive-by shootings are becoming an increasingly frequent part of the criminal landscape in Sydney and have turned once safe streets into gangland battle zones.

It is well that the honourable member for Fairfield is leaving the Chamber, because he is part of the problem. The press release continued:

"These brazen criminals are thumbing their nose at the Police and the Government because there is no genuine deterrent to their crime.

"The only way to ensure criminals serve the appropriate sentence is to have mandatory minimum sentences as proposed by the Coalition ...

Attorney-General Bob Debus when interviewed by Ray Hadley on 2GB was asked if he planned to impose a minimum term on the new sentence—

relating to drive-by shooting—

He replied NO.

It was summed up by the Attorney General. We have a real problem in New South Wales.

Mr Brad Hazzard: The Carr Government is the problem.

Mr PETER DEBNAM: The Carr Government is the problem. The symptoms are evident on the streets of Sydney. Gang war has resurfaced. I have spoken in this House about the 24-year-old criminal who was sentenced to three months imprisonment but who should have been put in gaol for a long time. I have spoken in this House about the Newcastle dealer who had a wealth of weapons and who should have been put in gaol for a long time but was not. I have also spoken in this House about the bikie who was fined \$3,000 instead of being imprisoned for a long time. It is also worth making the point that when we talk about the judiciary we are not talking about random sentences being imposed. We are not seeing leniency here and there and then something else at another time. The leniency, or the lack of prison sentences, is consistent; it is not random.

The judiciary has put in place a system that is at extreme variance from the will of the Parliament and from community expectations. It is all very well to talk about the separation of powers, but we need accountability. If the judiciary is to maintain separation of powers and we are to maintain the judicial system, the judiciary has to be accountable. It is not. The honourable member for Fairfield, who just left the Chamber, has betrayed his community over the past few years. He is one of the reasons this gang warfare is continuing unabated at the moment. He simply did not do his job. There are alternatives. I foreshadow that I will move an amendment in Committee that provides an alternative.

When it comes to these sorts of issues—gun crime and the fact that there is no deterrent in New South Wales—we have to ask: What will it take to move the Labor Party and the judiciary? I do not know. I hope that Government members will change their point of view and vote for the amendment that I will move in Committee. I have raised a number of issues with the police and with the Government and I have asked them to act on them. They have not done so yet, but perhaps they will. I have pointed out time and again that we need uniformed police officers on the streets of Sydney and in New South Wales generally. We have not seen them for decades.

Ms Angela D'Amore: How dare you criticise the police like that!

Mr PETER DEBNAM: I inform the honourable member for Drummoyne that I am not criticising the police. The Government is well aware of this problem. The information that I have received is from members of the Police Force. I have received overwhelming support from police officers to raise these issues because the Government is simply not doing its job. That is what we are seeing in relation to club taxes, to policing and to road safety. Local members are just not doing their job. I hasten to add that the honourable member for Blacktown takes up the issue of road safety. He is one of the few Government members who speaks out on behalf of his community.

All other Government members buckle under to different factions. It must be embarrassing for them to meet with community groups on issues relating to policing, public transport or clubs. Clearly, they are an embarrassment to their community. The honourable member for Heffron will be one-term Keneally. She simply will not last. She thumbed her nose at the clubs and she will go at the next election. Honourable members should ask anyone in her electorate.

Ms Angela D'Amore: What about my electorate?

Mr PETER DEBNAM: I will refer on another occasion to the electorate of the honourable member for Drummoyne. I am talking at the moment about the honourable member for Fairfield and the honourable member for Heffron, who will be going at the next election. I said earlier that we need uniformed police officers on the streets. This Government has not allocated those resources for some time. In order to do that it must sign off on significant overtime to ensure that police officers do an extra shift each week where they can. We need a blitz in south-west Sydney and we need police on the streets of Sydney. We also need zero-tolerance policing—an issue that I have raised with this Government for about 10 years. It has been an extraordinary success in the United States of America but for some strange, philosophical reason the Labor Party seems to be unable to embrace it.

When I talk to community groups I quite often show them two graphs. The first shows the dramatic drop in crime in the United States after the introduction of zero-tolerance policing. The other graph that I show reflects how crime rates have gone up under the Carr Government. According to Don Weatherburn, between 1995 and the end of 2002—a period of eight years—figures for 45 of the 62 categories of crime in New South Wales went up, mostly dramatically. In 2 of the 62 categories there was no appreciable change and in 15 categories the figures went down. But the figures for 45 of those categories went up dramatically.

The Premier, the Hon. Bob Carr, has tried to ignore that problem, but it is very real problem on the streets of Sydney. Another thing that we desperately need is increased funding for prosecutors and the courts. Those honourable members who have not sat in a court for some time and watched the court process should do so. The courts simply do not have the resources to cope with the number of people that are going through them.

Ms Virginia Judge: Point of order: The honourable member for Vacluse, who is supposed to be speaking to the substance of the bill, is now introducing matters that are irrelevant. He should be asked to debate matters that are relevant to the bill so that we can do something about improving public safety.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! I ask the honourable member for Vacluse to direct his comments to the substance of the bill.

Mr PETER DEBNAM: For the benefit of the new member for Strathfield I will explain why my comments are relevant to this bill. We are debating the Firearms and Crimes Legislation Amendment (Public Safety) Bill. The problem in the electorate of the honourable member and in every other electorate is that gun crime is out of control. It is a multifaceted problem that involves not only policing; it involves legislation and supporting prosecutors and the courts to ensure that they have full support to lock up offenders. I have said before that about 1,000 young men have access to, and are willing to use, illegal weapons to intimidate, rob and kill. There is only one place for them, that is, a maximum-security prison. They should be imprisoned for as long as possible and we should throw away the key.

There is nothing else that we can do with that group of people who are shooting others in our communities. As those people cannot be reformed they should be locked up for as long as possible. The courts and prosecutors need support if they are to be able to do that. The point that I was making before the honourable member for Strathfield took a point of order was that those honourable members who have not recently sat in a court should go to one and do so. They should establish just what sorts of workloads courts, the staff of the Director of Public Prosecutions and police prosecutors are trying to cope with. They simply do not have the appropriate resources. As a community we must ensure that these gangsters, thugs and criminals are locked up for a long time. Prosecutors and courts need support if they are to be able to do that.

On 22 October, when I issued a press release entitled "Need for Olympic-style security for western Sydney residents", I made one point. As a country, a State and a city we were successful in providing security for the Olympics three years ago. People will remember that there was a bit of a dip in the crime rate at that stage. The crime rate went down and there were fewer problems on the streets. This State was successful in doing that for a major event, but as a parliament and as a government we have been spectacularly unsuccessful in providing a sense of community safety and a sense of security for the people of Sydney, and for the people of Western Sydney in particular. If we could do it for the Olympics why can we not do it for residents now?

The simple reason is that we need the political will to do that. This Government has been in denial for so long in relation to crime, and gun crime in particular, that it is finding it difficult to move into an action phase on the ground. The Premier and the Commissioner of Police, Ken Moroney, are excellent when it comes to holding press conferences. They are good at getting together the media grabs. Ross Nielson, some highly paid fellow, delivers those grabs for them. They are good at press conferences but they are not good at delivering effective policing strategies on the streets of New South Wales. That is the whole problem.

As I said on 22 October, if we could introduce successful security measures during the Olympics why can we not do the same for the residents of New South Wales? On 22 October the Government announced Task Force Gain, which is focused on south-western Sydney and gun crime. At least the Carr Government had moved beyond the denial stage. I said at the time that I welcomed the announcement of the new task force and Bob Inkster's appointment. That is a very good move: He has the experience and the commitment to deliver for the community. It is a case of better late than never.

I also said that we must know when the full task force will be on the job. We have subsequently read various Government press releases about officer training and so on. We must also know where the required officers will come from because we are yet to find out the details. I highlighted the overtime issue and said that if police were to have a real impact on the streets they must be funded by significant overtime. If honourable members read the annual reports of the Police Service and the Auditor-General they will see that police overtime is negligible. That is an embarrassment. Police overtime should be increased substantially.

On 22 September I asked the Premier and the Commissioner of Police when they would introduce zero-tolerance policing and when they would admit that 10 years worth of factual information from the United States of America did not constitute an experiment. Those strategies work, so when will the Government apply them in New South Wales? I am yet to receive an answer to that question. I also pointed out that after 18 months of denial we required reassurance that Task Force Gain would be fully resourced and funded and would launch a sustained attack on the streets of south-western Sydney. I referred also to the courts and the prosecutors. I will continue to make that point until substantial resources are allocated to the courts to ensure that criminals—these gangsters and thugs—are locked up in maximum-security prisons for a long time.

Today I issued a press release, which I mentioned previously, in which I pointed out that between Sunday night and early Tuesday morning 28 robbery incidents—armed robberies, robberies and attempted robberies—occurred across the Sydney region. So we suffered another round of violent robbery incidents not only in south-western or Western Sydney but also in the north, south, east and west. I pointed out that we need police on the streets, we need significant overtime to get those police on the streets, we need zero-tolerance policing across the State and we need to focus on policing strategies, not media strategies. As I said at the outset of my speech, the Opposition will not oppose the bill but we will move an amendment in Committee that will seek to increase the maximum penalty for drive-by shootings to 25 years and introduce a minimum sentence of 10 years imprisonment for that offence. We expect all Government members to vote on behalf of their communities and support that amendment.

Ms VIRGINIA JUDGE (Strathfield) [9.23 p.m.]: I support the Firearms and Crimes Legislation Amendment (Public Safety) Bill. It occurred to me while listening to the speech of the honourable member for Vacluse that, if ignorance is bliss, the honourable member must be exceedingly happy. Tonight the honourable member offered much rhetoric. He was full of hot air. He plucked totally irrelevant statistics from hither and thither but his speech was very light on substance. It goes to show that the honourable member for Vacluse is not serious about public safety. If he were, he would commend this Government for its proactive measures designed to improve public safety.

The presence of a gun during an altercation can mean the difference between a black eye and a tragic loss of life. The reality is that the more guns there are on our streets, the greater the number of people who will use them. This increases the likelihood of more people making stupid and tragic decisions on the spur of the moment and a greater number of people suffering as a consequence. Anyone who possesses a firearm holds a weapon that is designed to kill. This bill recognises the seriousness of the presence of a firearm in any situation, but particularly in a public place. That is why it is proposed that a firearm carried within a motor vehicle in a public place should be considered to be in a public place for the purposes of the current Crimes Act offence of possessing a loaded firearm in a public place.

The careful regulation and monitoring of firearm ownership is obviously an essential part of protecting the public from illicit firearm usage. A new offence will also be introduced in that an unlicensed person carrying an unregistered firearm in a public place will be liable to a maximum penalty of 10 years imprisonment—not one year or five years but a decade—and a new aggravated offence with a maximum penalty of 14 years imprisonment. It is important to keep in mind the fact that in the two years to 31 December last year the number of assault shoot-with-intent incidents involving a handgun fell by 26 per cent across the State. I hope that the honourable member for Vacluse has not disappeared into the ether; I hope that he is listening. The number of assaults with a handgun fell by 36 per cent. I hope that the honourable member will take note of those statistics—

Mr Peter Debnam: Point of order: To correct the record, if the honourable member for Strathfield can produce statistics on gun crime, let us see them. I cited the publicly acknowledged statistics. If the honourable member has more statistics to offer, she should do so.

Madam ACTING-SPEAKER (Ms Marie Andrews): Order! There is no point of order.

Ms VIRGINIA JUDGE: In the electorate of Strathfield, which I have the great honour and privilege of representing in this place, the incidence of crime involving a firearm is stable according to the Bureau of Crime Statistics and Research. Anyone with a little intelligence can go to the Internet and find the bureau's statistics. The honourable member can whip out press release after press release, but I am talking about doing something in this place to protect the people like those in the gallery, who deserve our protection. There has been considerable community concern following the recent incidents in south-western Sydney. On 23 September a package of initiatives was announced to improve the comprehensive, co-ordinated approach adopted by NSW Police to illegal gun availability, detection, apprehension and prosecution. The Firearms and Crimes Legislation Amendment (Public Safety) Bill implements the legislative changes announced.

These include changes to firearms legislation, such as increasing the penalty for forging a firearms licence from \$5,500 to a maximum of 10 years imprisonment; recognising the difference in the traffic of illegal drugs and guns by increasing the time period for establishing the ongoing traffic office from three illegal firearms sales in 30 days to three illegal sales in 12 months; amending the Firearms (General) Regulation 1997 to require that licence holders notify police of both the storage address of their firearm and any changes of address where firearms are stored within seven days of their movement; introducing a new offence of ongoing supply for major parts of a firearm; and enabling the Commissioner of Police to delegate more generally the power to sign a certificate of evidence to an authorised registry officer. The current requirement requires the regulation to be amended each time the commissioner wants to exercise a delegation.

In addition, the bill includes provisions that amend the Firearms Act to make it an offence for a person to purchase or sell a firearm part illegally. That offence will attract a maximum penalty of five years in prison for non-prohibited firearm parts and 10 years in prison for a pistol or prohibited firearm part. New South Wales already has the toughest firearms laws in the nation. This bill introduced by the Minister for Police—he was ably assisted by his hard-working staff—will give our police, who put their lives on the line for us every day, the tools they need to crack down on firearms crime. I commend the bill to the House.

Mr MALCOLM KERR (Cronulla) [9.30 p.m.]: I am slightly disappointed with the speech of the honourable member for Strathfield. The Opposition expected her to refute what the honourable member for Vacluse said. We expected her to read the newspaper article, provide an innocent explanation of each incident he related to the House, give a character reference for the bikie who was fined and show how he had been misjudged. But she only read out the maximum sentences. The problem is that these days maximum sentences do not seem to be imposed on criminals or used when dealing with serious offences. But this matter goes further because this firearms legislation is very much a knee-jerk reaction to public concern.

I suggest that the honourable member for Strathfield obtain from the Parliamentary Library a copy of an article in the *Sun-Herald* which was written by John Kidman, which gave a history of this menace that is confronting society. He said some years ago that the police sought to deal with gangs but were not provided with the necessary resources to do so. No doubt the honourable member for Liverpool, who is in the Chair, would be interested to know that the article refers to a complaint lodged in the Police Integrity Commission which has not yet been dealt with. The honourable member for Strathfield simply recited the second reading speech justification for this legislation without coming to grips with the problem that has caused so much concern to the people in Strathfield, Cronulla and across Sydney, where there is a surge in gang activity. Western Sydney is not the only area where it is occurring.

The honourable member for Vacluse quite rightly said that we have seen a haemorrhaging of experienced police from the force, and that there are fewer police on the streets. In fact, the security industry is taking up the vacuum created by a lack of practical policing in Sydney. The growth in the security industry is one of the causes of the problem. There has been a lot of publicity about the number of guns that have been stolen from the security industry and found in the possession of these gangs. Without a minimum sentence the public can have no confidence that the sentences that were expounded by the honourable member for Strathfield will ever be imposed.

It would not matter whether this legislation was in force when the bikie, or those others who attracted derisory sentences, were dealt with in court because that sentencing option is still available. The problem is that

without a minimum sentence the public cannot be guaranteed that the sentences so gleefully recited by the honourable member for Strathfield will ever be applied. The focus of public concern has been brought about by this Government's neglect. One has only to listen to interviews with Tim Priest in relation to the Government's inaction over the past few years. The problem with gangs was obvious, and the police wanted to deal with it before it reached the stage it has reached today, but they were not provided with sufficient resources. This legislation simply increases penalties and deals with a Court of Criminal Appeal decision in relation to what constitutes a public place. It does not provide an answer to Sydney's problem.

The honourable member for Vacluse went to the heart of the problem when he said that the problem is with policing. Police were not listened to when the problem of gangs first arose, but it has now become a major problem and the number of resultant deaths can no longer be hidden from the public gaze. I believe that in a few months, when this legislation has been proclaimed, an inappropriate sentence will be imposed and the public will see the sham that the legislation represents. I urge all honourable members who care about their community to support the amendment and show that they regard the discharge of firearms as a serious concern. The best we could do is to give some effectiveness to the sentiments expressed by the honourable member for Strathfield. The second best thing is to give her a subscription to the *Sun-Herald* so she can read about what is going on.

[Interruption]

The honourable member for Wakehurst objects to that. Mr Acting-Speaker, with your indulgence I will return to the leave of the bill.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! That would be a pleasant change. Before the honourable member for Cronulla continues, I welcome to the gallery members of the New South Wales Branch of the Pharmacy Guild of Australia, who are guests of the honourable member for Kiama.

Mr MALCOLM KERR: I regret that we do not have a better prescription in the House to provide to the gallery.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! I suggest it is inappropriate for members of the Opposition to interject on a speaker from their side of the House.

Mr MALCOLM KERR: I was attempting to return to the leave of the bill. This is not an effective solution to a serious problem. There can be no more fundamental task for any government than the maintenance of law and order to enable citizens to live in an orderly society. Because the Government did not take preventive action at the start we have a major problem. The prescription that has been provided is not adequate and will simply mask the symptoms. It is in nobody's interest and will bring the law into further disrepute when the statute book is full of increased maximum sentences that are never used.

Mr BRAD HAZZARD (Wakehurst) [9.39 p.m.]: I support the comments made by my colleague the honourable member for Vacluse. Clearly, the Opposition would not oppose any reasonable steps taken to try to put together a comprehensive legislative framework to deal with the problem of firearms on our streets. Tonight I listened to speeches made by a number of Labor members, including the honourable member for Strathfield, who, whilst wanting to speak on the bill, sought to play down the issue of guns on the streets of Sydney. I have no desire whatsoever to be talking up that issue. It is not an issue that I find it pleasant to talk about. But, contrary to what has been said by Labor members, Sydney people honestly believe it is not safe to be on the streets in many areas of Sydney.

The honourable member for Auburn is not in the House at the moment, but I recall that during the Auburn by-election campaign a number of members were out on the streets of Auburn talking to people. I walked down one street and up a driveway where a young mother and children were playing. I asked her what issues in Auburn the Coalition should be addressing. I was expecting to hear about issues relating to preschools, long day care, education and hospitals. I did hear about those issues, but not on that occasion. I heard from the young mother about the fear of bullets in her street. That was foreign to me; I could not believe that a young mother would want to talk about bullets being fired in her street. That drove home to me that parts of our Sydney community are suffering in ways that some of us in this place perhaps do not fully understand. I believe earnestly that the Premier of New South Wales does not understand how real the fear of guns is in some parts of Sydney.

For some of us who have been members of this place for a while, that comes as a bit of a surprise. In the early nineties we had a colleague who was not on the Coalition side of the fence, John Newman. John and I

worked together on the Joint Standing Committee upon Road Safety, known as Staysafe. I travelled to Los Angeles to look at the police pursuit issue, which Staysafe had under consideration at that time. Though the committee made some recommendations on that issue, the Government largely has still failed to take them up. Nevertheless, while we were in Los Angeles looking into various matters we went with the Los Angeles police in a helicopter. John and I spent about four or five hours in this helicopter. During discussions the Los Angeles police warned us that guns would be coming to Sydney and they were the single biggest issue they had to face in their daily policing activities in Los Angeles. That was shortly after the riots that occurred in parts of Los Angeles.

I well recollect that as we approached a large, unauthorised gathering of people that night the helicopter pilot warned John and I to be alert to the fact that the helicopter may take bullet hits. The police said that guns were so rife in Los Angeles in 1994 that they faced a real risk from bullets being fired at them by people on the ground who did not like a police helicopter flying over them. They also pointed out that fortunately most of those people were not good shots; they were basically duck hunters and their bullets would probably miss the helicopter. But occasionally the helicopter would take a direct hit. The pilot and the police said they hoped John Newman and I would not take a hit. John and I shared those sentiments. Unfortunately, only a few weeks later John Newman was shot and killed in Sydney.

It has taken the Carr Government almost 10 years to attempt to address what has been a growing problem. John was hit by a bullet from a gun that should never have been on the streets. In those days we did not have the proliferation of firearms that we have had in the decade of the Carr Government. I do not blame the Carr Government for that proliferation. I am saying that the Carr Government has been slow on the uptake and way behind the eight ball in recognising this growing and worrying issue for the people of Sydney. It has taken, literally, the deaths of a relatively large number of people in recent months for the Government to finally act. Even then, the Government has tried to downplay the magnitude of the problem.

Tonight some members and the Premier implied that, after all, this is only a gang war; that only people who are already criminals are being killed. Neither I nor the Coalition accept that. Honourable members—I stress honourable members—of the Labor Party should not accept that either. I remind the House that in the past few weeks an innocent 22-year-old woman was murdered in her Greenacre house by people who shot at the house. She had no part in any of the gangland interplay. She was simply in the wrong place at the wrong time. A 15-year-old boy at Macquarie Fields stood up for his rights and had a discussion with someone in a car. The result was that he was shot in the arm. Fortunately, he was not killed.

How many of us have teenage children who go out at night? As parents, these days we are fearful that our children will be exposed to all forms of violence. We and our children, in modern-day Australia and Sydney, should not have to fear that a gun will be pulled on us, our children, our families, our neighbours, our relatives or our friends. That should not happen. What has been the Carr Government's response? During the past few years it has allowed senior police officers to walk away from New South Wales Police.

Only last Friday I was speaking to a relatively young police officer who informed me that when she and her colleagues are walking the streets of Sydney on general duties they are lucky if they have in their group officers with any more than two or three years experience. In other words, the Carr Government has failed to proactively plan for the policing of a major problem. No serious government can expect young and inexperienced police to cope with what is a major problem for any community: the number of guns on the streets of Sydney. The bill proposes amendments to various pieces of existing legislation. It will create new offences under the Crimes Act and under the Firearms Act. In essence, the bill amends the Crimes Act to create the new offences of:

- (a) firing a firearm at a dwelling-house or other building with reckless disregard for the safety of any person (the maximum penalty being imprisonment for 14 years),
- (b) stealing a firearm (14 years imprisonment), and
- (c) possession by an unauthorised person of an unregistered firearm in a public place (10 years imprisonment) as well as a separate offence (14 years imprisonment) in aggravated circumstances...

The bill also creates a number of offences under the Firearms Act, but I do not propose to discuss those. Some of the reasons for these amendments amaze me, and I am sure, most community members. I acknowledge that in the case of *Hardman v Director of Public Prosecutions* there was a majority decision by Justice Simpson and Justice Meagher. The decision was a little unusual in the sense that it determined that a person with a firearm who was sitting in a motor vehicle was not guilty of possessing a firearm in a public place. The logic of that

escapes me, to the extent only that I believe the court was a little out of touch with what the community would demand. The community would regard someone sitting in a car with a gun in a public place as actually being in a public place. What happens if the person had a leg out of the car? What if it was a convertible and half the person's body was out of the vehicle? It becomes a little silly.

With the benefit of hindsight those two judges might have come to a different decision. However, that decision has compelled the Government to focus on the need for legislative amendments. It has also been demonstrated to the community that our courts sometimes—I stress that it is only sometimes—are a little out of touch with what we, the community, expect. For that reason, there has to be some guidance and direction from the community, through legislators elected to represent the community, on how we think the courts should impose penalties—indeed, in this particular case, how the courts should interpret the law.

There are various ways of providing guidance, but I do not intend to go into that tonight. However, the Government has failed miserably to provide guidance and comprehensive support for the Police Service that would enable them to go after the criminals who are the purveyors and abusers of guns. It is time the Premier took the situation seriously. I note that the honourable member for Fairfield is in the Chamber. I have spoken to a number of people in the western suburbs of Sydney who now live in genuine fear. People in other suburbs of Sydney feel the same. It is an expanding problem. It is time for the Government to take a comprehensive approach. The legislation is not the comprehensive approach we need.

The legislation should lay down clear rules and directions so that courts know what the community expects. Ultimately, those who commit gun-related crime will not be in the courts if we do not have experienced police to apprehend them. It is time the Labor Government invested some serious money into putting experienced police back on the streets of Sydney. Some police officers who want their jobs back would bring a certain depth to the Police Service and provide guidance for the young officers who are finding it so difficult to deal with guns on the streets of Sydney. I ask the Premier to take seriously his responsibilities to the community. At some stage it may not be one of our colleagues who is gunned down; it may be many of the people of Sydney because there are too many guns on our streets.

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [9.52 p.m.]: Recent gun crimes in Western Sydney have shocked and saddened those who live around my electorate of Fairfield. Some media commentary is either unfair or mistaken and unfairly targets Western Sydney as an area plagued with crime and overrun by criminals. The effect of that is to associate the region with heinous crimes. The reality is that Western Sydney residents are good, law-abiding people who are of the same mind as the rest of New South Wales: gun crimes have no place in our society, and the criminals who commit them should be locked up. Placing recent events to one side for a moment, the Bureau of Crime Statistics and Research reveals that during the two-year period to December 31 last year assault shoot-with-intent incidents involving a handgun fell by 26 per cent and assaults with a handgun fell by 36 per cent. The downward trend between 2001 and 2002 continued in the first half of 2003.

Nevertheless, gun crime is an affront to the people of New South Wales, and we must do more to smash it. Gun crime makes our streets unsafe. The people of Western Sydney want a peaceful and prosperous life, and an end to gun crime. That is why the Government will take action to smash gun crime in this State, as it has always done. Currently, New South Wales has the toughest firearms laws in Australia. The Firearms Act provides penalties of up to 20 years imprisonment for serious gun offences. The Government's gun laws are already tough, but we will make them tougher. The Firearms and Crimes Legislation Amendment (Public Safety) Bill is part of a package of tough measures that will improve the comprehensive, co-ordinated approach by New South Wales Police to illegal gun availability and the detection, apprehension and prosecution of those responsible.

First, street enforcement will be increased. A new 47-officer mobile operation Vikings team will crack down even harder on street crime, especially illegal handgun possession. This unit will be a highly mobile, active group that targets street violence, drugs and especially the possession of handguns in public places. Second, we will provide better education for police. New South Wales police are the front-line troops in the Government's war against illegal guns. We owe them the best training available. The bill will create a tougher and smarter police force that is better able to smash illegal gun activity. The Constable Education Program will be strengthened, and a greater focus placed on illegal firearms.

Proactive intelligence gathering will be increased to achieve better targeting of suspects. An additional five police positions will be provided to the State Crime Command for the Firearms and Regulated Industries

Crime Squad [FRICS]. Some of the intelligence-gathering activities in which these officers will be involved will include ongoing monitoring, analysing and reporting of firearms theft, monitoring of convicted offenders, expanding the firearms-tracing project to cover all guns seized in New South Wales and instituting standardised intelligence plans for firearms across all local area commands. An important aspect of twenty-first century policing is knowledge management initiatives that allow police to better understand why firearm crimes occur, with a view to preventing these crimes in the future. The Bureau of Crime Statistics and Research has been asked to conduct a sample survey of prisoners sentenced for crimes involving firearms, the first research of its type in Australia.

Third, from 2004-05 the number of firearms and explosive detection dogs will be increased to 46 to enable police to better detect guns carried in public. Detector dogs are used to support search warrants, high-profile street operations, crime scene investigations, and the screening of public places and vehicles. Fourth, the Police Force will be made tougher through enhanced search powers. The Minister for Police and the Attorney General will review the existing stop-and-search powers with a view to more effectively targeting illegal handgun crime. This review will be completed by the end of this year.

Fifth, the Government will improve security industry controls on weapons in its possession. The security industry has become an easy target for criminals seeking to procure firearms. The Deputy Commissioner, Operations, has advised that this year 59 handguns have been stolen from security premises and 17 from security guards. There are approximately 4,000 firearms within the security industry, and the Government will put in place measures to stop them from falling into the wrong hands. The Firearms and Crimes Legislation Amendment (Public Safety) Bill is the sharpened spearhead of this package of tough measures. The bill will create new firearm and gun crime offences that will send a clear message to violent criminals who seek to disturb the peace in our neighbourhoods: illegal handguns are not welcome on our streets, gun crime is not welcome in our neighbourhoods and you are not welcome in our society. If you commit gun crimes we will bring you to justice and lock you up for a long time.

The bill will clarify that possession of a firearm inside a motor vehicle in a public place is considered to be possession in a public place for the purposes of the current Crimes Act offence of possessing a loaded firearm in a public place. The bill will introduce a new offence of stealing a firearm, with a maximum penalty of 14 years imprisonment. The bill will also make it an offence for an unlicensed person to carry an unregistered firearm in a public place, with a maximum penalty of 14 years. The bill will increase the penalty for forging a firearms licence from \$5,500 to a maximum of 10 years imprisonment. It will increase the time for establishing the ongoing trafficking offence from three illegal firearms sales in 30 days to three illegal sales in 12 months. The bill will introduce a new offence of ongoing supply for major parts of a firearm.

The bill will also amend the Firearms Act to make it an offence for a person to illegally purchase or sell a firearm part. This new offence will attract a maximum penalty of five years for non-prohibited firearm parts and 10 years for a pistol or prohibited firearm part. Western Sydney residents are of one mind with the rest of New South Wales: gun crime has no place in our society and must be stamped out. The Government already has tough measures in place, but we will get tougher. The bill will send a clear message to the violent thugs who carry illegal handguns around our streets: you do gun crime and you will do a lot of time. The Government will make sure of that.

In two local government areas in my electorate, Bankstown and Fairfield, decreasing levels of crime have been recorded for almost every category of crime. From time to time the suburbs within my electorate receive enormous media attention because of horrible events that occur. But having said that, I emphasise that we need to keep our eyes on the real situation, which is that under the Government, policing in the Bankstown and Fairfield local government areas has been successful. Policing has continued to reduce the level of crime in those areas; it has continued to increase the community's level of safety and reinforce the quality of life for residents of those areas. That reality is borne out by the statistics.

As a member of Parliament I always encourage members of my community to report crime. It is important for crime to be reported because the police cannot act unless they have information. It is not as though the statistics are hiding anything. The Government invites people to report crime so that police resources can be effectively deployed in areas that need most attention. I take this opportunity to thank police officers at both Bankstown and Fairfield for their effective work. The crime statistics over the past two years show crime rates decreasing to negligible levels in most categories of crime. I commend those officers for the hard work they have taken on and because they have taken on the perception of crime as well as crime itself. The Government is conscious of the fact that dealing with the perception of crime is a big challenge. The Government has formulated a comprehensive policy to address the perception of crime as well as the reality of crime.

Mr WAYNE MERTON (Baulkham Hills) [10.01 p.m.]: The Opposition supports this legislation. The bill amends the Crimes Act by creating new offences of firing a firearm at a dwelling-house or other building with reckless disregard for the safety of any person, which carries a maximum penalty of 14 years imprisonment; stealing a firearm, with a maximum penalty of 14 years imprisonment; possession by an unauthorised person of an unregistered firearm in a public place, which carries a penalty of 10 years imprisonment; and the commission of offences in aggravated circumstances, for which the penalty is 14 years imprisonment. The bill also provides that possession of a firearm within a motor vehicle in a public place is considered to be possession of a firearm in a public place. Those provisions are all admirable.

I note also that the Firearms Act 1996 will be amended to create offences of selling a firearm part to an unauthorised person, which carries a penalty of imprisonment for five years; selling of a firearm part that relates to any kind of prohibited firearm or pistol, which carries a penalty of 10 years imprisonment; selling firearm parts illegally on an ongoing basis, for which the penalty is 20 years imprisonment; and using a false document, such as a false licence or permit to obtain a firearm, which carries a penalty of 10 years imprisonment. Those provisions are all well and good, but the reality is that we are dealing with difficult circumstances, particularly in south-western Sydney and in other parts of Western Sydney. Some members present in the Chamber tonight will remember the television program depicting *Eliot Ness*.

Mr Michael Richardson: *The Untouchables*.

Mr WAYNE MERTON: Indeed. I thank the honourable member for The Hills. The program showed some hoodlums in the streets of Chicago, pulling up on the side of the road, hopping out of some old 1930s-type limousine and then splattering a victim or a house with a submachine gun. A number of people were killed, of course, and property was ruined. The program showed considerable tragedy being inflicted on the community, but it was not a one-off occurrence. It happened time and time again. I am not suggesting that we have reached that stage yet—not quite—but the reality is that in south-western Sydney, many people live in the same climate of fear and trepidation that existed during the period depicted in *The Untouchables*.

As I understand the situation, during the past four weeks four people in south-western Sydney have been murdered as a result of firearm incidents. That is happening not only in south-western Sydney but throughout the whole of Western Sydney and in other parts of New South Wales. No-one would be more true blue to Western Sydney than I am. I have spent all my life in Western Sydney and I understand the culture of the people. They are fair dinkum, honest, hardworking people, who are interested in their families and in getting ahead. The last thing they want is to be threatened by gun-happy hoodlums and thugs who shoot people literally for kicks.

I do not believe for one moment that the Government appreciates the seriousness of the situation. I do not believe that Government members realise what the people of Bankstown must think when they go shopping, let alone when they go out in the streets at night. I know many of them are not prepared to go out into the streets at night because of the feeling of fear, trepidation and uncertainty that is engendered by hoodlums and thugs, who not only use physical force and violence but who frequently commit firearms offences. We have witnessed the period depicted in *The Untouchables* played out on the streets of Bankstown and Lakemba, and that is happening right before this Government's eyes.

The Government is aware that it is happening but it is not prepared to accept the reality of the situation or take any steps to alleviate or arrest the problem. This legislation sounds great and the principles it enunciates are probably great, but the Government must acknowledge that all the maximum penalties in the world—14, 15 or 20 years imprisonment for firing a firearm in a dwelling-house or other building with reckless disregard for the safety of any person—mean nothing unless the courts enforce the maximum penalties, or at least make penalties a realistic deterrent to young people and make it plain that crime does not pay.

Young criminals will start to learn the lesson when they walk away from the dock and realise that they have received a sentence of 14 years imprisonment. That is when they will think about the error of their ways, the folly of their conduct, and what the future holds. The Government has to enforce this legislation. Having practised law for some 25 years, I understand that the enforcement of penalties is in the hands of the courts. On a number of occasions my constituents have indicated their belief that the courts are not sympathetic to the views of the community or do not understand the feelings and expectations of the community. In those circumstances only one thing can be done. The Government has to legislate for compulsory minimum sentences, in other words, fixed penalties. With compulsory minimum sentences, offenders will know exactly what the penalty will be before they commit the crime. There will be no uncertainty in the mind of a criminal. If a person

goes out one night in a car and decides to terrorise people by shooting bullets through their front door, that person will know imprisonment for the period of the minimum sentence will follow.

I support the amendments foreshadowed by the shadow Minister. The Opposition suggests that the maximum penalty for drive-by shootings should be increased to 25 years imprisonment. No-one understands the potential for harm, destruction, grief and tragedy that a drive-by shooting causes. It is a serious crime because that type of shooting has the potential to kill any number of people who are unfortunate enough to be in the house with the shooting takes place. For that reason the Opposition suggests that the maximum penalty should be 25 years imprisonment. The Opposition also suggests that there should be a compulsory minimum sentence of 10 years imprisonment for people who undertake such an escapade of violence, treachery, tragedy and destruction. For too long we have listened to the Premier and Ministers talk about maximum penalties. Maximum penalties mean absolutely nothing and the people of Western Sydney and other parts of New South Wales see the proof of that fact, day in and day out, when some thug is brought before a court and released on a bond or receives a light sentence. That type of treatment is an encouragement for an offender to go out and offend again.

I understand the situation. I have appeared in criminal courts and I know the attitude of offenders. The only way they will be deterred is by the imposition of substantial sentences. I am a former Minister for Corrective Services, and I understand the need to balance rehabilitation with the deterrent factor, and to balance the punishment with the crime. Quite clearly, crimes of violence, crimes relating to guns and crimes that have the potential to kill multiple people have to be treated seriously. This bill does not go far enough. While it prescribes the number of maximum penalties, it is to no avail if those penalties are not enforced. Next time the Government sprouts off about maximum penalties and the new offences it has created, it will mean very little unless those penalties are enforced.

Many people believe—and I subscribe to the theory—that we must introduce minimum penalties and minimum sentences for crimes of this nature. The Government argues that this bill delivers a package of initiatives to improve the comprehensive co-ordinated approach taken by NSW Police to illegal gun availability, detection, apprehension and prosecution. Many police officers must be completely disillusioned by the fact that they arrest people but when those people go before the courts they are virtually given a licence to reoffend. That is not good enough!

The Government is supposed to be tough on law and order, and it has a responsibility to look after the people of New South Wales. Tragically, it has failed and it continues to fail. If the Government is not prepared to bite the bullet and make the tough decisions it will continue to fail. Society will be the worse off for that. Many people who live in the Bankstown area—housewives and men—are not prepared to go to the local shops, let alone go out at night. They have become captives because they live in fear of hoodlums; they could become involved in a shooting because they happen to be at the wrong place at the wrong time. What is that Government doing to fix that? Unless it treats this situation seriously by introducing minimum penalties, by increasing the maximum period for drive-by shootings, people in New South Wales will be living in an extension of the Eliot Ness era. Hopefully, Ness and his generation died about 70 or 80 years ago. But the Government will be responsible for the revival of the Ness-era conduct in Bankstown, south-western Sydney and many other places.

In my electorate, Winston Hills, Castle Hill and Rouse Hill have been involved in gun-related crime in the past few weeks. Western Sydney residents deserve more, they are hard workers and they are interested in their families; all they want is a sense of security. They are looking to the Government—which holds about 19 of the 23 seats in Western Sydney—to give them that security, but it has let them down and betrayed them because of its ineptitude and lack of determination. The Government is not prepared to face the fundamental problem that we are in a state of crisis as far as law and order is concerned. In many parts of Western Sydney thugs and hoodlums rule the streets, and the Government is sitting on principle. I support the amendments moved by the shadow Minister, who has done an excellent job in pursuing this difficult matter. I support the contentions he has raised in his amendments. The Opposition does not oppose the bill. However, we believe that it does not go far enough if the Government is fair dinkum about arresting the crime spree that is putting the people of Western Sydney under great threat, pressure and duress.

Debate adjourned on motion by Ms Noreen Hay.

PODIATRISTS BILL

In Committee

Consideration resumed from 15 October.

Clause 1 agreed to.

Miss CHERIE BURTON (Kogarah—Parliamentary Secretary) [10.14 p.m.], by leave: I move Government amendments Nos 1 to 6 in globo:

No. 1 Page 2, clause 2, lines 5-7. Omit all words on those lines. Insert instead:

2 Commencement

(1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).

(2) Schedule 6.4 commences on the date of assent to this Act.

No. 2 Page 4, clause 7, lines 16-19. Omit all words on those lines. Insert instead:

Note. Section 10AH of the *Public Health Act 1991* prohibits the provision of certain foot care services except by registered podiatrists, medical practitioners, registered nurses and certain other registered health care professionals.

No. 3 Page 11, Part 3, lines 2-5. Omit all words on those lines. Insert instead:

Note. Section 10AH of the *Public Health Act 1991* prohibits the provision of certain foot care services except by registered podiatrists, medical practitioners, registered nurses and certain other registered health care professionals.

No. 4 Page 60, clause 127 (2) (b), lines 8 and 9. Omit "Restricted or invasive foot care treatment not to be provided by unregistered person". Insert instead "Certain foot care services not to be provided by unregistered persons".

No. 5 Page 89, schedule 6. Insert after line 22:

6.4 Law Enforcement (Powers and Responsibilities Act 2002 No 103

[1] Schedule 2 Search warrants under other Acts

Insert in alphabetical order:

Podiatrists Act 2003, section 128.

[2] Schedule 4 Amendment of other Acts and instrument

Insert after Schedule 4.65:

4.65A Podiatrists Act 2003-11-12

[1] Section 128 Search warrants

Omit "authorised justice" wherever occurring from section 128 (1) and (3).

Insert instead "authorised officer".

[2] Section 128 (4)

Omit "Part 3 of the *Search Warrants Act 1985*".

Insert instead "Division 4 of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002*".

[3] Section 128 (5)

Omit the subsection. Insert instead:

(5) In this section:

authorised officer has the same meaning as in the *Law Enforcement (Powers and Responsibilities) Act 2002*.

No. 6 Pages 91-93, schedule 6.5 [2], proposed section 10AH, line 10 on page 91 to line 3 on page 93. Omit all words on those lines. Insert instead:

10AH Certain foot care services not to be provided by unregistered persons

- (1) A person must not, in the course of providing a foot care service, perform any invasive procedure on the feet or toenails under anaesthesia unless the person is a:

- (a) registered podiatrist, or
- (b) registered medical practitioner.

Maximum penalty: 50 penalty units.

- (2) A person must not, in the course of providing a foot care service, carry out surgical debridement of hypertrophic tissue of the foot using a sharp instrument unless the person is

- (a) registered podiatrist, or
- (b) registered medical practitioner.

Maximum penalty: 50 penalty units.

- (3) A person must not, in the course of providing a foot care service, treat a disorder of or injury to the foot knowing that the person treated:

- (a) has a medical condition causing inadequate blood circulation to their feet, or
- (b) has peripheral neuropathy affecting their feet, unless the person providing that treatment is a:
- (c) registered podiatrist, or
- (d) registered medical practitioner, or
- (e) registered nurse, or
- (f) registered chiropractor, or
- (g) registered osteopath, or
- (h) registered physiotherapist, or
- (i) pharmacist registered under the *Pharmacy Act 1964*.

Maximum penalty: 50 penalty units.

- (4) Proceedings for an offence against this section may be instituted within 12 months after the act or omission alleged to constitute the offence.

- (5) It is a defence to a prosecution for an offence under subsection (2) if the person establishes that he or she is a registered nurse and that the debridement was carried out in the course of providing health care to the extent necessary to provide immediate relief from pain or discomfort.

- (6) For the purpose of ascertaining whether the provisions of this section are being complied with, an authorised officer has and may exercise all the functions that the authorised officer has under the officer's Act for the purpose of ascertaining whether a provision of that Act is being complied with, and for that purpose:

- (a) those functions of the authorised officer under the officer's Act apply in respect of premises on which a person provides a foot care service in the same way as those functions apply in respect of premises on which a person engages in professional practice under the officer's Act, and
- (b) those functions of the authorised officer under the officer's Act apply in respect of providing a foot care service in the same way as they apply in respect of professional practice engaged in under the officer's Act, and
- (c) the provisions of the officer's Act with respect to the functions of an inspector (including any provision that creates an offence in connection with the functions of an inspector) extend to apply in respect of the exercise of functions of an authorised officer under this section.

- (7) An authorised officer is not to exercise any function conferred by this section except with the approval of the Director-General given in a particular case.

- (8) In this section:

authorised officer means an inspector, authorised officer or authorised person under any of the following Acts:

- (a) *Podiatrists Act 2003,*
- (b) *Medical Practice Act 1992,*
- (c) *Nurses Act 1991.*

officer's Act, in relation to an authorised officer, means the Act under which the authorised officer is appointed as an inspector, authorised officer or authorised person.

As I advised honourable members during the second reading debate, these amendments result from submissions from a number of health professions that raised issues relating to the operation of proposed section 10AH of the Public Health Act 1991. When the bill was introduced on 2 July, I said that proposed section 10AH is not intended to prevent other health professionals such as chiropractors, osteopaths and physiotherapists from undertaking their normal professional practice in respect of immuno-compromised or vascular-compromised individuals and individuals suffering from peripheral neuropathy. A number of professional groups raised concerns relating to proposed section 10AH. The Government received representations from the podiatry, chiropractic, nursing, osteopathy and physiotherapy professions. It is, therefore, proposed to substitute a new section 10AH, which addresses the issues raised.

Amendment No. 6 inserts a new section 10AH. Amendments Nos 2 to 4 are consequential upon the insertion of the new section 10AH. A number of changes are made in new section 10AH. First, the debridement of necrotic tissue on the foot would not be included in the proposed foot care practices. The restriction of debridement of necrotic tissues on the foot would be a risk to proper patient care by preventing normal wound management activities. Wound management is a core part of the practices of many health care professions, simply because the wound happens to occur on the foot. Second, the amendment proposes refining the restriction on debridement of hypertrophic tissues on the foot by specifying that the restriction is on the surgical debridement of hypertrophic tissues by use of a sharp instrument. There is a potential danger that an inexperienced practitioner may cut into and cause damage to healthy tissues. The amendment addresses this risk. It also ensures that a practitioner who debrides tissue by using a pumice stone or mechanical action will not be exposed to criminal prosecution.

As surgical debridement is a core skill of medicine and podiatry, only doctors and podiatrists will be able to lawfully carry out debridement of hypertrophic tissue unrestricted. But registered nurses carry out surgical debridement in the course of nursing practice and on a limited basis. Under the proposed amendments nurses will have a statutory defence to undertake debridement to the extent necessary to provide immediate relief from pain and discomfort. The term "immediate relief" is a matter that must be assessed on a case-by-case basis and in terms of the degree of pain or discomfort that is being experienced by the patient. The amendment recognises the limited debridement service that registered nurses provide and the comprehensive service that is available from medical practitioners and podiatrists. As I have already brought to the attention of the Committee, surgical debridement is the core practice of podiatry. I am advised that the Minister's chief of staff convened a meeting with the Australian Podiatry Association and senior departmental staff to discuss concerns podiatrists have over the proposed amendments.

I advise honourable members that those constructive discussions made a significant contribution to improving the bill. As a result of those discussions the Acting Minister wrote to the Nurses Registration Board and asked it to develop guidelines to assist registered nurses in safely practising debridement to the extent of their skills and competency. The Acting Minister also asked that those guidelines be developed in consultation with the Podiatrists Registration Board. Third, the amendment proposes replacement of the restriction on providing foot care services to a person who is immuno-compromised, vascular compromised or who suffers from peripheral neuropathy, with a restriction on providing foot care services to a person who has a medical condition causing inadequate blood circulation to his or her feet, or who has a peripheral neuropathy affecting his or her feet. The amendment removes the restriction on treating the feet of immuno-compromised persons as the public health issue of infection control is properly managed by adherence to universal infection control precautions.

Universal infection control precautions are an essential part of all health care practice. Service providers are governed either by health professional infection control regulations or by the infection control requirements of the Public Health (Skin Penetration) Regulation in relation to procedures that penetrate the skin. There is no logical reason why the treatment of foot conditions in the immuno-compromised should be treated differently from other areas of the body. The amendment also proposes replacing the reference to vascular compromise in the current bill with words that more precisely target the public health issue underpinning this restriction. The reference to vascular compromise was intended to restrict the treatment of the feet of people

who have an inadequate blood supply to their feet, as that condition may seriously compromise the ability of the tissues to repair themselves and any inexpert attention to the feet in those circumstances could have long-term impacts on the person's mobility and independence. Therefore, in order to more specifically target the conditions in question, the amendment proposes to change the reference to vascular compromise to a reference to a medical condition causing inadequate blood circulation to the feet. For similar reasons the amendment also proposes to change the reference to peripheral neuropathy affecting the feet.

The amendments relating to insufficient blood flow to the feet and peripheral neuropathy affecting the feet will provide that the practitioner in question must know that the patient has that affliction. That is to ensure that people do not inadvertently breach the provision and thereby commit a criminal offence in circumstances where the patient's condition is unknown. As previously drafted, a practitioner could commit an offence in circumstances where the patient was unaware of his or her condition, which is clearly unreasonable. These amendments have been the subject of further consultation and correspondence with both the Australian Podiatry Association (NSW) and the Podiatrists Registration Board. The amendments also address the concerns raised by the chiropractic, osteopathy and physiotherapy professions that the provision as originally drafted cut across the normal practices of those professions.

Those professions have pointed out that they would ordinarily treat people in these categories for general biomechanical problems and sporting injuries that require attention to the feet and ankles. It is also the case that chiropractors, osteopaths and physiotherapists provide rehabilitation treatments for people following surgery or injuries and that people with circulatory problems and peripheral neuropathy may seek their services in that context. It is necessary to exempt pharmacists from this restriction to ensure that they continue providing pharmaceutical agents with advice on foot care. The amendments also propose that before an inspector may exercise many of his or her powers under section 10AH of the Public Health Act the approval of the Director-General of Health who appoints them must be sought. This is to ensure that there is consistency in the administration and enforcement of the Public Health Act and that there is appropriate liaison between health professional registration boards as part of the enforcement process.

The New South Wales Nurses Association has written to the Minister for Health to support the amendments. The association considers that the amendments will operate to ensure that the relevant provisions in the Public Health Act do not prevent registered nurses from practising nursing. The association has also supported the requirement that the Director-General of Health approve the exercise of authorised officers powers under the provision on the basis that it will ensure that there is proper consultation between registration boards before those powers are utilised. The Medical Services Committee has also written to the Minister indicating the committee's full support for the amendments and, in particular, supporting the requirements that the director-general's approval be sought before inspectors' powers may be utilised. The amendments will improve the Podiatrists Bill and ensure that the public of New South Wales can obtain safe and appropriate foot care. I thank the Australian Podiatry Association for its efforts and its contribution to improving this bill. The amendments provide for a more clearly expressed, properly targeted and enforceable set of restrictions that take appropriate account of the professional practices of other health professional groups. I urge all honourable members to support these amendments.

Mrs JUDY HOPWOOD (Hornsby) [10.26 p.m.]: I wish to comment on the amendments moved by the Government to the Podiatrists Bill. I am grateful for the extension of time that was granted when we previously debated this bill. That extension of time gave Government members and representatives from the Department of Health an opportunity to speak to members of the Podiatry Association. I extend to the Government the thanks of the Podiatry Association for giving it that opportunity, which resulted in an informative and helpful discussion on these amendments. The Opposition does not intend to oppose the Government's amendments. However, I would like to make some comments in relation to them. Amendment 6 provides in part:

10AH Certain foot care services not to be provided by unregistered persons

- (1) A person must not, in the course of providing a foot care service, perform any invasive procedure on the feet or toenails under anaesthesia unless the person is a:
 - (a) registered podiatrist, or
 - (b) registered medical practitioner...
- (2) A person must not, in the course of providing a foot care service, carry out surgical debridement of hypertrophic tissue of the foot using a sharp instrument unless the person is a:

- (a) registered podiatrist, or
- (b) registered medical practitioner...
- (3) A person must not, in the course of providing a foot care service, treat a disorder of or injury to the foot knowing that the person treated:
 - (a) has a medical condition causing inadequate blood circulation to their feet, or
 - (b) has peripheral neuropathy affecting their feet
 unless the person providing that treatment is a:
 - (c) registered podiatrist, or
 - (d) a registered medical practitioner, or
 - (e) a registered nurse, or
 - (f) a registered chiropractor, or
 - (g) a registered osteopath, or
 - (h) a registered physiotherapist, or
 - (i) pharmacist registered under the *Pharmacy Act 1964*.
- (4) Proceedings for an offence against this section may be instituted within 12 months after the act or omission alleged to constitute the offence.
- (5) It is a defence to a prosecution for an offence under subsection (2) if the person establishes that he or she is a registered nurse and that the debridement was carried out in the course of providing health care to the extent necessary to provide immediate relief from pain or discomfort.

New subsection (5) is a substantial addition to and improvement of the bill. Podiatrists who have spoken to me about these amendments are pleased that the Parliamentary Secretary mentioned that the proposed guidelines relating to nurses would be carried out in consultation with nurses and podiatrists. This big step forward has overcome one of the main hurdles relating to this debate. I am pleased the Parliamentary Secretary referred to that issue earlier. There are no podiatrists in many areas of New South Wales. I urge the Government to do everything in its power to encourage anyone who is interested in podiatry to take it up as a career. It would be extremely helpful if the Government expedited the completion of the review of the podiatry award that is currently under way.

Podiatrists' conditions of employment in the public sector require attention. The Government must think outside the square to solve the problem of attracting podiatrists and other allied health professionals to rural and remote areas. The Australian Podiatry Association is strongly of the view that where podiatrists are practising in public health facilities those practitioners should perform podiatry procedures. I hope that the legislation review will not be used as a work force solution to the problem of employing podiatrists in areas around New South Wales to which it is difficult to attract practitioners. I hope that the Government will value the podiatry profession for its intrinsic and unique body of knowledge and that podiatrists will be able to perform podiatry procedures wherever and whenever possible. The Opposition does not oppose the amendments, which I commend to the Committee.

Amendments agreed to.

Clause 2 as amended agreed to.

Clauses 3 to 6 agreed to.

Clause 7 as amended agreed to.

Clauses 8 to 17 agreed to.

Clauses 18 to 126 agreed to.

Clause 127 as amended agreed to.

Clauses 128 to 136 agreed to.

Schedules 1 to 5 agreed to.

Schedule 6 as amended agreed to.

Schedule 7 agreed to.

Bill reported from Committee with amendments and report adopted.

SYDNEY WATER CATCHMENT MANAGEMENT AMENDMENT BILL**Second Reading****Debate resumed from 29 October.**

Mr MICHAEL RICHARDSON (The Hills) [10.33 p.m.]: I lead for the Opposition on the Sydney Water Catchment Management Amendment Bill. This is a straightforward piece of legislation that clarifies that the Sydney Water Catchment Authority can generate and supply hydro-electricity to the grid, charge for that electricity and that money into the Sydney Catchment Management Fund. As one might expect, the Opposition will not oppose the bill. After all the dams already exist—the Government has identified Warragamba, Cataract, Cordeaux, Nepean, Woronora and Tallowa dams as having the greatest potential. I would like the Minister for the Environment to confirm that the Government is not proposing to alter flow regimes. That is an important point. As I understand it, mini turbines will be installed next to the outlet pipes in the dams and will be run by water that would otherwise lose its potential energy by flowing through the pipes and into the streams below the dams. It makes sense to utilise that potential energy to generate electricity whenever we can—so long as that hydroelectric generation is economically viable. I make that comment in the context of what is happening overseas. For example, in Germany huge subsidies are paid for renewable energy.

Solar power costs about 16 times as much as coal power and up to 25 times as much as cheap nuclear power from France. Even wind power in Germany is about three times as expensive as coal power. I note that the Parliamentary Secretary, the honourable member for Campbelltown, said in his second reading speech that the installations can be cost-effective. I suppose that is the case because the dams are already built and the pipes are already in place. However, the Government offered no cost estimates so we do not know how much the electricity that will be generated by these proposed hydro-electric plants will cost. It would also be interesting to learn how much it will cost to install that capacity.

The Parliamentary Secretary also said that this proposal was a further step towards achieving the Government's commitment to sustainable energy use and cutting greenhouse gases. Let us put that comment into perspective. The Parliamentary Secretary referred to the "massive" 31,000 tonnes of greenhouse gases that these plants will save. However, New South Wales power stations emit about 50 million tonnes of greenhouse gases annually. The combined plants would produce about 33 gigawatt hours per annum versus more than 60,000 gigawatt hours for the whole of New South Wales. So we are talking about 0.06 per cent of the total capacity of the State's power generating system. That is not a huge increase in the State's generating capacity. In fact, the total generation capacity of these small plants will be about seven megawatts, or almost two-thirds as much as the Blayney wind farm and a little more than the Crookwell wind farm.

Coal-fired power stations generate more than 90 per cent of the electricity in this State. At present just 2 per cent of the State's power needs come from renewable energy sources other than water—that is, wind, solar, geothermal and biomass—which is only one-tenth the output of a coal-fired power station such as Liddell. If we read the Government's literature on this subject we can count the significant green power installations—those of more than five megawatts capacity—on the fingers of one hand. Why is that significant? It is because electricity generation is the biggest contributor to greenhouse gas emissions in New South Wales. It accounts for 33 per cent of greenhouse gas emissions in this State, followed by agriculture and forestry with 25 per cent and cars and light commercial vehicles with about 10 per cent.

I feel pretty strongly about this issue because the world must reduce greenhouse gas emissions by about 50 per cent in order to make a real difference. Lest people do not think that is serious, it is worth considering the following statistics. Carbon dioxide stays in the atmosphere for 50 to 200 years. Carbon dioxide levels have increased by 30 per cent since the beginning of the Industrial Revolution, while methane concentrations have more than doubled. The conundrum facing mankind is that surface temperatures and sea levels will continue to rise for hundreds of years even if greenhouse gas concentrations are stabilised. To stabilise those concentrations the world must reduce greenhouse gas emissions by 50 per cent. That is an enormous amount. Under the Kyoto protocol Australia negotiated an 8 per cent rise in its greenhouse gas emissions over 1990 values because of our unique situation.

The countries at Kyoto recognised that Australia was heavily dependent on coal-fired power stations. We have one of the most energy-dependent economies in the Organisation of Economic Co-operation and Development. We also have an increasing population whereas most European populations have stabilised or are declining. All of those factors must be taken into account when determining greenhouse gas emissions.

However, if we are to make a real difference to global warming we must reduce greenhouse gas emissions by about 50 per cent. That will certainly require a much greater commitment from this Government than installing a few hydro-electric power stations on existing dams. The Government introduced its Electricity Supply Amendment (Greenhouse Gas Emission Reduction) Act last year, which came into force at the beginning of this year. The Act sets greenhouse benchmarks for significant greenhouse gas producers—in 2003, the starting point, 8.65 tonnes of carbon dioxide equivalent per capita, and that will fall in 2007, according to the targets the Government set, to 7.27 tonnes of carbon dioxide equivalent.

I have a sneaking suspicion that it will go the same way as those wonderful targets set by the honourable member for Wentworthville, the then Minister for the Environment, in the Waste Minimisation Act in 1995. We know that the Government did not come within a bull's roar of reaching those targets. It has scrapped them, and the targets have blown out to 2014. I hope that the Government's commitment on this issue will be more genuine and realistic than its commitment has been so far on waste reduction.

This is a straightforward bill with only a few sections to simply clarify that the Sydney Catchment Authority has the right to install these mini hydro-electric power stations and to collect money at the end of the day from the electricity that has been generated. Currently there are hydro-electric facilities installed on Warragamba Dam that are operated by Eraring—and I assume Eraring is collecting the money from those installations—and also in the Shoalhaven, where the installation is owned jointly by Eraring and the Sydney Catchment Authority. How has the Sydney Catchment Authority been collecting this money if, under the Act, it is not allowed to do so? Section 24B, Payments into Fund, in schedule 1 to the Act, states:

Any money received by the Authority from the generation and supply of hydro-electricity.

That does not contain any information about collecting money from electricity generation. One wonders whether that means that the Government has been illegally collecting money for electricity that has been generated from its dams. If so, it creates a rather interesting situation. Does the Government plan to give back the money, to retrospectively ratify the money that it has collected? Is the money being collected by Eraring, even though the Sydney Catchment Authority jointly owns the facility and is receiving nothing? I am sure that the Minister will be keen to address that issue in his reply. Other than that, the Opposition has no problems with the legislation. It seems eminently sensible to utilise the potential energy stored behind the dams to generate electricity wherever possible.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [10.43 p.m.]: It is a pleasure to support the Sydney Water Catchment Management Amendment Bill. The purpose of the bill is, first, to clarify the authority of the Sydney Catchment Authority to build and operate the proposed mini hydro-electric plants on its dams. Second, section 24B will be amended to provide for payments into the Sydney Catchment Management Fund of any income received from its electricity generation. The development of small hydro schemes will add to the stocks of green power in New South Wales and reduce greenhouse emissions by as much as 31,000 tonnes per annum. The honourable member for The Hills—who unfortunately has left the Chamber—did not seem to think that was significant. Recently the Minister for the Environment advised the House that that figure is the equivalent of taking 7,000 cars off the roads, which is significant.

According to research undertaken by the Sustainable Energy Development Authority [SEDA] most Australians do not realise that more than 90 per cent of their electricity is generated by burning coal. This creates greenhouse gas pollution that contributes to global warming and climate change. The Carr Labor Government is at the forefront of the world's efforts to address greenhouse. SEDA was established by the Carr Government in 1996 to promote the development and use of sustainable energy. I recently met, and was impressed by, the Executive Director of SEDA, Mark Fogarty, at the Australian Wind Energy Conference. Through SEDA the New South Wales Government has also led the initial moves towards a large-scale deployment of wind energy in Australia.

At the 2003 election the Carr Government put its record on environmental matters before the people of New South Wales. In a document entitled "Protecting our Future—Labor's Plan for a Healthy Environment" we also outlined our plans for this term of government. In line with our campaign theme of getting on with the job, in the section of the policy called "Sustainable Energy Use—Cutting Greenhouse Gases" we undertook to "increase our efforts to work with other States to extend our world's leading greenhouse trading schemes". In black and white we also detailed how a re-elected Labor Government would conserve our natural and cultural heritage, fight air and water pollution, promote clean air, cleaner industries and healthy communities, and many other issues. There were also specific funding commitments provided for all to see.

This campaign approach was in stark contrast to something extremely rare in modern-day politics: the failure of one of the major political parties of New South Wales—the Liberal Party—to release an environmental policy at all. That is quite remarkable. It did not put any environmental policies before the people of New South Wales. Perhaps that is because—as was revealed earlier this year when he addressed the New South Wales Farmers Association—the Leader of the Opposition openly bragged that as Premier he would work hand in glove with the National Party. On environmental policy he was shockingly frank. He said there were no policy differences between the Liberals and The Nationals. Herein lies the explanation for the Liberals' failure to release an environmental policy: they are leaving it all to The Nationals!

All environmental groups, and everyone else in New South Wales, should be concerned about that prospect. However, the election is over and I am pleased to report that The Nationals remain in Opposition. The Carr Labor Government is getting on with the job of protecting our future by protecting our environment. Hydro-electric plants are an efficient energy source because the kinetic energy of water can be easily converted to electricity. Recently I visited the very picturesque and historic Cataract Dam, which opened in 1907. Apart from looking at the beautiful scenery and the architecture of the dam construction, I took a few moments to marvel at the force of the water as it entered the river below. A mini hydro plant will be constructed at Cataract, and also at Warragamba, Tallowa, Cordeaux, Woronora and Nepean dams. I commend the Carr Government, especially the dedicated and effective Minister for the Environment, for this initiative. I commend the bill to the House.

Ms VIRGINIA JUDGE (Strathfield) [10.48 p.m.]: I support the Sydney Water Catchment Management Amendment Bill. This bill, which will allow the Sydney Catchment Authority to generate and supply hydro-electricity, represents a further step towards our Government's effort to reduce greenhouse gas emissions. The Sydney Water Catchment Management Amendment Bill clarifies section 14 of the Sydney Water Catchment Management Act 1998 in order to ensure that the Sydney Catchment Authority has all the necessary powers to retrofit mini hydro-electric plants to six existing dams in New South Wales. That is a fabulous practical solution. I understand that the construction of the plants will be according to ecologically sustainable design principles—again another first!

Warragamba, Cataract, Cordeaux, Nepean, Woronora and Tallowa dams have been identified as having the greatest potential for technically viable plants and, as the pipes and other infrastructure are already in place, the installation of the necessary small hydro-electric turbines is expected to be cost effective. The mini hydro plants would each be roughly the size of a single garage and combined they could generate 33 gigawatts of electricity per annum. The potential is there for Sydney's dams collectively to generate enough electricity to power 3,900 homes each year. Would that make a difference? Of course it would. Production of this green power will save a massive 1,000 tonnes of greenhouse gases, the equivalent of 7,000 cars being taken off Sydney's roads each year. That is better for us, the community, Sydney, Australia and the planet. If all plants were built the Sydney Catchment Authority would be the primary green power generator, producing up to five times more green electricity than the amount of electricity it consumes.

These smaller sources of electricity will be important contributors to adopting what the Sustainable Energy Development Authority terms "distributed energy solutions" and a move away from large-scale and centralised capital investment in electricity production. This is a fantastic opportunity to use existing infrastructure to produce green power, and effectively reduce greenhouse gas emissions. I commend Minister Debus for his great initiative and for his foresight on bringing this bill before the House. I congratulate the Minister's hard-working staff. I commend the bill to the House.

Mr JOSEPH TRIPODI (Fairfield—Parliamentary Secretary) [10.51 p.m.]: The Carr Government implemented policies that have fuelled the growth of the New South Wales economy and the prosperity of the New South Wales people. However, the Government understands our environment is of vital importance to our quality of life. This is why we must ensure our successful path towards economic growth does not come at a cost of environmental destruction. To ensure the quality of life of the people of New South Wales, and of our successive generations, we must find new and innovative ways to fuel economic growth whilst caring for our environment. We must work towards achieving ecologically sustainable development. The Sydney Water Catchment Management Amendment Bill does this.

Electricity is the lifeblood of our economy. Under the Carr Government New South Wales has a strong and growing economy, which will need a growing supply of electricity into the future. This bill makes it possible for the Sydney Catchment Authority to produce more hydro-electricity to fulfil that need with green power. Hydro-electricity is a key part of the Government's green power program. The bill is a further step

towards achieving the Government's commitment to sustainable energy use and cutting greenhouse gases. The bill will enable the Sydney Catchment Authority to retrofit small hydro-electric plants to existing dams in New South Wales. Small hydro-electric turbines will be installed on some water outlets on dams.

In 1997 the Sustainable Energy Development Authority [SEDA] studied which dams in New South Wales would be capable of being installed with these mini hydro-electric plants. The study found Sydney Catchment Authority dams with the greatest potential for technically viable plants are Warragamba, Cataract, Cordeaux, Nepean, Woronora and Tallowa. SEDA sees these smaller sources of electricity as important in a move away from large-scale and centralised capital investment in electricity production towards what it terms "distributed energy solutions". The combined plants could generate 33 gigawatts of electricity. These mini hydro-electric plants will save a huge 31,000 tonnes of greenhouse gases. This equates to 7,000 cars off the road every year. The Sydney Catchment Authority would become a net green power generator. It would produce up to five times the green electricity that it consumes.

The great achievement of this bill is that it not only takes care of the environment but is grounded in sound economic principles. The SEDA study found these mini hydro-electric plants could be financially feasible investments. This means the mini hydro-electric plants not only will produce green power but also will be commercially viable. In fact, in anticipation of the commercial viability of these green power plants, the bill amends section 24B of the Sydney Water Catchment Act 1998 to provide for payment into the Sydney Catchment Management Fund of any income received from its sustainable energy activities. This bill represents a success for this Government. The Government has thought outside the square to create an innovative solution that will achieve both economic and environmental sustainability. These mini hydro-electric plants are a technology that will fuel the growth of the New South Wales economy in an ecologically sustainable way. I congratulate Minister Debus for proposing this legislation. I commend the bill to the House.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [10.54 p.m.], in reply: I thank all honourable members for their contributions to the debate and indeed for their support of the bill. As has been said, the bill will enable the Sydney Catchment Authority to generate hydro-electricity by building small hydro plants on its dams. That will occur only where such plants are demonstrated to have a commercial viability. The honourable member for Fairfield more than adequately described the circumstances in which these small hydro-electric plants can be installed. The Government does not pretend that these small plants will of themselves completely transform the circumstances of alternative energy generation in this State, but they are an excellent example of the kinds of medium-level initiatives that over time can bring about a massive total change in the circumstances of power generation and indeed a reduction in greenhouse gas emissions in New South Wales.

I should respond but briefly to points raised by the honourable member for The Hills, observing only that his apparent commitment to the reduction of greenhouse gas emissions is not entirely replicated at the Federal level by his party, which cannot even find it within its capacity to sign the Kyoto protocol. Nevertheless, New South Wales, with its introduction of a variety of measures concerning greenhouse gas, is able to behave as if it had in fact signed the Kyoto protocol. I apprehend that we shall have to await the accession of a Labor government in Canberra before we get anything like sensible greenhouse gas policies at the Federal level.

The honourable member for The Hills sought confirmation that this bill was aimed at using existing environmental flows from dams and that potential energy from those flows would be used to generate the energy. I can confirm that that is so. In other words, there will not be a diversion of water away from environmental flows to meet the energy production capacity that is being made available. I should also indicate that any hydro generation facilities that exist within the dams controlled by the Sydney Catchment Authority were established long before the Sydney Catchment Authority itself was created, and therefore were agreed to by Sydney Water and its organisational predecessors. Any payments—and here again I am responding to some questions reasonably asked by the honourable member—received by the Sydney Catchment Authority from the operation of existing facilities are made and received according to contractual arrangements inherited by the Sydney Catchment Authority when it was established.

The real point is that the existing power in the Sydney Water Catchment Management Act to operate and encourage the construction of hydro-electric plants remains somewhat ambiguous. This bill is meant entirely to clarify that situation. The bill obviously has the support of both sides of the House, as it ought to. It is no more than an exercise in commonsense and, so far as I can see, there is no rational argument against it whatsoever. I note that the honourable member for Wakehurst is in thorough agreement with that proposition. In that circumstance, I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LEGISLATION REVIEW COMMITTEE

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

Mr SPEAKER

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

That Mr Breen be discharged from the Legislation Review Committee and that Dr Wong be appointed as a member of the Committee.

Legislative Council
11 November 2003

MEREDITH BURGMANN
President

BILLS RETURNED

The following bill was returned by the Legislative Council without amendment:

Constitution Amendment (Governor's Salary) Bill

The following bill was returned by the Legislative Council with amendments:

Architects Bill

Consideration of amendments deferred.

FIREARMS AND CRIMES LEGISLATION AMENDMENT (PUBLIC SAFETY) BILL**Second Reading**

Debate resumed from an earlier hour.

Ms KATRINA HODGKINSON (Burrinjuck) [11.00 p.m.]: The Firearms and Crimes Legislation Amendment (Public Safety) Bill, which was introduced by the Minister for Police, creates new offences under the Crimes Act 1900. They include firing a firearm at a dwelling house or building with reckless disregard for the safety of any person, with a maximum penalty of 14 years imprisonment; stealing a firearm; and possession by an unauthorised person of an unregistered firearm in a public place in aggravated circumstances.

The bill clarifies that being in a motor vehicle in a public place is considered to be in a public place. The bill also creates new offences under the Firearms Act 1996, including selling a firearm to an unauthorised person, with a penalty of five years imprisonment; selling firearm parts that relate to any kind of prohibited firearm or pistol; selling firearm parts illegally on an ongoing basis; and using a false document, such as a false licence or permit, to obtain a firearm. I agree entirely with what the honourable member for Vacluse said in the second reading debate, and I commend him for his work on this bill.

Last Friday I attended the Advanced Diploma of Public Safety Graduation and Detectives Designation Ceremony at the New South Wales Police College, which is located in my electorate. Approximately 500 brave men and women graduated as detectives, and they are willing to put their lives on the line to serve us and their State. They are the bravest people in this State. As we know, police officers such as Glenn McEnallay have been killed in a manner that horrifies any civilised person, yet this bill does not provide for minimum sentences. What message does that send to those new detectives and to those now undertaking the constable education program at the police academy?

Those brave men and women want the criminals they track down to be punished appropriately. If there are no minimum sentences, why do the police spend so much time and resources putting criminals behind bars? The criminals think they will be let off scot-free. As the honourable member for Vacluse, who is the shadow Minister for Police, said so eloquently, if the Government does not provide minimum sentencing, it is sending a dangerous message. Last Friday some brave new detectives—including Alison Adam, Phillip Church, Garry Low, Brendan Plummer, Murray Bell, Joanne Gladden and Brett Van Akker—graduated from the academy. They will go out and do their job, catch criminals to put them behind bars, only to see them freed too soon. That is the point I want to make. Other members on this side of the House have spoken about there being no minimum sentencing in this State. The message that that sends to criminals is that they can use firearms in the knowledge that if they are caught they are unlikely to spend much time behind bars.

There has been recent media attention about various gaol sentences. Although I should not comment on the Queensland justice system, all honourable members would be aware of the great deal of media attention given to a former member of Parliament who ended up behind bars. There is also a case before the Director of Public Prosecutions about three students who have plagiarised music from the Internet and may spend time behind bars. Yet our legislation does not provide for minimum gaol sentences for people who use firearms in a public place. Indeed, they could get off scot-free. Innocent people could easily be victims of a shooting in a public place, or a criminal could discharge a gun, missing his target, with the result that a bullet could go through the window of a small business.

Small businesses have always been targets for shoplifters, and now they have to prepare for possible drive-by shootings. Not only do small businesses have to deal with paperwork, additional costs, red tape, workers compensation insurance, superannuation, and occupational health and safety regulations, they have to be prepared for drive-by shootings and other crimes, particularly in Western Sydney. Small business and the general public are nervous about these crimes. I particularly wanted to say that New South Wales' brave new policemen and policewomen want to do their best for our State, and that it will be frustrating for them to work so hard to catch criminals when they will have little confidence that those same criminals will spend an appropriate time behind bars. It is a disgrace!

Mr CHRIS HARTCHER (Gosford) [11.06 p.m.]: Whenever during the past eight years the Carr Government has faced a law and order problem, the Premier has told a press conference that the Government will introduce legislation to increase the penalty for whichever offence is prevalent at the time. For example, the Premier announced he would increase the penalty for gang rape, and it was increased to life imprisonment but no-one has been sentenced for that term. The penalty for home invasion was increased to 25 years imprisonment but no-one has been sentenced to even half that term.

The Premier repeatedly calls press conferences, adopts the fake Napoleonic pose that he loves, looks firmly at the cameras, and announces, "We will bring an end to this terrible crime. We will increase the penalties." Again and again, in a voice that is octaves lower than I can manage and in the fake ABC accent that he likes to effect, he says he will address the current crime problem with legislation that will increase the penalties. But he is phoney, and any penalties that he introduces are not enforced. The Government takes no action to ensure that judges impose the increased penalties or that there is an appropriate minimum penalty—which there should be for serious crimes. No action is taken to ensure that the Director of Public Prosecutions [DPP] lays the more serious charge. Time after time the DPP lays a lesser charge or waters down the serious charge.

The phoney war of increased penalties—as we see again with this legislation—is fought on one side, but the real war is fought in the courts, where judges impose any sentence they like, which is generally far less than the community expects. The DPP lays an inappropriate lesser charge and the offender receives a lenient penalty or walks free. No action is taken to reconstruct the office of the DPP. No action is taken to impose upon the courts a proper structured system of minimum sentences that are appropriate to the crime. This is what has happened with law and order under the Carr Government for the past seven years.

I listened to the speeches of my colleagues the honourable member for Wakehurst, the honourable member for Vacluse, the honourable member for Burrinjuck and the honourable member for Cronulla and I thoroughly agree with what they said. They all made a heartfelt cry for the introduction of minimum sentences. They are entitled to have their cries heard and the need they have expressed on behalf of their constituents addressed. A threefold approach is the only appropriate way to address this problem. First, the office of the DPP must be restructured to ensure that appropriate serious charges—not lesser charges, as often happens—are laid. Second, if courts do not impose a sufficient penalty, the DPP should appeal to the Court of Criminal Appeal. Third, the courts must have proper guidance, and the only proper guidance is through a structured system of minimum sentences.

Accordingly, although the Coalition does not oppose the legislation we reject it because we believe it is ineffective and insincere, and another act of the Premier in his phoney war against crime. In the past seven years criminal activity under this Government, especially violence committed by organised gangs, has continued to rise. Gangs, be they in south-western Sydney or anywhere else in New South Wales, have never been brought under control. When gang members fired shots at and attacked the Lakemba police station—not just a drive-by shooting but a straight-out declaration of war against New South Wales police—nothing happened. The Premier looked tough at the cameras, held a phoney press conference then got in his car and went off to his next social outing.

Recently, a bikie who was on parole for other serious crimes was caught with a large number of firearms in his possession but was given a miserable fine. Theoretically, had the Director of Public Prosecutions brought the appropriate charges, on indictment rather than going before the magistrate's court, the offender could have been sent to gaol for 14 years under the earlier legislation. Again and again the DPP brings inappropriate charges, again and again the courts impose inappropriate penalties, and the Premier does nothing about it. The Premier is a sham. He has been here too long. He has to go. If law and order is to be addressed, we need a Premier, an Attorney General and a Minister for Police who are serious about what they are doing.

I believe, I think everyone believes, that time and again the New South Wales Police Force—an organisation of dedicated men and women who work their hardest to bring criminals to justice—have their efforts thwarted by improper charges brought by the Director of Public Prosecutions and inadequate penalties imposed by the courts. These are the areas that need to be addressed. We do not need this constant amending of the Crimes Act. One would like to know, and it would be easy to find out, how many times the Crimes Act has been amended by this Government to increase penalties. It would have to be at least seven or eight times, if not more. And everyone knows how many times the maximum penalties have been imposed—never.

I venture to predict that not one person will ever receive the maximum penalties provided by this legislation. Indeed, not one person will receive even half the maximum. If the maximum penalty is 14 years gaol I defy honourable members to find a single person who receives a sentence of seven years gaol. The Premier is waging a phoney war for the benefit of the TV cameras, not for community protection. Accordingly, I reject the sincerity of the Premier and the Attorney General. The only way the legislation will be effective is if a structured system of minimum sentences is introduced and the office of the Director of Public Prosecutions is overhauled. Although the Coalition does not oppose the bill, I doubt very much that it is a genuine attempt to fight crime in New South Wales.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [11.13 p.m.]: , in reply: I thank honourable members for their comments. As the Minister said, these amendments will provide operational police with the tools they need to better target illegal guns and gun crime. These amendments are one part of a package of initiatives that also provides for increased detection and enforcement, improved security industry controls, better safe storage, and greater national control. The Firearms and Crimes Legislation Amendment (Public Safety) Bill will provide police with the tools they need to investigate, apprehend, and prosecute illegal gun traffickers and criminals who use guns. Gun crime is still too prevalent in New South Wales, but according to the New South Wales Bureau of Crimes Statistics and Research over the two-year period to 31 December last year, assault, shoot with intent, and incidents involving a handgun fell by 26 per cent, and assault with a handgun fell by 36 per cent, and the downward trend between 2001 and 2002 has continued in the first half of 2003.

New South Wales police are working hard to combat the scourge of illegal handguns on the streets, but even greater emphasis and co-ordination is needed. On 23 September the Government released a package of measures to improve the comprehensive, co-ordinated approach taken by New South Wales Police to illegal gun availability, detection, apprehension and prosecution. The package delivers a stronger approach to illegal gun availability, detection, apprehension and prosecution. Legislative changes to the Crimes Act and the Firearms Act will amend offences and penalties relating to illegal guns, including recklessly firing a gun into a dwelling or other building—with a penalty of up to 14 years; illegal possession of an unregistered gun in a public place—with a penalty of up to 10 years; stealing a firearm—with a penalty of up to 14 years; trafficking in firearm parts, and using a forged firearms license—with a penalty of up to 14 years. The Government is committed to stronger sentences for handgun crimes and is addressing inconsistency in sentencing.

The newly formed Sentencing Council will examine sentencing trends for serious firearms offences and examine implementing standard minimum sentences. The Government also proposes to consider making more serious firearm crimes strictly indictable to enable them to be tried in the District Court or the Supreme Court and attract higher sentences. The Government proposes to ensure that more cases are dealt with on indictment. The Commissioner of Police has instructed prosecutors to instigate immediate appeals if firearms criminals receive sentences that the community views as inappropriate.

In addition, the package includes a review of the use of firearms in the security industry, including an examination of increasing safer storage requirements, limiting the calibre and magazine capacity of firearms purchased by the industry, limiting access to firearms to certain types of security work, deciding whether sectors of the industry needed to be armed, reviewing the ratio of guns held by companies relative to the number of employees, and improving the enforcement of annual training requirements. The Carr Government has provided

record police budgets and record police numbers. There are now more police in New South Wales than ever before. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 5 agreed to.

Mr PETER DEBNAM (Vaucluse) [11.17 p.m.], by leave: I move Coalition amendments Nos 1 and 2 in globo:

No. 1 Page 3, schedule 1 [2], proposed section 93GA (1), line 20. Omit "14 years". Insert instead "25 years".

No. 2 Page 3, schedule 1 [2], proposed section 93GA. Insert after line 30:

- (4) A court is to impose a sentence of at least 10 years imprisonment on a person who is found guilty of an offence under this section.
- (5) Subsection (4) applies to a person who is convicted of an offence under this section only if the person was of or above the age of 18 years at the time the offence was committed.
- (6) If subsection (4) requires a person to be sentenced to a minimum of 10 years imprisonment, nothing in section 21 (or any other provision) of the *Crimes (Sentencing Procedure) Act 1999* or in any other Act or law authorises a court to impose a lesser or alternative sentence.
- (7) Nothing in this section affects the prerogative of mercy.

These amendments will increase the maximum penalty for drive-by shootings to 25 years, and institute a minimum penalty of 10 years. We have debated at some length the reasons for the amendments, and I commend them to the Committee. I ask all honourable members to consider them and vote on behalf of their communities. They know very well that in New South Wales there is no effective deterrent to carrying an illegal weapon. We need to send a strong message, and these amendments will do it.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [11.18 p.m.]: The Government does not support the amendments. As part of the illegal handgun package that was released by the Government on 23 September, the Sentencing Council has been asked to examine all serious firearms offences with a view to implementing standard minimum sentences. The council will consider consistent minimum sentences for all serious firearms offences in addition to drive-by shootings. The new drive-by shooting offence will allow police to specifically target and prosecute criminals who use guns to intimidate and threaten others by shooting at a building. The act of shooting at a building is sufficient to establish the offence. It does not require that any person be injured as a result of the shooting or that there even be any intent to injure a person. The police retain the option of charging the offender with murder or attempted murder, which raises the maximum penalty to 25 years or life imprisonment.

Mr CHRIS HARTCHER (Gosford) [11.21 p.m.]: The Government has failed to address the issues raised by the honourable member for Vaucluse. The first amendment increases the penalty from 14 years to 25 years imprisonment. The issue is not the offence but the substance of the penalty. A drive-by shooting is equivalent to a home invasion. People come to a house or building and fire into it, which is the same as invading someone's premises. Accordingly, it is appropriate that the penalties be consistent. The Government has merely addressed the issue of whether there should be a consistent policy on minimum sentencing. There are still no minimum sentences as part of a consistent government policy. Cases will simply be referred to the New South Wales Sentencing Council. Therefore, the community will have no idea what will emerge, if anything.

If drive-by shootings and equivalent offences are to be stamped out in this State there must be a severe and consistent policy ensuring that the offender goes to jail for a substantial period. Accordingly, the honourable member for Vaucluse has moved that there be a minimum penalty of at least 10 years imprisonment for a person found guilty of this offence: any person found guilty of a drive-by shooting will go to gaol for a minimum of 10 years. The amendment provides that that penalty should apply only to offenders aged 18 years or more; it does not apply to juveniles.

The Coalition has been consistent in not applying minimum sentencing provisions to juveniles. The honourable member has also preserved the prerogative of mercy in exceptional cases in which it may be necessary for the Government to advise the Governor to exercise the royal prerogative. The honourable member has seen fit to include reference to the provisions of the Crimes (Sentencing Procedure) Act. This is a sensible attempt to ensure a structured system of minimum sentencing. The Parliamentary Secretary, on behalf of the Minister, acknowledged that that is important, but the Government is simply leaving it to the Sentencing Council to decide. The bill should contain a structured system of minimum sentencing so that everyone knows the minimum penalty for this serious offence.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 33

Mr Aplin	Mr Humpherson	Mrs Skinner
Mr Armstrong	Mr Kerr	Mr Slack-Smith
Ms Berejiklian	Mr McGrane	Mr Souris
Mr Cansdell	Mr Merton	Mr Tink
Mr Constance	Mr Oakeshott	Mr Torbay
Mr Debnam	Mr O'Farrell	Mr J. H. Turner
Mr Draper	Mr Page	Mr R. W. Turner
Mrs Hancock	Mr Piccoli	
Mr Hartcher	Mr Pringle	
Mr Hazzard	Mr Richardson	<i>Tellers,</i>
Ms Hodgkinson	Mr Roberts	Mr George
Mrs Hopwood	Ms Seaton	Mr Maguire

Noes, 47

Ms Allan	Mr Greene	Mr Pearce
Mr Amery	Ms Hay	Mrs Perry
Mr Barr	Mr Hickey	Mr Price
Mr Bartlett	Mr Hunter	Dr Refshauge
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Mr Brown	Mr Knowles	Mr Scully
Ms Burney	Mr Lynch	Mr Shearan
Miss Burton	Mr McBride	Mr Stewart
Mr Campbell	Mr McLeay	Mr Tripodi
Mr Collier	Ms Megarrity	Mr West
Mr Corrigan	Mr Morris	Mr Whan
Mr Crittenden	Mr Newell	Mr Yeadon
Ms D'Amore	Ms Nori	<i>Tellers,</i>
Mr Gaudry	Mr Orkopoulos	Mr Ashton
Mr Gibson	Mrs Paluzzano	Mr Martin

Pairs

Mr Brogden	Mr Iemma
Mr Fraser	Ms Meagher

Question resolved in the negative.

Amendments negatived.

Schedule 1 agreed to.

Schedules 2 and 3 agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Wednesday 12 November 2003 at 10.00 a.m.

The House adjourned at 11.35 p.m. until Wednesday 12 November 2003 at 10.00 a.m.
