LEGISLATIVE ASSEMBLY

Thursday 3 June 2004

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Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

LEGAL PROFESSION AMENDMENT BILL

Second Reading

Debate resumed from 2 June.

Mr ANDREW TINK (Epping) [10.00 a.m.]: I lead for the Opposition on the Legal Profession Amendment Bill. The purpose of this bill is to make a number of amendments to the Legal Profession Act, principally in relation to the discipline of the legal profession to improve the ease with which disciplinary matters may be prosecuted by the regulatory authorities. The legislation is being amended to tighten the disciplinary regime to deem service of a notice on a practitioner requiring the co-operation by the practitioner with an investigation if it has been posted to the address last notified to the Law Society or Bar Council; to remove the current requirement that a council or the Legal Services Commissioner can reprimand a legal practitioner only with the practitioner's consent; to provide that, whenever the Administrative Decisions Tribunal orders a public reprimand of a practitioner, both the order and the reasons for the reprimand will need to be published; to provide that the commissioner or council may institute proceedings in the tribunal at any time within six months after a decision to institute proceedings is made; to allow the tribunal to order that a failure to observe a procedural requirement may be disregarded if the parties have not been prejudiced by the failure; and to provide that a breach of an undertaking made by a practitioner to the regulatory authorities is capable of being unsatisfactory professional conduct or professional misconduct.

The Opposition supports this bill. I thank the Attorney General for offering a briefing. It is also strongly supported by the Bar Association, the Law Society and the Legal Services Commissioner. Much of its content is the work of members of the Bar Association and the Law Society. It is important to point out that although some elements of the legal profession experience difficulty from time to time, overwhelmingly that is not the case. The majority of the profession, both barristers and solicitors, are committed to making every effort to ensure the best professional practice is observed. Both professional bodies are committed to that goal and carry out their roles in the disciplinary regime to the best of their ability to satisfy the public requirement for a properly functioning legal profession. Their commitment to that goal is 100 per cent. I am indebted to the Executive Director of the New South Wales Bar Association, Mr Philip Selth, who is in the public gallery, for details of the recent history of matters that have either gone to the Supreme Court or to the Administrative Decisions Tribunal.

The Bar Council is very much at the centre of prosecuting these matters and its record over the past few years is outstanding. In 2001-02 four decisions were handed down and the Bar Council was successful in all four. There were two removals from the Roll of Legal Practitioners, one private reprimand and one appeal by a barrister was dismissed. In 2002-03 there were 11 decisions and the Bar Council was successful in 10 matters. Information was dismissed in one and there were nine public reprimands, three of which carried compensation orders, two of which carried fines and the remaining matters were the subject of education orders. In 2003-04 there were a total of nine decisions, including three appeals by barristers to the Administrative Decisions Tribunal panel. The Bar Council was successful in all nine. Two appeals were dismissed and one appeal was withdrawn. Of the remaining six matters, two involved removals from the roll, three involved public reprimands and one decision on penalty is yet to be made.

One matter on that list prompted changes in this bill. In the Supreme Court in the 2002 financial year there were four decisions. The Bar Council was successful in three cases and unsuccessful in one case. In the 2003 financial year the Bar Council was successful in two cases and conditions were consented to in two others. In the 2004 financial year the Bar Council was successful in both cases before the court. It is important to put those figures on the record, as there is often criticism in this place of lawyers, the superintendence of lawyers, the self-policing of lawyers, the oversight of lawyers and the disciplining of lawyers. Those statistics speak for

themselves and point to an enviable success rate. We should bear in mind that these matters are prosecuted, I would imagine without exception, by barristers. Members of the profession have made a commitment to follow up to the extent the public would expect the misconduct that unfortunately occurs on some occasions.

It is important to re-emphasise that when in pursuing matters the professional bodies identify problems with cases—the Attorney General's Department and the Legal Services Commissioner are also extremely proactive in this area—those problems are bought before Parliament so that the rules can be changed and loopholes closed. That is what the public would expect, and everybody involved deserves credit for that action. Breaches to the rules and procedures are followed up vigorously. There is a vigorous watching brief and follow up of any problems with rules and procedures that need to be fixed. That is why this bill is now before the House. The Opposition strongly supports the bill. I commend the bill to the House.

Ms LINDA BURNEY (Canterbury) [10.12 a.m.]: I support the Legal Profession Amendment Bill, which makes several amendments to the Legal Profession Act 1987, principally in relation to the discipline of the legal profession. The primary intention of these amendments is to streamline and improve the way in which the regulatory authorities—the Legal Services Commissioner, the Law Society and the Bar Association—deal with disciplinary matters involving lawyers. The Attorney General and his department are currently preparing a complete revision of the Legal Profession Act 1987 as part of a national process to ensure consistent legal profession regulation throughout the country. The Standing Committee of Attorneys-General recently released the national legal profession model laws, and I understand that the Attorney General will introduce these major amendments in the spring parliamentary session.

In other words, this bill is part of a larger package of measures and an ongoing revision of the Legal Profession Act 1987. Therefore, it must be viewed in the context of a much broader exercise. In the meantime, the bill before the House contains a number of urgent amendments that tightens the regulatory framework to prevent practitioners from getting off on technicalities. There are regulatory bodies and regulatory frameworks in every profession. These are important as they offer comfort to the broader community that professions such as the legal profession are regulated. This bill is part of a bigger exercise involving regulation and the bodies that regulate the legal profession.

Without going into the details of each amendment in the bill, I will concentrate on the Attorney General's proposed changes that strengthen the reprimand system under the Legal Profession Act. This is about ensuring community confidence in the legal profession, and ensuring the understanding by the legal profession of the requirements for professional conduct. The Act currently permits the council and the commissioner to reprimand a practitioner privately following the completion of an investigation of a complaint but only if a practitioner consents to this. In other words, a practitioner who unfortunately does the wrong thing and brings the legal profession into disrepute may be reprimanded only with that practitioner's consent.

The amendments in the bill remove the requirement for consent. There has been some limited experience of practitioners not consenting to a reprimand, which has resulted in expensive proceedings in the Administrative Decisions Tribunal where the outcome is inevitably a reprimand by the tribunal. The amendments bring the reprimand process closer to the day-to-day operations of lawyers. Every profession has people who do not follow the rules. People rely on lawyers to secure a fair outcome for them in often distressing circumstances. Most people are not familiar with the legal profession, and find it difficult to negotiate its different terminology, processes and procedures.

The bill also implements recommendations of the New South Wales Law Reform Commission and the Attorney General's Department that all orders made against a practitioner should be published on a publicly available register. Without labouring the point, it is about accountability. These amendments will ensure that whenever the tribunal orders the public reprimand of a practitioner both the order and the reasons for the reprimand will be published. The public register plays an important role in educating the public and the profession about what constitutes unacceptable standards of conduct by the profession. The publication of the fact that a person has been reprimanded must be supplemented by the reasons for the decision if the educative function is to be met. People come to their local members of Parliament with problems involving the legal profession, the medical profession and so on to seek further information and some redress. Therefore, honourable members know that legal professionals sometimes do not perform to a high standard and are not accountable to their clients.

As a general principle, it is preferable for disciplinary processes to be subject to public scrutiny. Honourable members on both sides of the House and certainly the community would not argue with the fact that

there should be public scrutiny of areas that are important to people's life outcomes and futures and, most importantly, to justice. The provisions in the bill concerning reprimands are aimed at achieving a more open and accessible way of dealing with relatively minor disciplinary breaches. The bill contains a number of other important amendments that tighten the regulatory system, including the extension of the limitation period on commencement of proceedings in the tribunal by the Legal Services Commissioner and the councils. The bill removes the possibility of unethical legal practitioners using loopholes in the current system to avoid prosecution. The Government is committed to ensuring that we have an accountable and ethical legal profession. The Attorney General and his department have worked constructively with the Legal Services Commissioner and the professional associations to produce these important amendments, which will provide greater protection for consumers of legal services.

In my 12 months in this place I have noted that the bills emanating from the Attorney General's Department—certainly those on which I have spoken—are considered carefully. The Attorney General takes great care to ensure that any changes to the law are worked through with the professional associations relevant to our deliberations. Such an approach—whereby the profession, the Government and the community are involved in deliberations—ensures a coherent package of sensible and progressive amendments. I commend the bill to the House.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [10.20 a.m.], in reply: I thank the honourable member for Epping and the honourable member for Canterbury for their supportive and highly accurate remarks. I endorse some of the observations of the honourable member for Epping, in this respect. It is in the nature of our society and the way our media, and indeed the Parliament, work that misdemeanours by lawyers are given vastly more publicity and receive much more public attention than the things they do well. The fact is that no profession is more relentlessly devoted to achieving accountability and high standards of ethical practice than the legal profession. Certainly the legal professional bodies, the Law Society and the Bar Association, have been devoted to the idea that the legal profession should perform its work to the highest standards of effectiveness, efficiency and ethical value. The Executive Director of the Bar Association, Mr Philip Selth, who is in the public gallery today, is relentless in the pursuit of those goals. I congratulate those legal professional bodies on their approach.

As I said earlier, my department and Parliamentary Counsel are now preparing a complete revision of the Legal Profession Act 1987, which is based on national model laws developed through and approved by the Standing Committee of Attorneys-General. I think I can be forgiven the indulgence of once again pointing out that the New South Wales Attorney General's Department has taken the lead role in the development of these model laws. Indeed, they are in large part based on the best of legislation in New South Wales. They will achieve gradually over coming months, and for the first time in history, a national legal profession that is governed by common rules affecting all the fundamental aspects of practice. That is to say, we are on the verge of an historical achievement. Our bill will be introduced in the next session. It will rewrite and incorporate those model laws, it will amend the complaints and disciplinary provisions to reflect recommendations made by the New South Wales Law Reform Commission, and it will reflect further deliberations upon those matters that have been conducted in a series of reviews carried out by my department in association with the legal professional bodies and the Legal Services Commissioner.

For the time being, however, I am pleased to ensure further progress by the passage of the present bill, which introduces measures to tighten the current disciplinary regime and makes it easier for the regulatory authorities to take appropriate measures against the few miscreant practitioners. There is a steady stream of prosecutions through the Administrative Decisions Tribunal for unsatisfactory professional conduct and professional misconduct. The current success rate of prosecutions by the regulatory authorities is high. Of the 73 matters involving practitioners that have been referred to the Administrative Decisions Tribunal in the last three years, only six have been unsuccessful. However, I hope that tightening the regime with these amendments can reduce the number of prosecutions being waylaid, and minimise the cost and delays involved in finalising these matters. The Legal Profession Amendment Bill gives the tribunal the power to cure minor procedural defects, which alone will save many of these failed prosecutions. As is evident, there is complete and bipartisan support for these amendments. I have pleasure in commending the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ROAD TRANSPORT (GENERAL) AMENDMENT (LICENCE SUSPENSION) BILL

Second Reading

Debate resumed from 2 June.

Mr DONALD PAGE (Ballina—Deputy Leader of The Nationals) [10.26 a.m.]: The Opposition will not oppose the Road Transport (General) Amendment (Licence Suspension) Bill, but we wish to express a number of concerns about it. The purpose of the bill is to provide for immediate drivers licence suspension for drivers caught exceeding the speed limit by more than 45 kilometres per hour, or charged with serious driving offences causing death or grievous bodily harm. At present, drivers charged with serious driving offences causing death or grievous bodily harm are generally able to retain their drivers licence until a court determines the matter. This can be a period of many months; indeed, in some cases it can be a year or more. Similarly, drivers caught speeding by more than 45 kilometres per hour do not have licence sanctions applied until after a court has determined the matter. The bill addresses that anomaly by providing that if a driver is caught exceeding the speed limit by more than 45 kilometres per hour, or is charged with a serious driving offence causing death or grievous bodily harm, his or her licence may be suspended until the court determines the matter.

Sections 34 and 35 of the Road Transport (General) Act 1999 provide police with the power to immediately suspend a drivers licence, but only in cases where a motorist who has been charged with a serious alcohol offence such as a middle or high range alcohol offence, refuses or fails to submit to a breath analysis, engages in wilful alteration of the concentration of alcohol in a blood sample, or engages in behaviour that hinders or obstructs a medical practitioner or nurse attempting to take a blood sample. Section 33 of the Act provides that the Commissioner of Police may suspend, for a period not exceeding 14 days, the licence of a driver who is considered to be incompetent, reckless or careless. From 1 August 2003 the Commissioner of Police delegated his power to a limited class of operational police. The Roads and Traffic Authority [RTA] can then apply a follow-on suspension or cancellation on the basis of a report from the operational police.

An unfortunate triple fatality occurred in Manly Vale in May 2003. I wish to acknowledge the reactions at that time of the Leader of the Opposition in this place and the honourable member for Wakehurst, which resulted in the driver involved in that fatality not having his licence suspended for some time. An article in the *Manly Daily* of Friday 9 May 2003 quoted the Leader of the Opposition as saying:

> People charged with motor vehicle offences that have resulted in the death of a person should have to argue to a court why they should retain their licence …

The article continued:

> Under the Coalition proposal, Mr Brogden said there should be a presumption against a driver being allowed back behind a wheel until the court decides the matter [in those particular circumstances].

I acknowledge that the Opposition has highlighted the problem. After the accident the Government established a working party, which involved the RTA, police and the Attorney General's Department in May 2003. The working party reviewed the immediate licence suspension provisions, following concerns that some drivers who are awaiting trial on charges of a driving offence causing death had been involved with or had contributed to further fatal accidents. It was considered that an immediate drivers licence suspension—I emphasise suspension—by the police should be introduced where the driver commits a serious driving offence causing death or grievous bodily harm, or drives in excess of 45 kilometres an hour over the limit. That is the genesis of this legislation.

It is worth pointing out that whilst section 33 of the Road Transport (General) Act 1999 provides for immediate licence suspension, it was intended for use only in special circumstances. The bill before us takes away the restriction that it only be used in special circumstances to clearly define the circumstances where the presumption will be that the licence will be suspended. The Coalition has always taken a very strong line on road rules with the aim of improving community safety and reducing the road toll. The Coalition does not oppose this bill. However, some of my colleagues have expressed a legitimate concern that even if a licence is suspended pending the outcome of the court case, some people in our community will continue to drive without a licence. I do not think we should be under any illusions that this bill will automatically solve the problem of an unlicensed driver.

It has been put to me that even tougher regulations should be introduced in relation to the confiscation of vehicles of people who persist in driving after they have been caught speeding either beyond 45 kilometres an hour over the speed limit or where they have been involved in and charged with driving in a manner causing grievous bodily harm or death. The problem with that argument is that if there is only one family car confiscating the car may well be a serious penalty for the rest of the family if the wife needs to use the car to conduct the ordinary business of the family. Whilst I can see the logic behind confiscating the vehicle—to try to take the person who is flouting and continues to flout the law off the road—sometimes wider implications flow which need to be considered. I now refer to another issue: speed zones. Speed zones in New South Wales in some cases are quite confusing. We now have many speed zones basically from 40 kilometres an hour up to 110 kilometres an hour, with any variation in between at a rate of 10 kilometres an hour. In fact, in a recent edition of the *Open Road* Alan Finlay talked about the confusion of motorists regarding speed zones. Mr Finlay wrote on page 10:

> NRMA is calling on the RTA to:
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> 1. update RTA guidelines on speed zoning to reflect latest developments, in consultation with NRMA and other key road safety stakeholders
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> 2. conduct a comprehensive review of ALL speed limits across NSW in accordance with the updated guidelines
>
> 3. install explanatory signs on all speed zones where the reason for an unusually low speed is not obvious …
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> Speed limits are important in reducing both excessive speeds and a wide spread of speeds in the traffic stream. Research has shown that both of these can increase crashes. For speed limits to be effective, drivers must be aware of them and prepared to comply. If a speed limit is vastly different from a driver's reasonable expectation (with no explanation or obvious clues), then there is likely to be poor compliance.

The article continues:

> If a speed limit is vastly different from most drivers' reasonable expectations, the reason should be clearly communicated. A good example of this is the special 40 km/h speed limit at road works. A 'Road Works' plate is installed under the '40' sign. NRMA will urge RTA to consider wider application of this principle, so that a road which has a history of speed-related crashes might have a lower than usual speed limit with an extra sign plate 'Crash Zone'.

The NRMA pointed out some issues in relation to the consistent application of guidelines for speed limits across New South Wales. Fifty per cent of roads that the NRMA surveyed in the metropolitan area did not comply with the speed limit guidelines set by the RTA or they were inconsistent. If the zones are not appropriate to reflect what is a safe speed—and we are introducing legislation that provides for a licence to be suspended if someone travels more than 45 kilometres above those speed zones—then it is conceivable that a person could unreasonably lose their licence in the circumstances where the speed zone is, in fact, inappropriate for that particular area of the road.

Whilst we are all keen to have a reduced road toll, and we want responsible driving, none of us wants innocent drivers to have their licence suspended automatically, pending the outcome of a decision in a court, if they come across a speed zone that is either not well signposted or is incredibly inappropriate for the nature of the road. I am mindful that a proposal is before the RTA to introduce 40 kilometre zones in what are termed high-pedestrian traffic areas. When one looks at the thinking behind the RTA guidelines, one of two criteria have to be established. They will be established in consultation with local councils, which is entirely appropriate. They talk about imposing 40 kilometre per hour zones in so-called high-pedestrian activity areas. One of the criteria is having a road that services a business or commercial area, which is a very broad criterion. There are arguably large areas of country towns and of commercial Sydney where the road is servicing a business or commercial area that would not necessarily be a high-pedestrian traffic area.

I am concerned that such loose criteria could end up with a lot of 40 kilometre an hour zones being put into areas that are essentially of a commercial nature and do not have particularly high pedestrian traffic. If the RTA wants to impose restrictions in those 40 kilometre an hour zones by the use of speed cameras, for example, to enforce them, we may well find that many sensible motorists will have their licence suspended under this legislation. In school zones there can be problems, particularly in the context of a general 40 kilometre an hour zone restriction, which also applies to school zones. Under this legislation, if a person is caught travelling at 86 kilometres an hour when he or she enters a school zone at, say, 2.31 p.m.—the school zone is operative from 2.30 p.m. to 3.30 p.m.—he or she will have his or her licence suspended. Some people would regard travelling at 86 kilometres an hour as not particularly dangerous.

This is of concern, particularly in school zones that do not highlight that they are school zones apart from a sign. I am a great supporter of flashing lights for school zones. Not everyone agrees, but I think we ought to be highlighting school zones. I am concerned that a driver could be in a school zone at a time when the speed limit would not be 40 kilometres per hour—because school zone speed limits are restricted to certain hours of the day—and that person would then fall foul of this legislation. Similarly, other honourable members have raised with me individual incidents. I know that the Parliamentary Secretary will not mind my referring briefly to a point he raised about temporary signage for roadworks. If the temporary roadworks sign has not been removed to show that the speed limit is back to the normal speed, if someone has forgotten to take away the restriction overnight, a driver may not realise that there is a 40 kilometres per hour temporary restriction.

In that circumstance, an active policeman might well be there to nab that person, in which case the person's licence will be suspended. A number of issues relate to this legislation and provide an argument for some discretion to be used by police officers in special circumstances to ensure that some leniency be extended to people who are not in fact speeding, or when taking into account the road conditions or where the signage and speed zone can be demonstrated to be inappropriate. There are plenty of examples of that across New South Wales. It is a serious business for people who are dependent on their motor vehicle to have their license suspended.

The Country Roads Safety Summit, which I recently attended, was a very productive exercise. I will speak briefly on an issue that was raised in a working group by one of the magistrates who attended the summit, Mr Wayne Evans. The issue is related to this legislation, but it has not been covered by the legislation. Mr Evans made the point that at the moment a person who is a dangerous driver—in whatever form—may go to court and be convicted, and then appeal. Under the current arrangements, that person can have his or her driver's licence back, pending the outcome of the appeal, presumably on the presumption of innocence principle. Mr Evans made a strong case for that not to happen. In other words, where a person has been convicted of reckless driving—for example, causing grievous bodily harm or occasioning death—that person should not be able to have his or her licence back pending the appeal. The Government might like to consider an amendment along those lines in order to be consistent with the essential thrust of this legislation. The thrust of this legislation is, and ought to be, to take bad drivers off the road and to not unreasonably penalise people who may find themselves exceeding the speed limit by 46 kilometres per hour in circumstances where the community might regard that as a fair thing given the road circumstances.

The final point I make is one made to me by the honourable member for Wakehurst, who I hope will speak in this debate. When a person is facing a charge of reckless driving causing death, for example, it is not uncommon for such a serious charge to take longer to go through the courts. That person may well wait a year or so for an outcome. The honourable member for Wakehurst made the point that where a person has his or her license suspended not just for three or four months pending the court case, but a year or maybe even longer, a provision should be made for the case to be brought forward in court so the person has some reasonable opportunity to have his or her case heard sooner. I suggested to the Parliamentary Secretary that where a long delay is expected to occur between the suspension of the licence and the matter being heard in court, some provision be made for the matter to be heard by the court sooner rather than later.

As I said, the Opposition is strong on road safety and strong on supporting legislation that is designed to remove dangerous drivers from the road, particularly bad drivers, fast drivers and people who cause grievous bodily harm and death and who are charged with those offences. This bill does that by suspending their licence. It is a suspension, not a cancellation. The court will determine whether that licence should be cancelled. However, we are also mindful of the special circumstances that could prevail in which people are basically not dangerous drivers and are unlikely to injure anyone but find themselves about to have their license suspended. We are mindful of the implications that flow from that in relation to their family, their employment and so on. We do not oppose the legislation, but we have the concerns that I have outlined.

Ms LINDA BURNEY (Canterbury) [10.45 a.m.]: I also speak in support of the Road Transport (General) Amendment (Licence Suspension) Bill. I note that the honourable member for Ballina has indicated the Opposition's support for the bill. I am sure that the Parliamentary Secretary will respond to a number of the suggestions and observations that the honourable member for Ballina made in relation not only to the Country Roads Safety Summit but also to some of the other issues surrounding this bill. Last Saturday morning I was listening to the early morning police report on the radio. On this occasion two main issues were mentioned: the fact that overnight there had been the observation and the charging of two people, one young man who was driving 45 kilometres over the speed limit in a built-up area, and the other was, also, a young person who was travelling over 200 kilometres per hour on a city highway. I took particular notice of that, not because of this

legislation but because of how incredibly risk taking that is to the people who are driving at those speeds and also, importantly, just how lethal a piece of metal driven at that speed would be to other cars, to other people and to property.

We all know only too well, especially the country members in the Chamber, about the tragic stories that unfortunately we hear on a regular basis, particularly in country areas, of the numbers of young people being killed, often in one accident. Many country members would have very real experiences of that. The tragedy of that is not just the loss of life of young people, it quite often involves a number of young people from a small country town and the impact on the community is just enormous. More tragically, quite often, the young people are from the same family or the same year 12 class. Unfortunately, very often speed is involved in these awful tragedies. We can all relate to why this is such important legislation.

The Road Transport (General) Amendment (Licence Suspension) Bill is introduced with the specific aim of improving road safety by providing police with additional powers to immediately remove dangerous and irresponsible drivers from New South Wales roads. The honourable member for Ballina highlighted the current timeframes in the suspension of a drivers licence. Presently, drivers charged with serious traffic offences causing death or grievous bodily harm may, in the majority of cases, retain their licences and continue driving until a court hears the matter. Similarly, a driver caught speeding in excess of 45 kilometres an hour over the speed limit will not have his or her right to drive revoked until some time after the offence is committed. This bill, in part, is designed to overcome that fact.

The community has an expectation that drivers charged with more serious offences, such as those that result in death or grievous bodily harm, or excessive speeding should not be allowed to continue driving after they have been charged with such an offence. We are talking about drivers who cause death or grievous bodily harm, and drivers who travel at excessive speeds, because quite often such excessive speeds lead to accidents in which someone is killed or seriously injured. There have been instances in the past where a driver awaiting trial in relation to a traffic offence causing death has been involved with and contributed to a further fatal accident. We would all know of such highly publicised cases.

It is widely documented that excessive speeding is over-represented as a causing factor in crashes where loss of life or serious injury is occasioned. The community rightly expects that strong action should be taken against those few irresponsible drivers who drive motor vehicles at excessive speeds with blatant disregard to the severe impact their actions may have on the wider law-abiding community. The current provisions of the Road Transport (General) Act 1999 give police the power to immediately suspend the licence of a motorist charged with a middle or high range prescribed concentration of alcohol or charged with other serious alcohol-related offences.

The primary purpose of the bill before the House is to expand the current police powers to amend the relevant sections of the Act, to provide the police with additional powers to immediately suspend the licence of a motorist charged with a driving offence under the Crimes Act 1990 where death or grievous bodily harm has been occasioned or where the motorist was detected travelling in excess of 45 kilometres an hour above the speed limit. Under the proposal, a notice advising a driver that his or her licences is immediately suspended may be served at any time within 48 hours from the time the motorist is charged and given a court attendance notice, or issued a penalty notice. Where a driver is charged, the suspension will run until the court hears the matter. That picks up some of the issues raised by the honourable member for Ballina.

Where a penalty notice is issued the police suspension will run for a period of six months. This means that the delay that currently occurs between the date the offence is committed and the date that the Roads and Traffic Authority administratively applies the period of suspension is substantially reduced. In other words, drivers who fall into those categories will not be able to continue driving until the matter goes through various procedures and processes. Giving the police further power to immediately suspend the licence of drivers who commit such serious driving offences will send to the community a strong message that this type of behaviour will not be tolerated. The working group of which I was part at the Alcohol Summit discussed, among many other things, the terrible outcomes from road accidents involving abuse of alcohol. The issue that I have just mentioned was one of the discussion points in that working group, as I am sure it would have been a discussion point in the Country Roads Safety Summit, which was an important initiative.

The bill supports the Government's commitment to road safety. It will provide the opportunity for dangerous or irresponsible drivers to be taken off New South Wales roads immediately, thereby minimising the chances of those persons reoffending. Of course, there are many ways in which we can change the behaviour of

people. Some involve changing the law, and some relate to the very successful alcohol limits that apply in New South Wales. Those limits have had more impact on driver behaviour than million-dollar campaigns about the dangers of alcohol. That drivers will be penalised if they consume more alcohol than the statutory limits allow has had a major influence on driver behaviour. This bill has been designed in the same spirit. If drivers understand that there will be immediate consequences for driving at such excessive speeds, it will have a major influence on the way in which these few very irresponsible people will drive on our roads. I trust honourable members will give their unreserved support to the proposal. I commend the bill to the House.

Mr IAN ARMSTRONG (Lachlan) [10.55 a.m.]: I would like to read into *Hansard* an extract from a letter written to me on 20 May by the General Manager of Bland Shire Council, which is situated in West Wyalong. Its relevance is to transport and particularly the forthcoming harvest. The letter says in part that council resolved to:

> 1. Support the introduction of a Grain Harvest Transport Management Scheme…
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> 2. That Council submit a late motion via "G" Division to the Shires Conference and/or representations through its State MP seeking the NSW Government to adopt a tolerance level for compliance and enforcement provisions relating to the loading of harvest trucks in its review of the Road Transport Reform Bill.
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> Council's support for the inclusion of such a system in the bill is based upon:
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> - Providing efficiency and flexibility within the grains industry whilst recognising the inherent difficulties of in-field loading of bulk grain and the need to ensure the road network is protected.
> - Is quite stringent.
> - Is self-regulating.
> - Only available for paddock loading and subsequent travel to nearest receival site.
> - Receival sites reject loads over 7.5%.
> - Receival sites send details of overloaded trucks to Compliance Officers.
> - Participants are allowed two breeches each season and are ejected from the scheme on the third offence.
> - The system being adopted in Queensland in recent times.
>
> Council requests your assistance in raising awareness of the logic and practical applications of the introduction of such a Grain Harvest Management Scheme …

That is a little outside the terms of reference of the bill, but I take this opportunity to place that correspondence on the record, in the hope that the Minister for Roads will accept it in the spirit in which I have presented it this morning. I have a couple of problems with the management of traffic in New South Wales. While listening to the contributions of other honourable members, I was thinking that these Acts are probably applied more often each day in New South Wales than any other legislation because they relate to school zone speeds and to a large volume of traffic, which continues to grow. Motor vehicle sales have reached new records in recent months, and there is no sign of that trend abating.

I would like to speak in particular about roads over the Blue Mountains accessing the west of New South Wales. In recent years the Great Western Highway, courtesy of Commonwealth funds and State works, has undergone a major upgrade. That upgrade continues, with about $100 million being spent on those works. When that upgrade is completed there will still be something like 31 speed changes and 15 school zones between Blackheath and Penrith. I traverse that road frequently, and I try to remain within the law to the best of my ability. Most people do. But that is exceedingly difficult because in many places it is a four-lane or three-lane highway, and if you are in the middle lane when there happens to be a side-loader truck, a curtain truck or a pantechnicon on the inside lane, it is very easy to miss speed change signs. Therefore, you can go on blissfully without recognising that there has been a speed change, either increasing or decreasing the limit. The same comment applies to school zones.

The honourable member for Ballina spoke about the need for much more vibrant, lively and recognisable signage for school zones because speed limits in those zones apply at only certain times of a school day. If you travel the same route regularly, you fall into regular habits. If there is a change in your timetable, or a change in the school speed zones, it is quite easy to miss them. Much of the signage is inadequate. I draw the attention of the Minister to the number of road signs that are overgrown with trees and foliage. A classic example is north of the Sydney Harbour Bridge approaching the tolls on the eastern side, where a large sign stating that the toll is $3 has not been visible for six months. That is only one example; there are many others on the Great Western Highway.

The speed limit on the Great Western Highway changes from 60 kilometres per hour to 80, back to 70, increases to 90, returns to 70, increases again to 90 and then to 100, making it extremely difficult for motorists. I

ask those who decide on the speed limits to use their commonsense and provide a better flow of speed limits so that speeds are more predictable. Often there appears to be no justification for a speed change, such as unnecessarily increasing the speed on a bend. The methodology of how speed signs are decided should be reviewed. It should also be acknowledged that a vehicle travelling on a dual carriageway inside a large vehicle has a restricted or completely obstructed view of signage on the left-hand side.

Far more visible signage is required in school zones—flashing lights at the very least—in the interests of the safety of children, parents and teachers. Drivers must have complete confidence when they are traversing those zones. I make similar comments with respect to the Bells Line of Road as one leaves North Richmond. There is a plethora of speed changes similar to those on the Great Western Highway. It is legal to overtake at only two spots between North Richmond and Lithgow on that road, and that causes frustration to many motorists. Those speed limits should be reviewed because in some instances it is absurd for the speed to be restricted to less than 100 kilometres per hour on straight, open, reasonably level, well-marked and apparently safe roads, particularly the top of the plateau towards Newnes.

For any legislation to work, all the participants—in this case every driver and every pedestrian—must have confidence in it and understand it. They want the legislation to work, but it cannot work by suppression. The installation of more speed cameras and the introduction of additional rules about what thou shall not do will never achieve the proper objective. For legislation to be effective, people must work within the system with confidence, rather than have a perception that speed limits and regulations are government revenue-raising measures. That is not a healthy view. Recently I said to a senior Minister that if I had the franchise for the speed cameras in the Sydney Harbour Tunnel near the bottom of The Domain I would be set for life because they are great revenue raisers.

Other speakers have referred to the disqualification process regarding persons charged with serious driving offences and how, until the case is proven in court, those people are allowed to continue to hold a licence and continue their normal driving habit. That point is well taken. It is the law that one is innocent until proven guilty and it is up to the court to make the determination. Nevertheless, I support the view that where people are charged with serious driving offences, and they have a history of such offences, consideration should be given to whether they should continue to drive, particularly when serious injury or even death may have been occasioned. I hope that this bill is another step towards providing safer roads in New South Wales. However, commonsense must prevail and we must work with drivers, not against them. Suppression alone will not achieve better accident figures on our roads. Motorists must have confidence that if they work with the law, they will achieve better results, whether they are tourists, workers or people going about their normal everyday business.

Ms KRISTINA KENEALLY (Heffron) [11.05 a.m.]: The proposed amendments to the Road Transport (General) Act 1999 will see other serious traffic offences included in the scheme that provides for immediate licence suspension. At present, licences can be immediately suspended if the holder is charged with a middle- or high-range prescribed concentration of alcohol offence or with other serious alcohol-related offences. The proposal is to include driving offences where death or grievous bodily harm has been occasioned, or where the driver has been caught travelling in excess of 45 kilometres over the speed limit.

These types of offences already carry mandatory periods of licence disqualification, but the disqualification period does not commence until after a matter is heard in court. Therefore, for some time the drivers in question continue to drive on our roads, even though they face very serious driving offences. There have been some occasions where drivers in this position have committed further serious offences that have resulted in death or grievous bodily harm. The proposed amendments will result in these drivers being removed from the roads as soon as the police believe there is sufficient evidence that a very serious offence has been committed. This has worked well for many years with respect to alcohol offences.

It is worthwhile making particular mention of speeding in excess of 45 kilometres per hour. This is a most dangerous practice, which shows that the driver has total disregard for driving laws and does not care either for his or her own safety or for that of other road users. It should be clear to any licensed driver whether they are exceeding the speed limit by 45 kilometres per hour. This is a behavioural issue rather than a lack of knowledge. The fact that a licence can be immediately suspended when a driver is detected driving at these dangerous speeds will be a further real disincentive to participating in such a dangerous practice.

I was astounded to hear the honourable member for Ballina, the Opposition spokesperson on Roads, say that people who drive at 85 kilometres per hour in a school zone should not lose their licence. If there is any instance in which the Opposition should support this legislation, it is when someone is driving at 45 kilometres

per hour above the speed limit in a school zone. It is ridiculous for motorists to drive at 85 kilometres per hour in a school zone. Last year a Banksmeadow Public School year 6 student was hit by a speeding car. I am happy to say that the student was not seriously injured and has now recovered. The Mayor of Botany Bay, Ron Hoenig, and I worked together with council and the Roads and Traffic Authority [RTA] to make significant safety improvements to the crossing. The school principal, Andrew Garling, and the parents and citizens association have supported that wonderful outcome. We are endeavouring to make our crossings safer but, at the end of the day, if people choose to drive 45 kilometres over the speed limit in a school zone, they should face the loss of their driving privilege.

The honourable member for Ballina and the honourable member for Lachlan called on the Government to provide more flashing lights at school crossings. As the Opposition spokesman on Roads, the honourable member for Ballina should be aware that in March the Government announced that 30 school sites had been selected for the installation of flashing warning lights as part of an expanded road safety trial. The Minister for Roads has committed $1.2 million to this trial and will evaluate the effectiveness of flashing warning lights on approaches to 40 kilometre per hour school zones as a way to slow down motorists. Last year the RTA ran a trial at 11 schools but the results were inconclusive.

The study found that motorists slowed down at some schools but not at others. In some cases—I find this hard to understand—drivers actually increased their speed. At no school did average speeds drop to 40 kilometres an hour. Other studies have shown that flashing lights reduce speeds for a time but that motorists increase their speed after they have got used to the lights being there. In February the Minister for Roads announced that the flashing lights trial would be expanded to include an additional 30 schools and extended until 2005. An evaluation will be undertaken by the middle of next year. This is because the Government believes that we need to make a proper and well-informed decision about whether flashing lights are the most effective way to protect our children. These lights will be installed during the next school term, and they will flash during school zone times—8.00 a.m. to 9.30 a.m. and 2.30 p.m. to 4.00 p.m.

This new trial will be assessed by a reference group comprising not only the Roads and Traffic Authority but also the Department of Education and Training, NSW Police, the Motor Accidents Authority, the Local Government and Shires Association, the NRMA, the New South Wales Parents and Citizens Association, the Association of Independent Schools of New South Wales, the Catholic Education Commission of New South Wales, the Council of Catholic School Parents, and the New South Wales Parents Council. The trial is comprehensive; the Government is extending it to 30 schools. We are taking this matter seriously, and we are working with all the relevant interested stakeholder groups.

I thought the Opposition spokesperson for roads would have been aware of this initiative, of what the Government is doing to improve safety at school crossings and, in particular, of this legislation, which will provide a great disincentive to people to speed in school zones. Anyone who speeds at 85 kilometres an hour past a primary school deserves to lose their driving privilege. The proposed changes in this legislation will not impact on the vast majority of drivers who obey the driving laws: the vast majority of people do obey the driving laws. The changes will impact only on people who drive irresponsibly.

The changes will not increase the existing periods of licence suspension or disqualification. They will provide urgency for police to remove from the roads motorists who demonstrate dangerous driving practices that result in death or grievous bodily harm to another person, and motorists whose driving exposes themselves, their passengers, or other road users to great danger. I do not mean to beat a dead horse but my son is in kindergarten, and if someone were to drive past his school at 85 kilometres an hour I would want to know that the driver will not be on the roads the next day. The bill is important. I commend the bill to the House.

Ms KATRINA HODGKINSON (Burrinjuck) [11.12 a.m.]: The intent of the Road Transport (General) Amendment (Licence Suspension) Bill is good. It is to suspend the drivers licence of a motorist caught exceeding the speed limit by 45 kilometres an hour and of a motorist charged with serious driving offences causing death or grievous bodily harm. However, I am concerned about potential ramifications, and I will detail them in a moment. As the honourable member for Ballina said, drivers who are charged with serious driving offences, such as causing a death or grievous bodily harm, generally retain their licence until a court has heard the matter, which could be a number of months. In the meantime, a reckless driver remains on the road, potentially causing havoc. Therefore, the intent of the bill definitely has merit.

The Hume Highway is the major thoroughfare through my electorate of Burrinjuck. I live on a farm outside Yass and I attend many electorate functions in Goulburn, Tumut, Talbingo and Crookwell, and in other

places throughout the electorate. After attending many of these functions I am often on the Hume Highway between 10.00 p.m. and 1.00 a.m. It is dangerous to be on the Hume Highway at that time of night because of the number of truckies that charge along and run motorists off the road. I have been run off the road several times. Each time I get run off the road I try to memorise the number plate of the truck, if I happen to catch it as it goes screaming past, I pull off the road and ring the local police to report the incident. I explain that I was doing 110 kilometres an hour and a truck travelling at least 130 kilometres an hour has just passed me, and I ask the police to keep an eye out for the truck.

Depending on my location, I ring the Goulburn police station or the Yass police station. The Goulburn, Yass and Gundagai highway patrol officers are second to none. They are absolutely fantastic and work very hard. However, they have limitations; they cannot be on the roads at all times to catch every truckie who is speeding. Sometimes when I ring the local police station I am told that only one officer is available and that he or she is at the other end of the highway and is unable to book the particular truckie. That is a shame. However, it is not a reflection on the police patrols, because the officers I have met are outstanding representatives of the police force.

I believe that the number of highway patrol officers could be significantly increased. That would enable the police to catch truckies who speed on the highway and cause havoc to other motorists late at night. It would also mean that motorists who ring the local police station late at night to report a truckie would not be told that the only officer on patrol is on another section of the highway and is unable to apprehend the truckie. Usually one must wait until the next morning to ring the trucking company to report the incident, give details of what happened and at what time, and trust that the company will take action to reprimand the driver. That is only one experience I have had in my electorate, particularly on the Hume Highway. Most people recognise that the Hume Highway is one of the busiest roads in Australia, because it is the major route between Sydney and Melbourne.

Last Friday week I was returning from Talbingo on the Hume Highway when I was stopped at the Adjungbilly turnoff just outside Gundagai on the way to Coolac. About 15 cars ahead of me, two vehicles had collided head on and there were two fatalities. I was held up near Sheahan bridge for a good 1½ hours. I presume that speed was involved in that accident. The section of the Hume Highway between Coolac and Gundagai is notorious. I note that this week AusLink has made an announcement about improving that section of the Hume Highway. I tell AusLink: Get on with it. Too soon is not soon enough. If AusLink were to improve the highway tomorrow it would not be soon enough.

That section of the Hume Highway, including Sheahan bridge near Gundagai, must be improved and made into a dual carriageway as soon as possible. Most country towns have adopted a speed limit of 50 kilometres an hour, which changes to 100 kilometres an hour on the edge of town. Motorists moving from a 50 kilometres an hour zone to a 100 kilometres an hour zone, especially when the residential area is not large, could have difficulties. Motorists may begin to accelerate before they reach the 100 kilometre an hour sign, especially if they are about to climb a hill. For example, near the northbound exit to Yass the speed limit is 50 kilometres an hour for some distance before the 100 kilometre an hour sign on the way to the sale yards. It is highly likely that motorists will start to accelerate beyond 50 kilometres an hour before they get to the 100 kilometres an hour sign.

I do not believe that those motorists are reckless or dangerous. Indeed, they are probably being courteous in trying to ensure that drivers of more powerful vehicles can reach 100 kilometres per hour when they pass the sign at the bottom of the hill. They are not the sorts of people who should be affected by this legislation, even though they could be speeding in that 50 kilometres an hour zone. There has to be some give and take in this. Perhaps in his reply the Parliamentary Secretary might be able to address the circumstances where a motorist is going from a 50 kilometres an hour zone into a 100 kilometre hour zone up a hill and accelerates to 100 kilometres per hour before reaching the 100 sign. If a radar were there, and conceivably there could be, that motorist would be booked and lose his licence, and it could be months before the court reinstates it. That is one great concern I have.

The honourable member for Ballina mentioned roadworks. There are always roadworks on the Hume Highway. Most people will happily travel at the 40 kilometres an hour limit, but the honourable member for Ballina said that sometimes the "40" signs are left there after the roadworks are finished. I have seen people charge through such areas at speeds greater than 40 kilometres an hour. On the stretch leading into Goulburn quite a lot of roadworks have taken place, but a couple of weeks after the machinery had gone the "40" signs were still there and any number of cars, trucks, trailers and caravans were speeding there. Those drivers could

lose their licences. If the Roads and Traffic Authority [RTA] is at fault by leaving these signs, should motorists lose their licences?

The honourable member for Ballina also mentioned flashing lights in schools zones. The honourable member for Heffron took some offence at that, apparently thinking that the honourable member for Ballina was implying it was okay to speed through schools zones. No-one is saying it is okay to speed through schools zones; let there be no mistake about that. All members of the Opposition want people to go slowly through schools zones. A great number of us on this side of the House have children, including school-age children, and we want those children to be as safe as humanly possible. The comments of the honourable member for Heffron were misguided. She has obviously misheard. Her comments were incorrect.

Those of us with children know when the school holidays are, but many drivers do not have children, or children at school, and perhaps do not know the school hours or when the school holidays are. How would a person without schoolchildren know when the school holidays are? Flashing lights around schools have to be of benefit. I cannot believe the rhetoric that people speed up when they see flashing lights. The information the Minister presented to the Chamber has to be incorrect. Flashing lights have to be a disincentive for the vast majority of good drivers to speed through schools zones. I recommend that the Minister look at it again. Let us have flashing lights outside all primary schools at least.

The honourable member for Heffron said the Minister made the announcement in March this year. I seem to remember that being an election campaign promise. He said three schools in my area were going to get flashing lights. One of those schools was Berinba primary school, which I attended. I regularly drive past that school and there are still no flashing lights there. This is another promise that still has not happened. There are border anomalies with schools zones as between the Australian Capital Territory and New South Wales. The other day I was driving through Dickson in the Australian Capital Territory, past the ladies catholic college. The school zone limit was 40 kilometres an hour from 9.00 a.m. to 4.00 p.m.—all day. In New South Wales school zone limits apply from 8.00 a.m. to 9.30 a.m. and from 2.30 to 4.00 p.m. These glaring cross-border inconsistencies should be looked at by the RTA, the Minister for Roads, the Parliamentary Secretary and the Staysafe committee. The honourable member for Blacktown is in the Chamber, and I commend him for his good work on the Staysafe committee. But there are still issues that need addressing.

Mr Bryce Gaudry: And the honourable member for Clarence.

Ms KATRINA HODGKINSON: I note the honourable member for Clarence's hard work in relation to road safety in his electorate. Schools zones are so important, and it is important that there are consistent zones across the States and that drivers are aware of them. Let us have a 40 kilometres zone, but let it be consistent. Is it going to be 9.00 a.m. to 4.00 p.m. in one State and from 8.00 a.m. to 9.30 a.m. and 2.30 p.m. to 4.00 p.m. in another State? Sometimes it is hard for drivers to distinguish between the signs, and it is confusing as well. That is another thing that needs correction. There are many more issues I could raise about roads, road safety and speeding in my electorate.

I am very concerned about road safety and the quality of country roads in my electorate. There is considerable speeding on the Lachlan Valley Way. It is a long, single lane road, and there are many fatalities on it. It has to be one of the most dangerous roads in the State. There are many long straights and there are many hills where one cannot overtake, but people take risks and end up coming to grief, running into trees or into vehicles coming in the opposite direction. Some work is being done on Gocup Road at the moment but it is still a notoriously poor road. The Snowy Mountains Highway is notorious as well, and the establishment of Visy and other fantastic operations in the south of my electorate have added to the number of heavy vehicles using roads originally intended for light vehicles. I hope the Government looks at these real issues and allocates funding as needed. [*Time expired.*]

Mr PAUL GIBSON (Blacktown) [11.27 a.m.]: I support the Road Transport (General) Amendment (Licence Suspension) Bill. However, I do so with a word of caution—not by way of criticism but by way of future thinking. Road safety in New South Wales is working. Twenty years ago 1,400 people a year were dying on our roads. Today a million more cars and drivers are on the roads and the road toll is below 600. The worry at the moment is that the road toll has plateaued. According to every road safety authority one speaks to, speeding is the No. 1 killer. The word is if you can control the speed of vehicles you can control road safety. I have been critical in the past and I will be in the future about road safety because we seem to be reactive instead of proactive.

There has been talk in this debate today about speed cameras. Speed cameras do nothing for road safety because most people know where the cameras are. A motorist driving from Sydney to Melbourne who is caught by a speed camera at Warwick Farm does not know that that has happened and that he should change his mode of driving between Warwick Farm and Melbourne, so he continues to drive in the same manner. He does not know he has been booked or has even broken the law until a week or two after he returns home and receives a fine in the mail.

If a friendly, and visible, policeman had been on the road the driver would get the message that he has to drive carefully between Sydney and Melbourne. In New South Wales we seem to think that the way to correct road safety problems is to impose harsher penalties. We tend not to look outside the square. I have always said that you do not need a licence to drive a motor car; you need a key. More than 8,000 people were caught last year driving without a licence. It is estimated that the total number of people driving without a licence could be as high as 20,000—we do not know. Making the penalties too harsh does not always work.

The maximum speed limit for trucks is 100 kilometres an hour. However, figures produced by the Roads and Traffic Authority [RTA] recently showed that more than half the trucks driving on every highway in this State are driving in excess of 110 or 120 kilometres an hour. A double-bogey truck exceeding the speed limit by 20 kilometres an hour is probably more dangerous than a car exceeding the speed limit by 45 kilometres an hour on the same road. There is a simple answer. Prior to Christmas we went to Europe to observe a trial of intelligent speed adaptation, whereby the speed of all vehicles—motorcycles, trucks and cars—is controlled by satellite. The trial involves more than 60,000 vehicles. It is estimated that by 2020 about 60 per cent of the total fleet will be under the system. The technology is available for use today. The cost per vehicle is estimated to be between $200 and $400 if the system is installed at the production stage. Introducing such a system would prevent people from exceeding the speed limit. The speed limit in each street is transmitted to the satellite, which then controls the speed of vehicles on that street. We would not need speed cameras or highway patrols. I have no doubt that in 20 years time this nation will have such a system.

A few months ago we went to Victoria, where an intelligence speed adaptation trial is taking place. We have not even started to talk about it here in New South Wales, the largest State. Four, five or six years ago this State led the way in relation to road safety but we have slipped behind, whether people believe it or not. When I was Chairman of Staysafe back in 1996 I advocated the introduction of a 50 kilometre an hour speed limit. The Government introduced that speed limit, but not until November last year—nearly seven years after it was proposed. There is a lot we can do. If we are going to be fair dinkum as a Government and a Parliament why do we let Australian vehicle manufacturers build and freely sell motor cars that will do up to 260 kilometres an hour? The maximum speed limit across this nation, except for part of the Northern Territory, is 110 kilometres an hour. So why do Federal and State governments allow manufacturers to build vehicles capable of such high speeds? There should also be commonsense in speed limits on similar roads. The RTA does a great job.

Every 12 months 1½ million people die on the world's roads. If the system of controlling speed by satellite were introduced tomorrow, by next Christmas there would be three-quarters of a million people alive who will not be alive because that system is not operating. The Government must start catching up on developments. As I said, the greatest killer on the roads is speed. There is a way to control speed and I advocate the intelligent speed adaptation system. The 50 kilometres an hour limit was proposed to break the speed nexus. The big win with innovations such as seatbelts and random breath testing is always with the next generation. When my grandkids get into the car they say before the car is even started, "Make sure you put your seatbelt on. We have got our seatbelts on." That is a change from my generation. When seatbelts were made compulsory people said that it was too sissy to wear a seatbelt and that they did not need a seatbelt. We still see older folk just putting the seatbelt over their shoulder instead of plugging it in. The reason for introducing the 50 kilometre an hour speed limit was to let the next generation grow up knowing that people should not speed where people live. I think we will see a tremendous decrease in road deaths and accidents by the time the next generation starts driving.

The number of people killed on the roads each year is a critical issue. More people are being killed on the roads of this country than in all wars Australia has participated in. The road toll has plateaued but more than 550 people die on the State's roads each year. If we were losing 550 people in Iraq or any other war zone governments would tumble. The population would demand that we do something about all the people being killed and injured—some becoming cripples for life. There is also the burden on the health system and the rest of the community. If it was a result of war I am sure that we would come up with an answer. I say to governments right across this nation that there is an answer and it is intelligent speed adaptation. I implore the Minister for Roads and the Government to get up to speed on it. We will all be driving under that system within 20 years.

Mr STEVE CANSDELL (Clarence) [11.38 a.m.]: I support the Road Transport (General) Amendment (Licence Suspension) Bill. The objects of the bill are to expand the range of driving-related offences in relation to which a police officer is able to suspend a person's drivers licence to certain major offences involving death or grievous bodily harm; to enable a police officer to suspend a person's drivers licence if the person is caught exceeding the applicable speed limit by more than 45 kilometres an hour; and to make provisions with respect to statutory declarations for ascertaining the driver of a vehicle involved in a parking offences or camera-recorded offences. The recent Country Roads Safety Summit made many recommendations. I was on the heavy vehicle working group.

Exceeding the speed by 45 kilometres an hour is extremely dangerous for a car but, as mentioned by other honourable members, exceeding the speed limit by 15 or 20 kilometres an hour for a truck is probably more dangerous. A recommendation from the roads summit was that anyone travelling at 115 kilometres an hour in a heavy vehicle be deemed to have tampered with their speed limiter and put off the road. That is a very good recommendation that could go a long way toward resolving many of the problems with the trucking industry, even though it may involve only a minor part of it. Honourable members have talked about cancer and its insidiousness. We have all been touched by it in one way or another. Likewise, many of us have been affected by road accident fatalities or maiming.

Why should someone who has acted recklessly—whether intentionally or not—be allowed to continue to be in control of what is, in effect, a death machine until such time as the issue is determined by a court? The law allows offenders to appeal and to defer proceedings almost indefinitely. Anyone deemed to have driven in a dangerous manner—that is, who travelled at more than 45 kilometres an hour over the speed limit or caused a major accident—should be taken off the road. Cars are missiles; they can be lethal weapons. If it a person were walking down a street firing an automatic firearm indiscriminately, would a police officer let that situation continue? He would not. Someone who has driven at more than 45 kilometres an hour over the speed limit or who has been involved in an accident resulting in death or grievous bodily harm should be treated no differently. Of course, given some of the decisions handed down by magistrates these days, someone charged with planning a terrorist act would be back on the street in five minutes.

As the honourable member for Blacktown said, New South Wales is once again behind Queensland. New penalties for speeding and other driving offences introduced in Queensland in April 2003 include a six-month licence disqualification for drivers caught travelling at more than 40 kilometres an hour over the speed limit. According to the Queensland Minister for Transport and Minister for Main Roads, speeding is a major cause of road accidents and speed-related crashes cost the community approximately $180 million a year in hospital and health care, lost workplace productivity and emergency services resources. Speeding is also the most common contributing factor in road fatalities in New South Wales. In 1999 alone, 577 people died on New South Wales roads.

The Roads and Traffic Authority [RTA] states that of those victims, 42 per cent died as a result of speeding. In addition, 4,347 people were injured in speed-related crashes in 1999. Nothing much has changed. In New South Wales rural areas speed accounted for 44 per cent of all fatal crashes and speed accounts for 32 per cent of fatal crashes in metropolitan areas. Newspaper headlines tell the story: "Death toll lowest since 1949 but speed still a killer", "Speed blamed for deaths", "Speeding teenager ran down my mate", "Deadly cocktail of speed, drink and 'invincibility'", "CAUGHT 500 trucks break the speed limit in just four hours", "Jail for speeding driver who was also in hold of heroin", and "Police 'too lenient' on speeding drivers". This legislation will slow down many drivers and will make people think. They will not be able simply to cop a fine, pay it and continue speeding.

I wonder about the value of speed cameras in police cars. They appear to be used for revenue raising rather than to slow down speeding drivers or to reduce the number of accidents. At Coffs Harbour recently seven drivers travelled through a 60 kilometre an hour zone at about 70 kilometres an hour and were fined. The police officer who issued the fines would have been better occupied at black spots on the Pacific Highway, which is lined with crosses indicating fatalities. I recently rode my pushbike from Ballina to Grafton on the Pacific Highway. I stopped at every cross and read the inscriptions. One was extremely sad. It was a memorial to a father. It had an empty bottle of VB, a balloon, a doll and a photograph of two children and their mother. It simply stated, "We miss you daddy". That is typical of the grief felt when someone is killed as a result of excessive speeding by stupid, irresponsible drivers. Motor vehicles are lethal weapons and should be treated with care. This legislation will go some way to controlling the death toll.

Mr BRAD HAZZARD (Wakehurst) [11.45 a.m.]: As has been indicated, the Liberal Party and The Nationals will not oppose the Road Transport (General) Amendment (Licence Suspension) Bill. In fact, we

generally support harsher treatment of drivers who are involved in serious motor vehicle accidents that result in grievous bodily injury or death, and particularly in circumstances involving excessive speed. In 1994 I was chairman of the bipartisan Staysafe committee. The committee conducted an inquiry into what was then termed culpable driving; that is, driving occasioning death or injury. It was perhaps one of the most significant inquiries in which I have been involved during my time in this Parliament. John Newman, the former Labor member for Cabramatta, was also a member of the committee. John's wife and child were killed in a motor vehicle accident and he was passionate about trying to reduce the opportunities for people to be maimed and killed on our roads. The committee's inquiry allowed honourable members to gain a greater insight into a range of issues relating to speed, alcohol and dangerous driving generally. Evidence was presented by a range of people who had lost family members or friends in horrific circumstances on the road.

If my memory serves me correctly, the inquiry was established after John Newman made a statement to the Parliament about a driver crossing two lanes of traffic and striking a cyclist, who died as a result. Shortly after he raised the issue, the then Attorney General, the Hon. Peter Collins, asked the Staysafe committee to examine culpable driving. As ridiculous as it sounds, at the time the penalty for culpable driving was a maximum of five years imprisonment. The media was awash with stories of offenders appearing in court after having killed someone as a result of gross negligence, consumption of alcohol or excessive speed but walking away with what the community considered to be a minimal sentence.

The Staysafe committee considered those issues and heard evidence about them. We felt that this whole area of the law needed to be addressed. The committee recommended that the offences be renamed, in the hope that this would send a clear message about the seriousness of the offences and the charges to be laid if people drive recklessly or dangerously. From recollection, the committee recommended that the offence of culpable driving be renamed "reckless driving causing death" or "reckless driving causing injury". The committee also recommended effectively doubling the penalty, increasing it to 10 years.

The Staysafe committee also highlighted what it termed "aggravating circumstances". Those aggravating circumstances included high-range drink driving and driving at speeds of more than 45 kilometres per hour over the speed limit. The committee recommended that penalties for such offences should be increased substantially. The Coalition Government lost office in March 1995, and it took the Labor Party a little while to get on with the job. But eventually the increased penalties that resulted from the bipartisan recommendations of the Staysafe committee were implemented. We continue to hear about horrific accidents being allegedly caused by people who drive at speeds of more than 45 kilometres per hour over the speed limit, such accidents resulting in death or serious injury as a result of the driver's negligence, gross negligence or reckless driving. Yet those people are still able to retain their drivers licence pending the outcome of sometimes lengthy court processes.

One of the regrettable things about being a member of Parliament is that one often has to deal with circumstances that are quite ghastly. I recall that a few years ago 21-year-old Lucy Singleton died as a result of an accident on the S-bends of Spit Hill. I also recall that about four years ago a little baby died as a result of an horrific pile-up of cars at the corner of Warringah Road and Pittwater Road. Members may recall that the driver of the truck disappeared to the Middle East and it was quite a while before he was able to be brought back and dealt with by the courts. Last year an horrific accident occurred in Condamine Street, Manly Vale. A 50-year-old driver, for reasons yet to be determined by the court, crossed the median strip and struck a vehicle heading in the opposite direction. Cameron Howie, aged 31, and his wife, Shannon, aged 29, and their 15-month-old baby, Michaela, died as a result of that accident. I visited each of those accident sites and spoke to people present, and I also spoke to the victims' family members afterwards.

It is regrettable that, first, these accidents happen and, second, that people die as a result. Third, one cannot imagine the horror of the victims' family members and friends at seeing the alleged perpetrator driving around in his or her vehicle for, in some cases, months and months pending the final determination by the court. Regrettably, however, our court system is extremely slow and often police take a while—in many cases for valid reasons—to gather the necessary evidence. Consequently, a driver who is shown to be manifestly negligent or in some way reckless, and is eventually found guilty, can be on the road and still causing a risk to other drivers. As a lawyer I well understand the balancing argument, that until a person is convicted he or she should not suffer the consequences. But we have recognised that offences involving motor vehicles are unique. For example, as a result of other legislation that has passed through this House, a driver who has a high-range level of alcohol in his or her blood automatically receives a suspension of his or her licence pending the matter being determined by the court. That is sensible. In the case of a driver who has a mid-range level of alcohol in his or her blood, police can exercise their discretion in suspending that driver's licence.

Whilst it is a difficult balancing act to acknowledge that individuals have a civil right to hold a drivers licence, we must also recognise that holding a drivers licence bestows upon drivers a power similar to that of holding a gun licence. People can kill very easily if they are behind the wheel of a motor vehicle. The balancing act has now been recognised—perhaps a little late on the part of the Labor Government; it has taken it 10 years. It is now 10 years since the Staysafe committee's bipartisan recommendations were made and these issues were looked at in detail. Legislation that results in the suspension of a drivers licence in circumstances where a person has been seriously injured or killed as a result of an accident in which the driver exceeds the speed limit by more than 45 kilometres per hour deserves to pass through this House. However, I wish to raise a couple of issues of concern. I ask whoever has carriage of this bill—it appears to be not a Minister but a Parliamentary Secretary—

Mr Bryce Gaudry: That is slating comment.

Mr BRAD HAZZARD: It is a slating comment. This is a very serious issue, and a Minister who is familiar with it should have carriage of the bill, rather than a Parliamentary Secretary simply reading a speech. Schedule 1 [1] inserts new subsections (1) and (2) of section 34. New subsection (2) reads:

> For the purpose of this section, a ***suspension notice*** is a notice, in a form approved by the Authority:
>
> (a) if the person is charged with an offence referred to in subsection (1) or (1A)—informing the person that any driver licence held by the person is suspended from a date specified in the notice, or (if the notice so specifies) immediately on receipt of the notice, until the charge is heard and determined by a court (or until the charge is withdrawn) …

I believe that provision is flawed. Even though we are now moving to give police the power to take away people's drivers licences in the circumstances of injury or death or driver's exceeding the speed limit by more than 45 kilometres per hour, the person who is on the receiving end of that penalty should have the right to at least make application to the court in the interim period. If it takes 12 months or two years for the matter to be finalised by the court, the penalised driver should have the right to seek a review of the matter. Under the bill, the penalised driver does not have such a right, until the court determines the matter. I recall that 10 years ago when I was chairman of the Staysafe committee—the figures have not changed much since then—the committee was told that roughly 50 per cent of all people who received a licence cancellation or suspension still drove.

They are still driving on the roads and it is hard to catch them. Will the bill send a sufficiently strong message to make our roads safer? I am not sure it will, but it is a step in the right direction. From my point of view, and from the point of view of many residents on the northern beaches, when someone has been killed in an accident—for example, the family at Manly Vale that I referred to earlier—the police should have the discretion to take away the driver's motor vehicle instead of his or her licence. Obviously there has to be a balancing act. If a car is taken away the owner should have the right to go to court and seek to have it returned, particularly if the loss of the vehicle has an impact on his family, his children or, perhaps, someone who is disabled and needs the car. But the police should have the right to get tough and do what the community demands, that is, take away the alleged offending driver's vehicle. The legislation does not address that. The police should have the right to take away the key. As Ian Faulks from Staysafe used to regularly tell me many years ago—and I am sure he has told other chairmen since—the key is the cause of the problem. Take away the key and take away the car.

Mr THOMAS GEORGE (Lismore) [12.01 p.m.]: The Road Transport (General) Amendment (Licence Suspension) Bill provides for the immediate suspension of the licences of drivers caught exceeding the speed limit by more than 45 kilometres per hour or drivers who have been charged with serious driving offences causing death or grievous bodily harm. At present, drivers charged with serious driving offences causing death or grievous bodily harm are generally able to retain their licences until a court determines the matter. That may be a period of many months. Similarly, drivers caught exceeding the speed limit by more than 45 kilometres per hour do not have licence sanctions applied until after a court has decided the matter. That may be for a period of up to four months after the offence was committed.

Although the honourable member for Ballina, who led for the Coalition, has indicated that the Opposition will not oppose the bill, we have concerns about it. Recently I was horrified to hear about a lady who had her license suspended by Lismore court until the year 2020. She had lost her licence previously and she had been caught for the fourth or fifth time driving without a licence. The honourable member for Ballina, the shadow Minister for Roads, expressed the concern that although people lose their licences they believe they have the right to get back in their cars and drive again. The lady to whom I referred is a perfect example of someone doing exactly that. There can be a tragedy the second time around and the community certainly does not want that. In her defence the lady said that the reason she was driving was because there is no public transport in country areas. The lack of public transport in country and regional areas of State of New South Wales is a problem, and that was the reason she drove a car again while disqualified.

Many concerns have been raised in the debate about speed zones and speed limits. As members of Parliament we are all involved with local traffic committees. I believe there is not one country area that has not asked that the speed limit in front of schools or on local roads be reviewed. Sadly, there seems to have been a blanket decision made that regardless of the condition of the road, the speed limit review cannot be reviewed. If the speed limit is 100 kilometres, that is it, regardless of the road. I am concerned that local communities write to traffic committees seeking support to have speed limits lowered, but because of the blanket cover it is nearly impossible to have the wishes of the locals complied with. At every traffic committee that I attend I face the issue of the speed limits and the speed zones throughout the State. The State's roads are a major concern to many country and regional communities.

I am concerned about passing lanes, and I have previously made a representation to Staysafe about them. They are well sign posted: the lead-up to a passing lane shows "Passing lane 5 kilometres ahead" or "Passing lane 3 kilometres ahead". However, when one gets to a passing lane there is no indication of how long it is. I ask honourable members to take the situation of a driver following trucks or semitrailers. The trucks immediately go into the left lane and travel in that lane. If a driver is in the outside lane trying to pass the trucks and there is a sign indicating that the passing lane will end in 300 metres the driver cannot see the sign. After representations were made to me, I suggested to Staysafe that perhaps some zebra crossings should be painted on the road so that a driver in the outside lane can at least see indication that the passing lane is coming to an end. If big trucks on the inside lane are obscuring the sign, there is no indication of how long a driver has to pass the vehicles or when the passing lane ends. I have spoken to the chairman of Staysafe, I have put my concerns in writing to that committee and I hope it will look at the matter.

I cannot let this opportunity go by without commenting on the east-west corridors in my electorate that run inland from the coast. I am speaking about the Bruxner Highway, which runs from Casino to Tenterfield, a distance of 120 kilometres. There are only three passing lanes on that mountain climb for a distance of 120 kilometres. Trucks travel on that road all the time and the lack of signage does not help the situation as far as safety is concerned. The east-west connection corridor from Lismore through Woodenbong to Legume and then on to Killarney and Warwick is an area where the road certainly needs upgrading. I place that on the record because it is a safety concern.

Mr DARYL MAGUIRE (Wagga Wagga) [12.08 p.m.]: I make a brief contribution to the debate on the Road Transport (General) Amendment (Licence Suspension) Bill. I have listened carefully to the contributions made by other members. I do not want to revisit the territory they have covered, but I make one specific point. I accept that it is an important bill, but I wish to place certain concerns on the record. Recently one of my constituents was driving from Holbrook to Wagga Wagga. A school is located on the main road, which has a speed limit of 100 kilometres per hour, but between 8.00 a.m. and 9.30 a.m. and 2.30 p.m. and 4.00 p.m. the speed limit is 40 kilometres per hour. My constituent received an infringement notice for travelling at a speed in excess of the speed limit because the police officer noted the time as 2.35 p.m., even though the clock in my constituent's vehicle showed 2.30 p.m. My constituent subsequently paid the $1,500 fine and automatically lost points from his licence. However, to his surprise and shock he later received correspondence in the mail stating that he would automatically lose his licence.

All drivers should be aware of the implications of the bill. I do not endorse speeding, but I urge drivers throughout New South Wales to ensure that they are cognisant of the environment in which they are driving, particularly when they are in school zones. Many drivers are caught unawares when they find themselves near schools that are located on roads with speed limits of 100 kilometres per hour. Although the Opposition does not oppose the bill, the onus is on the Government to ensure that school zones have adequate signage to warn drivers that they are entering those zones and that the speed limit is 40 kilometres per hour at the times I have referred to.

There has been considerable community debate about the installation of flashing lights or some other sort of warning system for school zones, particularly in light of the myriad speed zoning in New South Wales towns and cities. Wagga Wagga has 40 kilometres per hour, 50 kilometres per hour, 60 kilometres per hour, 70 kilometres per hour, 80 kilometres per hour, 90 kilometres per hour and 100 kilometres per hour speed zones within the city surrounds. That makes it extremely confusing for drivers. The Government must act on community concerns to address the problem. It is time a review was undertaken into speed limits and their application. The Government should also consider the installation of warning devices. I am a member of the Staysafe Committee, which has received submissions about the results of surveys. The Minister has authorised the use of up to 40 test sites to gauge whether electronic signage or other forms of signage have been successful in warning drivers and reducing the incidence of infringements in the school zones.

I urge the Government to complete the study and to implement warning measures as soon as possible. The community is being disadvantaged because of delays in installing adequate warning systems. The cost of fines is also having a severe impact on those drivers who have been caught unawares. Although I support the thrust and intent of the bill, I urge the Minister to act quickly on the implementation of electronic signage or other some other warning device to ensure that motorists are aware they are travelling in school zones. I also urge the Government to review speed limits in New South Wales because they are now so complex, as I predicted in the past, that each day drivers receive infringement notices merely because they are confused about the rules and regulations. This is an important bill, but it is essential that the Government implement the measures I have outlined.

Mr PETER DEBNAM (Vaucluse) [12.15 p.m.]: I wish to make some brief comments on this bill. Although the Opposition clearly does not oppose the bill, a number of speakers have raised concerns. The Opposition supports any measures to improve road safety. However, a number of unlicensed drivers are on our roads and this bill could create substantially more. If we are serious about this issue, we should impound their cars. Nine years ago I argued in Parliament that police should impound the vehicles of car hoons. For about three months the Government resisted that approach until it realised that it was simply commonsense and had public support. The Government then introduced its own bill. We need to send a strong and simple message to motorists that if they exceed the speed limit by 45 kilometres an hour, their cars will be impounded. The rules are already in force, the protocols and the safeguards have been established, and there are three levels of appeal. This has all been done with other legislation, so let us get on and do it.

As I have said previously, school zones are of extreme concern to many people. This Government, under the stewardship of the Minister for Roads, has created a false sense of security in schoolchildren across the State, and some will be hit or possibly killed. All honourable members drive extensively throughout our State. They acknowledge that only a minority of drivers currently travel through school zones at 40 kilometres per hour. Most drivers are unaware of the zones because they are in unfamiliar territory and, when confronted with school zones, they exceed the speed limit. If the Government wants to fix the problem, it will install flashing lights. For many years the Opposition has screamed at the Government to install flashing lights at 40-kilometre school zones. At present the Government is pretending to conduct trials; it is stringing out a situation that will result in the death of schoolchildren and send decent, reasonable drivers to Long Bay gaol for unknowingly exceeding the speed limit in school zones and hitting children. If the Government wants to provide a sense of security around schools, it should install the flashing lights as a matter of urgency. There is no shortage of money. The Premier's travel expenses could be used for school zones

Mr MALCOLM KERR (Cronulla) [12.18 p.m.]: I was particularly interested in the reference to signage in the contribution of the honourable member for Lachlan. He outlined the inadequate and dangerous signage in metropolitan areas. Inadequate signage is the cause of many accidents and much more could be done in the Sutherland shire to improve it. I understand that Ku-ring-gai Council uses a navigator system, which could be considered for Sutherland. Recently I mentioned a problem with a speed trap in my area which was taken up by the *St George and Sutherland Shire Leader*. For that reason it is pertinent to look at the contribution of the honourable member for Blacktown in this debate.

The honourable member for Blacktown made an excellent point when he said that speed cameras do not contribute to road safety because they are not a deterrent. He spelt it out clearly that a driver's behaviour is not mitigated because he is totally unaware that he has been captured by a speed camera. I commend to all members of the House the honourable member's contribution in that regard. I hope that the Staysafe committee will take up that matter. Recently the aviation industry looked at the problem of signage as it pertains to pilots, who must take notice of specific signs. The aviation industry is conscious that pilots, like motorists, must focus on what is ahead of them, so if a sign is not directly in front of them it can be overlooked. I suggest that we look at the reforms in the aviation industry as they pertain to signage.

Mr WAYNE MERTON (Baulkham Hills) [12.21 p.m.]: The Opposition supports the bill. It is concerned about carnage on the roads and believes that every effort should be made to reduce the road toll. The tragedy and the cost to the community should not continue. Having said that, I seek clarification of one item, as opposed to disputing the situation. We accept the principles of the bill but I seek clarification of the wording. Item [7] of schedule 1 provides for suspension notices to be given at the time of or within 48 hours of someone exceeding the speed limit by 45 kilometres per hour and in other cases of extremely dangerous driving. I ask the Minister, or the Parliamentary Secretary representing the Minister, to clarify that the word "give" means exactly what it says: it refers to personal service of the notice rather than a notice that a motorist may or may not receive in the mail, depending on whether it is sent to the correct address of the licensed driver.

In recent years the service of notices has caused considerable harm and distress to many people. Recently I received correspondence from Mr Kent Theodore Vild, who has been driving for more than 47 years. He drives about 30,000 kilometres per year. He said, "Until a recent incident I have not had any convictions recorded against me, either traffic or criminal." Apparently Mr Vild became aware of an incident when two sheriff's officers called at his home and served a notice of seizure upon him. They wanted to enter his house and sight a television to be noted on the seizure certificate. He was informed that the seizure notice related to an outstanding fine, and he told the sheriff's officers that he had not received notice of any outstanding fine. He then contacted the police infringement section to ascertain why he had been treated like a criminal.

Mr Vild's driver licence had his correct residential address, where he had lived for 25 years, but it also had a post office address that had not been used for some years. Apparently the infringement notice had been sent to the post office address rather than the residential address. Although we support the principles of the bill, I would like the Minister to give an undertaking that the word "give" means personal service of a notice, rather than the notice being sent to an address that may not be correct. As my constituent said, suspending a driver's licence is serious, and he ended up with a criminal-like conviction. He was a disqualified driver without receiving notification of same.

Mr MICHAEL RICHARDSON (The Hills) [12.24 p.m.]: I have been listening to the debate with some interest. I reiterate some of the concerns already expressed. I am concerned about the prospect of automatic licence suspension for an unwitting offence of exceeding the speed limit prescribed in the Act by more than 45 kilometres per hour. I use the word "unwitting" because there may well be circumstances—the honourable member for Lachlan outlined a case in which a driver's view of a road sign had been obscured by a truck—in which a motorist travelling on a country road, or even on Epping Road, may not be aware of the speed limit. That is particularly true of school speed zones, where a motorist may, one minute after, say, 2.30 in the afternoon, when the 40 kilometres an hour zone comes into play, exceed the speed limit by more than 45 kilometres an hour and not be aware that he or she is doing so.

With school speed zones, it is unreasonable of the Government to introduce legislation for automatic suspension of a driver's licence when it is not prepared to place flashing warning lights across the State advising motorists that the 40 kilometres an hour speed zone is in operation. I have expressed a view on that elsewhere, and I feel strongly about it. Motorists are not always aware that the 40 kilometres an hour speed zone is operating. Indeed, motorists do not always know the days on which children attend a particular school. Recently someone was fined for driving past a school when the 40 kilometres an hour zone was supposed to be in operation. However, it was a pupil-free day so no school kids were there. However, the lady was fined, and fined severely, for driving past the school when she believed that it was not a full school day. The Government has not addressed that issue.

We all support measures to reduce the road toll. There have been some horrendous accidents, including one in 1999 involving four young men, three of them from my electorate, who were killed on Old Northern Road at Dural. One certainly wants to do everything possible to eliminate this sort of horrific accident from occurring in the future. However, it should not be at the cost of procedural fairness. As I said, it is unreasonable for motorists to lose their licences for unwittingly exceeding the speed limit by more than 45 kilometres an hour, particularly in a 40 kilometres an hour school speed zone, when there is no advisory flashing light to warn motorists that that speed limit is in operation.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [12.28 p.m.], in reply: I thank all members who contributed to this most important and far-reaching debate on the Road Transport (General) Amendment (Licence Suspension) Bill. Honourable members raised several issues, including that of appeal rights. I point out that schedule 1 provides for an appeal right. That is entrenched in the bill. I note also the comments about schools zones, particularly by members of the Opposition. Perhaps one of the reasons for that is that last year the honourable member for Murrumbidgee was booked for speeding at 32 kilometres an hour above the speed limit in a school zone. As Harold Scruby, the president of the Pedestrian Council of Australia, has pointed out, this is just one of dozens of similar cases where the law demands an automatic loss of licence. I am pleased with this bill. It gives police the power they need to deal with licensing issues. I thank all honourable members who contributed to this most important debate and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [12.30 p.m.]: I move:

> That standing and sessional orders be suspended to permit the introduction without notice, and progress through all stages forthwith, of the Bail Amendment (Terrorism) Bill.

This bill is designed to remove the presumption in favour of bail in relation to terrorism offences, and it is important that the House consider it forthwith. On the carriage of this motion the Attorney will introduce the bill and deliver his second reading speech, and I understand that the honourable member for Epping has been briefed on the bill and is in a position to speak to it today. I commend the motion.

Mr ANDREW TINK (Epping) [12.31 p.m.]: At about 8 o'clock last night the Leader of the House moved suspension to allow various bills to proceed last night and Government business to have precedence today. The list of bills to be dealt with did not include this bill. The point I make is that at 8 o'clock last night the Government had no intention of introducing this bill, even though way back on 13 May the Minister for Police had given notice that one day the Government might get around to it. The reason suspension has been moved today is the headline in today's *Daily Telegraph*. The Government has finally been embarrassed into doing something to make it tougher for terrorists to get bail.

The Opposition is happy to support the bill but it is not through the management, planning or foresight of the Government that the bill is being debated today. At 8 o'clock last night it was not on the Government's agenda. That is plainly demonstrated by the suspension motion moved last night. This separate motion is moved today through acute embarrassment caused by the front page of today's *Daily Telegraph* and other media sources. Well might the Government be embarrassed. Let us get on with it, but let the record show that as late as 8 o'clock last night there was no intention to introduce this bill, and that it was not until this morning that the Government started to get its act together and realised the seriousness of the situation. We do not oppose suspension.

Motion agreed to.

BAIL AMENDMENT (TERRORISM) BILL

Bill introduced and read a first time.

Second Reading

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [12.33 p.m.]: I move:

> That this bill be now read a second time.

The Government is pleased to introduce the Bail Amendment (Terrorism) Bill. The threat of terrorism is a modern phenomenon that governments everywhere must constantly monitor and address to ensure that all possible measures are taken to protect the community. In 2002 Australian States and Territories, including New South Wales, referred power to the Commonwealth for terrorists matters. As a result, the Commonwealth enacted broad-ranging terrorist offences in the Commonwealth Criminal Code Act of 1995. These offences deal with every aspect of terrorist activity, including planning, training, membership, financing, and organisation. When persons are charged in New South Wales with these Commonwealth terrorist offences, the New South Wales Bail Act applies to any bail determinations.

On 13 May the Government announced a whole range of counter-terrorist measures, including the amendment of the Bail Act, to create a presumption against bail for persons charged with Commonwealth terrorist offences. This bill delivers the first stage of the counter-terrorism package and inserts into section 8A of the Bail Act all the offences created under divisions 101, 102 and 103 of the Criminal Code of the Commonwealth. Section 8A currently relates to the most serious of Commonwealth and State drug offences, which carry heavy penalties of 20 years imprisonment to life imprisonment. The Act will commence on assent and the presumption against bail will relate not only to any person charged with a terrorist offence after commencement but also to any review of bail under part 6 of the Bail Act. I commend the bill to the House.

Mr ANDREW TINK (Epping) [12.35 p.m.]: The Opposition strongly supports this bill. However, in the context of the second reading debate I say again that the only reason the bill is before the House today is the court case that was reported last night and which has finally embarrassed the Government into action. As I said earlier, the Leader of the House suspended standing and sessional orders last night just after 8 o'clock to allow a number of bills to receive urgent consideration. This bill was not one of them, even though by that stage the circumstances of the Bilal Khazal case had been reported in just about every electronic media outlet for a couple of hours. Certainly it was running on the news on every station I could see at 6.00 p.m. Even though the Minister for Police foreshadowed these amendments on 13 May, there has been an inexcusable delay in getting this legislation before the House, and only then after the events of last night.

This is something that should have been attended do as early as the aftermath of September 11, which is now almost three years ago, certainly after the Bali bombing of two years ago, and at least after the dreadful Madrid railway bombing, which occurred some months ago. My understanding of the technical side is exactly the same as the Attorney General's, namely, although terrorism charges now tend to be brought under the Commonwealth Criminal Code Act, and particularly division 101, which relates to terrorism, if such charges are brought in a New South Wales court the New South Wales Bail Act applies. Hence, there has been this problem with the nature of the test applying

In a slightly broader context of the bail debate, it is important for the Government to support prosecutors wherever it is reasonably possible to do so in bail applications of this type. I refer briefly to the decision in *Regina v Jamal*, which was mentioned earlier in the week. The offences in that matter are alleged to have occurred at a time when we did not talk about terrorism in the way we do now. Nevertheless, to my mind the alleged offences were a full-on assault against the lawful authority of this State, that is, shooting at a police station.

The authorities would not have had too much doubt, had that offence been alleged to have occurred now rather than a few years ago, about characterising it as having significant terrorist components. That said, in the time in which it is alleged to have occurred, it remained arguably one of the most serious assaults against the lawful authority of this State in living memory, or in the whole history of the State. The matter was dealt with by Judge Blanch, the Chief Judge of the District Court, for whom I have enormous respect. But in this case I respectfully believe that he got it wrong.

On I think page 7 of the judgement the judge said that the Crown opposed bail because of the serious nature of the charges and pointed out that because of the likely consequences of any conviction there is a big incentive for the applicant for bail not to turn up. However, the judge held that because of the complex nature and the multiplicity of the proceedings involved, the delay and concerns about the religious observance of the accused, and the problems in dealing with this issue in the gaol system at the time, bail ought to be granted.

Even though the judge granted bail, his comments about the strength of the Crown case justified an appeal against the decision by the Crown, and the Government should back such an appeal wherever there is the remotest reasonable prospect of the Crown having arguable points. But as recently as 1 June a spokesman for the Attorney General was defending the granting of bail. On that same day, 1 June, at question time in answer to a question from me I understood the Premier also to defend the decision. There are elements of the benefits of hindsight in all this but it could be said now that it was not the right decision. But even at the time it was arguably not the right decision. The judge, in a very balanced way, recognised the strength of the Crown case even though he did not agree with it.

This bill should be passed expeditiously, and it will be. Bail will continue to be granted in circumstances in which the Crown opposes it, even on the test in this bill, and puts a strong case. In such circumstances the Attorney General and the Government should properly back prosecution authorities appealing against the granting of bail. So, having set the rules for the granting of bail, the Government should use all proper and reasonable means to appeal against the granting of bail where the Crown has such a strong case. It did not happen in the Jamal case, and it remains a matter of immense concern that the decision, even with the benefit of hindsight, was defended this week by the Attorney General and the Premier, although not, I note, by the Minister for Police. If these laws are to work, the Government's attitude has to change.

In future cases, reasons for the granting of bail should be given and made available expeditiously so there can be informed debate on all these types of questions. On Tuesday one media outlet appeared to have a copy of the Jamal decision but nobody else did. Decisions should be made available from the resources of government and the records it holds, rather than people having to search for them. When decisions are online, that takes away a lot of the burden. But that is not the case with many decisions. I also understand that other bail decisions have been made in relation to the Jamal matter.

A search I did online revealed a decision of the Court of Criminal Appeal on 16 December 2003 relating to bail in the Jamal case. The chain of decisions should be made available. The courts should actively address their minds to the 25 subclauses in section 32 of the Bail Act, which is not a bad checklist. Parliament has set out the matters to be considered by courts making bail decisions. Perhaps not in every case—maybe not even in this case—will all 25 need to be traversed. But anyone can see that at least half a dozen had to be traversed, and traversed pretty thoroughly.

I accept that Judge Blanch did that, although I strongly disagree with the outcome. I cannot say that it has been done in the other judgments that have come to my attention, including this one of the Court of Criminal Appeal. If the Court of Criminal Appeal is going to continue bail in matters such as this it should go back over at least the key subparagraphs of the Bail Act relating to the reasons for granting or continuing bail. One must assume that the Court of Criminal Appeal in the 16 December 2003 case was satisfied that Jamal would continue to turn up. I cannot believe that if it was not satisfied about that it would have allowed him continuing bail. But if it was of that view, it was incumbent upon it to address that point and any other concerns that might have been raised. Further, whoever is appearing for the Crown in these cases—I cannot say they did not in this case; they probably did—should address those key elements and make a submission to the court on each and every occasion that the matter is before the court to ensure these matters are covered.

Why? Because, apart from being seen to have covered these matters, it is what the public is absolutely demanding. In the last 24 to 48 hours there has been an extraordinary and intense interest in the whole bail area relating to this type of charge. As the courts make their decisions more readily available and on a continuing basis where these problems arise, as they consider the key issues that the public would want and expect them to consider and the Parliament has laid out and would want and expect them to consider, the reasoning of the courts will be more readily understood and accepted. And that is good for all of us. Some might disagree or think I am not right in this but I want to see the courts' decisions in these matters accepted, or at least traversed on the basis of real time information and dealing with the issues as presented to the court.

I am afraid to say that that is not happening, given how some of these cases are run. I accept that if we required this in every case it would probably bring the courts to a halt for years. But it strikes me that in cases and classes of cases, particularly relating to more serious criminal offences—and I would have thought as a starting point that that probably includes every criminal matter in the Supreme Court and quite a few in the District Court including this one—the reasons should be given and made available each time the case comes up.

The Opposition accepts these amendments to the rules. In fact, it endorses them and honourable members on this side of the House will do whatever we can to expedite their passage through Parliament. However, we expect more vigour from the Government in backing Crown prosecutors when they have a strong bail case—that did not happen in the Saleh Jamal case—and we would like the courts to be more proactive in explaining their reasons and making that information available on a continuing basis. That will lead to greater acceptance of this legislation, of the changes that will result, and of the criminal law generally. The Opposition supports the bill and I thank the Attorney General and his staff for paying me the courtesy of providing me with briefing notes.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [12.51 p.m.], in reply: I thank the honourable member for his support. It is appropriate that I respond to at least a few of the issues he has raised and put the introduction of the bill in its proper context. Just a couple of weeks ago the Minister for Police announced that the Government would introduce a bill to amend the Crimes Act and other legislation in respect of offences and penalties relating to terrorist activity. This bill is the product of a permanent working party comprising representatives of my department, NSW Police, and the State Emergency Service. The working party constantly reviews terrorism offences, penalties, and powers.In that context the Government announced it would introduce a bill to make various amendments to provisions relating to explosives and cyber sabotage offences, to the State Emergency and Rescue Management Act, the Terrorism (Police Powers) Act, and the Bail Act. As a result of the efforts of the working party it was determined that it would be sensible to amend the bail laws as they affect terrorism offences.

In most States the common law presumption in favour of bail still applies in the absence of any explicit statutory provision. I was encouraged to hear the Commonwealth Attorney General say on radio this morning that he was very interested in formulating new Criminal Code provisions, either, as I understood him to say, on behalf of the Commonwealth or in co-operation with all the States to achieve some consistency in bail laws across the country. Whatever the case may be, it is fair for me to assert that the New South Wales administration

took the first steps towards changing, indeed reversing, the presumption of bail that would otherwise exist at common law in respect of terrorism offences.

In the context of the responsibility of the Government and the Parliament to do all we can to reassure the public of our seriousness in respect of the ongoing fight against terrorism, it is no embarrassment to the Government that it should introduce provisions it had been proposing to introduce in any event in the near future. At the same time, in recent times the Government has been actively involved in reform of the bail law. Amendments to the Bail Act will commence on 1 July to provide that a court can grant bail in respect of firearms offences only in exceptional circumstances. Indeed, a complete review of the Bail Act is under way. As a result of a particular court case, I acknowledge the need for the Government to do all that it can to reassure the public about its intentions and seriousness in the context of the continuing threat of terrorism.

The honourable member referred to a case decided on 2 August 2001 by the Chief Judge of the District Court involving the offender Saleh Jamal, who has been arrested in Lebanon on grounds about which we still have only fragments of information and about which the Chief Judge of the District Court had no knowledge. In fact, when he made his bail decision, one presumes that none of the matters that now excite our interest about this offender were relevant. A court can obviously only consider the evidence relating to offences before it, and that is what the Chief Judge did on 2 August 2001.

I am talking about one of the most senior judicial figures in the State. By no stretch of the imagination could the Chief Judge be regarded as someone given to handing down lenient sentences; indeed, the contrary is the case. He is a former and extremely successful Director of Public Prosecutions and an internationally renowned prosecutor. I recently noticed that he is accorded a high level of recognition at the United Nations. He is a notoriously good court administrator, and one cannot by any stretch of reasonable imagination suggest that he would make a decision of this nature lightly. He knows that under the law of our State and under the common law of the British-speaking nations a person cannot be charged with an offence and held forever without trial—and it has been so for about 500 years.

The Chief Judge had an enormously difficult decision to make and, given the circumstances before him, he made a fair one. Honourable members will recall that Saleh Jamal had been imprisoned for a full two years without trial and remained on bail after the judge's decision without breaching his bail conditions for almost three years. I am sure that all honourable members accept that this was a difficult case that had an almost unique sequel. I do not believe that by any measure the Chief Judge's decision in August 2001 could be said to be in any way unfair, unreasonable or unbalanced.

Terrorism and its perpetrators confront us all with most difficult policy decisions, and I have no doubt they will continue to do so. As I said on a radio program this morning, it is my very firm belief—I hope it is shared by every member of this Parliament—that we must continue to fight terrorism with the tools of democracy. If we were to abandon those principles in the fight against terrorism, the terrorists would win. This legislation imposes hard bail conditions for persons charged with terrorism, but they are reasonable in the circumstances and in the face of genuine and absolutely understandable public concern. I thank the honourable member for his support for the bill, which we will now forward to the upper House post haste. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

Second Reading

Debate resumed from 2 June.

Mr ANDREW TINK (Epping) [12.59 p.m.]: As with all such bills, this Statute Law (Miscellaneous Provisions) Bill provides for minor amendments to various Acts and statutory rules. The bill has been circulated to all shadow Ministers and no concern has been expressed to me about any of its provisions. From my reading of the bill and the advice I have received, the provisions seem to be of a formal nature and the Opposition does not oppose them.

Mr TONY STEWART (Bankstown—Parliamentary Secretary) [1.00 p.m.], in reply: I thank all members who contributed to debate on the bill and indicated their support for it. As the honourable member for Epping pointed out, the bill corrects a number of anomalies in various pieces of legislation. I am pleased that the bill has received bipartisan support.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BILLS RETURNED

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

Passenger Transport Amendment (Bus Reform) Bill

Consideration of amendments deferred.

ADMISSION OF THE TREASURER INTO THE LEGISLATIVE ASSEMBLY

Mr ACTING-SPEAKER (Mr John Mills): 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 agrees to the request of the Legislative Assembly in its Message dated 2 June 2004 for the Honourable M. R. Egan MLC, Treasurer, Minister for State Development and Vice-President of the Executive Council, to attend at the Table of the Legislative Assembly on Tuesday 22 June 2004 at 11.00 am for the purpose only of giving a speech in relation to the New South Wales Budget 2004-2005.

Legislative Council
3 June 2004

MEREDITH BURGMANN
President

[*Mr Acting-Speaker (Mr John Mills) left the chair at 1.03 p.m. The House resumed at 2.15 p.m.*]

MINISTRY

Mr BOB CARR: In the absence of the Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), who is attending a national summit in Canberra on the future of Australia's cities and towns, the Minister for Infrastructure and Planning, and Minister for Natural Resources will answer questions on her behalf.

VARIATIONS OF PAYMENTS ESTIMATES AND APPROPRIATIONS 2003-04

Mr Craig Knowles, by leave, tabled variations of the payments estimates and appropriations for 2003-04 relating to the Ministry of Transport and the Department of Infrastructure, Planning and Natural Resources under section 24 of the Public Finance and Audit Act 1983.

Mr Craig Knowles, by leave, tabled variations of the payments estimates and appropriations for 2003-04 relating to the Department of Environment and Conservation under section 24 of the Public Finance and Audit Act 1983.

Mr Craig Knowles, by leave, tabled variations of the payments estimates and appropriations for 2003-04 relating to the Ministry for Science and Medical Research and the Cabinet Office under section 24 of the Public Finance and Audit Act 1983.

Mr Craig Knowles, by leave, tabled variations of the payments estimates and appropriations from 2003-04 onwards relating to Department of Tourism, Sport and Recreation under section 24 of the Public Finance and Audit Act 1983.

Mr Craig Knowles, by leave, tabled variations of the consolidated fund receipts and payments estimates and appropriations for 2003-04 under section 26 of the Public Finance and Audit Act 1983.

PETITIONS

Milton-Ulladulla Public School Infrastructure

Petition requesting community consultation for suitable public school infrastructure in the Milton-Ulladulla districts, received from **Mrs Shelley Hancock**.

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**.

Wagga Wagga Electorate Schools Airconditioning

Petition requesting the installation of airconditioning in all learning spaces in public schools in the Wagga Wagga Electorate, received from **Mr Daryl Maguire**.

Skilled Migrant Placement Program

Petition requesting that the Skilled Migrant Placement Program be restored, received from **Ms Clover Moore**.

Mature Workers Program

Petition requesting that the Mature Workers Program be restored, received from **Ms Clover Moore**.

Frederickton Public School

Petition praying that priority be given to the construction of buildings at Frederickton Public School, received from **Mr Andrew Stoner**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mr Steve Cansdell**, **Mr Andrew Fraser**, **Mrs Shelley Hancock**, **Ms Katrina Hodgkinson**, **Mrs Judy Hopwood**, **Mr Malcolm Kerr**, **Mr Daryl Maguire** and **Mr John Turner**.

Lake Woollumboola Recreational Use

Petition opposing any restriction of the recreational use of Lake Woollumboola, received from **Mrs Shelley Hancock**.

Pacific Highway Speed Limit

Petition requesting reduction of the Pacific Highway speed limit at Wardell to 70 kilometres per hour, received from **Mr Steve Cansdell**.

Topdale Road Upgrade

Petition requesting the upgrading and sealing of Topdale Road, received from **Mr Peter Draper**.

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**.

Alpine Way Upgrade

Petition requesting funding to repair, upgrade and realign eleven 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**.

Coffs Harbour Aeromedical Rescue Helicopter Service

Petitions requesting that plans for the placement of an aeromedical rescue helicopter service based in Coffs Harbour be fast-tracked, received from **Mr Steve Cansdell**, **Mr Andrew Fraser** and **Mr Thomas George**.

Mental Health Services

Petition requesting urgent maintenance and increased funding for mental health services, received from **Ms Clover Moore**.

Kempsey District Hospital

Petition requesting that Kempsey District Hospital be maintained at level 4, and requesting the construction of a new hospital for Kempsey, 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 Steve Cansdell, Mr Andrew Fraser, Ms Katrina Hodgkinson, Mr Daryl Maguire, Mr Andrew Stoner** and **Mr John Turner**.

Armidale and Moree Rail Services

Petition requesting continuation of CountryLink rail services from Sydney to Armidale and to Moree, received from **Mr Peter Draper**.

South Coast Rail Services

Petition opposing any reduction in rail services on the South Coast line, received from **Mrs Shelley Hancock**.

State Forests

Petition opposing any proposal to sell State Forests, received from **Ms Katrina Hodgkinson**.

Bus Service 311

Petition praying that the Government urgently improve bus service 311 to make it more frequent and more reliable, received from **Ms Clover Moore**.

Murwillumbah to Casino Rail Service

Petitions requesting the retention of the Countrylink rail service from Murwillumbah to Casino, received from **Mr Neville Newell** and **Mr Donald Page**.

Homeless Services Funding

Petition requesting increased funding for homeless services, received from **Ms Clover Moore**.

Isolated Patients Travel and Accommodation Assistance Scheme

Petitions objecting to the criteria for country cancer patients to qualify for the Isolated Patients Travel and Accommodation Assistance Scheme, received from **Mr Thomas George** and **Mr Andrew Stoner**.

Companion Animals Legislation

Petition requesting amendments to the Companion Animals Act 1998, received from **Ms Clover Moore**.

Sow Stall Ban

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

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**.

Cat and Dog Meat

Petition requesting legislation banning the sale of cat and dog meat for human or animal consumption, received from **Ms Clover Moore**.

Alcohol Wet Centres

Petition requesting the establishment of wet centres in the inner city to provide a safe place for chronic drinkers, received from **Ms Clover Moore**.

PUBLIC ACCOUNTS COMMITTEE

Report

Mr Matt Brown, as Chairman, tabled the report no. 146 entitled "Inquiry into the NSW Ambulance Service—Readiness to Respond", dated June 2004.

Ordered to be printed.

COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Report

Mr Jeff Hunter, as Chairman, tabled the report no. 4 entitled "Discussion Paper on the Health Conciliation Registry", dated June 2004.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

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MS JANET OBEID THREAT ALLEGATIONS

Mr JOHN BROGDEN: My question without notice is directed to the Premier. Given allegations today by Eddie Obeid that his niece Janet Obeid is a "psychopath" and is pursuing a vendetta, can the Premier confirm that she has been in contact with his office to raise serious allegations about threats to her safety from the Obeid family? Has he referred this matter to the New South Wales police for investigation?

Mr BOB CARR: I have been advised by a member of my staff that he took a call from someone purporting to be a member of the Obeid family. No threats and no issues of personal safety were raised; otherwise there would have been an immediate reference to the police. It must be a pretty meagre day for the Opposition when this is the first question. The matter is being debated in the upper House even as we speak. I thought I was going to be asked something about a substantive policy. In the past days the Leader of the Opposition has lost three key staff. They have walked out of his office. On Tuesday he lost his cool. Now he is blaming his frontbench. These are all the ingredients that come when a leader is under challenge: his staff walks out, he loses his cool and he blames his backbench.

Mr Andrew Tink: Point of order: The point of order is relevance. This is a question about a member of the Premier's Government threatening a person, who rings his office for assistance.

Mr SPEAKER: Order! The Premier is answering the question. The honourable member for Epping will resume his seat. The Premier will be heard in silence.

Mr BOB CARR: The Deputy Leader of the Liberal Party is not just working his cardiovascular system; he is working the numbers. I repeat, if any member of the public ever phoned my office and spoke to a staff member saying, "my safety is threatened, I require police protection," there would have been an instant reference to the police. The call that was made did not raise those issues. This matter is being debated in another place.

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

Mr BOB CARR: If any confirmation was required that the Leader of the Opposition is losing his judgment, this question is it.

Mr JOHN BROGDEN: I ask a supplementary question. Does the Premier believe that Eddie Obeid is still fit to be a member of the Australian Labor Party?

Mr BOB CARR: He is, and as far as I know there is no move to expel him. The question is, is the honourable member up to being Leader of the Liberal Party?

ALCOHOL SUMMIT RESPONSE

Mr ALAN ASHTON: My question without notice is addressed to the Premier. What is the latest information on the Government's response to the Alcohol Summit?

Mr BOB CARR: Last year Parliament heard graphic evidence of the toll of alcohol.

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

Mr BOB CARR: This is not a joking matter. Can we not have a discussion in Parliament about alcohol abuse without such childish, puerile contributions? It is pathetic. The honourable member should be ashamed of himself.

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

Mr BOB CARR: We heard how it causes 3,000 deaths a year in Australia, including 21 per cent of all road deaths.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the second time.

Mr BOB CARR: We heard how alcohol dependence is the third leading cause of disability, how it has links to crime, anti-social behaviour, injury, homelessness and domestic violence; and how it costs Australia $7.6 billion a year. The Alcohol Summit was timely. There have been two major government responses announced and debated, and they received broad support. Today we are releasing a comprehensive package of responses backed with funding of $12.5 million over four years, unallocated moneys in departmental budgets, including health, juvenile justice, police, housing, gaming and racing and the Roads and Traffic Authority [RTA].

I remind the House that the Government spends nearly $200 million a year on alcohol-related programs. Our plan rests on two very clear understandings: that the responsible use of alcohol is a legal and acceptable part of Australian life; and the alcohol industry employs thousands of people and makes a significant contribution to the economy. Our target is abuse. Our plan is about cultural change, about greater awareness and responsibility. Our goal is clear, though: a State where people enjoy alcohol without being harmed by it. Our success over three decades in changing attitudes to drink-driving is proof we can do it.

The Government's plan is a combination of new initiatives along with ideas implemented since the summit, such as the zero blood alcohol level for L and P plate drivers, in place since 3 May this year, and the

gaming Minister's review of products and promotions that encourage under-age drinking and excessive drinking. Beyond these, the Government will develop legislative proposals on alcohol-related offences, penalties and law enforcement. That will include intoxication offences, offences concerning secondary sales, minors, alcohol-free zones, penalty notices and police powers. The Government will legislate to introduce mandatory liquor accords in all police local area commands. There are already more than 100, and they are proving very successful, but the new mandatory accord framework will give police and residents the power to take action against alcohol-related problems in their local area, for example, curtailing trading hours, retail liquor sales or entry to licensed premises.

Under the accords, the Liquor Administration Board will be able to take action against venues that do the wrong thing whether or not they belong to the accord. All licensees in a liquor accord area will be bound by decisions found by the board to be in the public interest. The Department of Gaming and Racing will chair a task force with industry representation to oversee the introduction of our new framework, and there will be close community consultation as each accord is put in place.

We will bring the accord idea to indigenous communities with a trial of Aboriginal community liquor accords in several locations. If the trial proves successful, we will introduce it across the State's indigenous communities. We will also trial a No More, It's Our Law responsible drinking campaign in a number of indigenous communities. The campaign will support Aboriginal community laws that prevent excessive drinking. The RTA will develop a statewide, co-ordinated drink-driving education and rehabilitation program for young, high-range offenders. The program will target drivers with a high risk of involvement in alcohol-related injury and trauma on New South Wales roads.

We will expand the Good Sports Accreditation Program to encourage safe drinking practices and healthy lifestyles in sports clubs and associations. More rigorous alcohol education programs in the State's 10 regional academies of sport will complement it. Honourable members will find much else of interest, including attention to irresponsible promotions, to advertising, to venue management and to sponsorship of junior events. These are just some of the main ideas in our Alcohol Summit response. We cover education, alcohol treatment and detoxification, law enforcement measures and a strengthening of local communities. It is time the abuse of alcohol, systematic and part of the way of life of many people, was stopped. This plan is a thoughtful, carefully calibrated contribution to that goal. I thank everyone associated with the production of this plan and commend it to the House.

DUBBO YOUTH CRIME

Mr ANDREW STONER: My question is directed to the Attorney General. How does he explain to crime victims that under his Government a 15-year-old in Dubbo charged with 22 offences, including 11 break and enters and three car thefts, can be fined just $200 and receive a 12 month suspended sentence, prompting a senior police officer to say that repeat offenders "are just tearing the place apart—time and again they are let off"?

Mr BOB DEBUS: The Local Court of New South Wales hears about a quarter of a million criminal matters every year, including tens of thousands of bail hearings.

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

Mr BOB DEBUS: The vast majority of those matters pass without controversy. Where prosecutors have legitimate concerns about a bail decision there is a well-established system of review before the Supreme Court. Bail hearings of course do not determine the guilt or innocence of an accused person. The majority of those hearings take place at a very early stage in proceedings and the evidence which will later be put at trial is not tested at that stage. What is assessed at a bail hearing is the seriousness of the alleged offences, the level of risk an offender poses to the community, the strength of the Crown case and the probability of the accused reappearing in court.

Mr SPEAKER: Order! The House will listen to the Minister's reply in silence.

Mr BOB DEBUS: I remind the House that charges are not convictions and not everybody charged with an offence is found guilty. One would never have guessed that, by listening to people such as the Leader of The Nationals discuss bail laws. With respect to the Dubbo matters, I believe that the honourable member is raising a tragic case that involves the terrible death of a young man called Brendan Saul. The matter is before

the court and therefore is not one that I can specifically comment upon. However, I will mention that I have been advised that quite a lot of the assertions made about the juvenile that the honourable member mentioned in recent newspaper articles and repeated elsewhere are incorrect in a number of important aspects.

The Government is in no way indifferent to the concerns expressed by various sections of the community in relation to bail and indeed with respect to the Dubbo matters in particular. That is why the Government has strengthened the bail laws, particularly in relation to serious crime and repeat offenders. It is important nevertheless to realise that sometimes the assertions in the case, even though they are reported as straightforward and indisputable, emerge as more complicated or just wrong. I can say, nevertheless, that the Senior Children's Magistrate, Mr Roger Dive, is visiting Dubbo this week. I understand that he is looking quite particularly at the concerns that the honourable member has today raised.

TASK FORCE GAIN

Mr JOSEPH TRIPODI: My question is directed to the Minister for Police. What is the latest information on Task Force Gain?

Mr JOHN WATKINS: I am pleased to inform the House today about the Government's ongoing commitment to Task Force Gain.

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

Mr JOHN WATKINS: The Commissioner of Police and I announced this unique task force, Task Force Gain, last October to target violent crime in south-western Sydney. We brought together 80 criminal investigators, 40 uniformed police, 20 Target Action Group police and 20 Highway Patrol officers.

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

Mr JOHN WATKINS: We put the most experienced, no-nonsense police officer in charge, Detective Chief Superintendent Bob Inkster. Task Force Gain is funded from the Confiscated Proceeds Account, money taken from criminals by NSW Police or the NSW Crime Commission.

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

Mr JOHN WATKINS: Its provision to Task Force Gain ensures resources are not diverted from important work being carried out in local area commands. I can today confirm that, following discussions between the Treasurer and me, another $1.165 million has now been committed to Task Force Gain. Those funds will finance its ongoing investigations and operations for a further six months. The commissioner and I have always said that Gain will run for as long as it is needed. We will constantly evaluate its tasks and its success and ensure it has the resources it needs. I also take the opportunity to update the House about the achievements of Task Force Gain over the last seven months. Since it was first deployed on 1 November 2003 it has arrested 609 persons and laid a total of 1,330 charges. Of these, 141 are drug-related, 106 are theft or fraud related and 84 are gun related. Task Force Gain has charged five suspects with murder or murder related offences, and an additional nine people with wounding or inflicting grievous bodily harm with intent to murder.

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

Mr JOHN WATKINS: These are alleged serious, violent and repeat offenders—arrested and charged thanks to the 160-strong team at Task Force Gain. As well as the investigative success, Task Force Gain has provided high-visibility muscle on the streets of south-western Sydney.

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

Mr JOHN WATKINS: Gain has deployed more than 3,200 additional police shifts, and stopped more than 9,500 vehicles. It has executed 69 search warrants, seized drugs with an estimated street value of $3.37 million, seized more than $175,000 in cash, seized 17 handguns, three long arms, 24 knives and almost 3,000 rounds of ammunition, conducted 106 knife searches, issued 171 vehicle defect notices, conducted 16 drug dog searches and raided 59 licensed premises. Task Force Gain is continuing to make inroads into crime in south-western Sydney. Importantly, it has done so with the co-operation of the community of south-western Sydney. Residents of south-western Sydney as much as anyone else are appalled by any crime that impacts on the local

community. I take this opportunity to congratulate not only Chief Superintendent Bob Inkster but also every one of the 160 police men and women working as part of Task Force Gain. They have much to be proud of in their achievements today.

Finally, I can inform the House that Commissioner Moroney and Chief Superintendent Inkster have today taken their troops to Fairfield, where a lengthy, high-visibility operation is under way. Ninety officers from Gain, Fairfield Local Area Command, the dog squad and other specialist units are working across the suburbs to attack antisocial behaviour. I am sure members will join me in commending Task Force Gain for their achievements to date. We wish them well for outstanding results in the future.

ABORIGINAL COMMUNITY DEVELOPMENT PROGRAM

Mr BRYCE GAUDRY: My question is directed to the Minister for Aboriginal Affairs. What is the latest information on jobs and training for Aboriginal people?

Dr ANDREW REFSHAUGE: Up in Goodooga in the northwest of the State an Aboriginal guy named Tim has been doing a carpentry apprenticeship for a few years. He is with a group of other Aboriginal people who are rebuilding and refurbishing a number of houses. He has already worked on 14 homes, including his own. This is part of the Aboriginal Community Development Program. We are getting Aboriginal communities themselves to not only determine what infrastructure needs to be improved or provided but also where and how it should happen—as much as possible employing local people not only to do the work but to get the skills on the way through. Getting a good job is a sure way of finding security, a sense of direction and a future. The $240 million program, which I report on regularly, is improving the living conditions of Aboriginal people across New South Wales.

Mr SPEAKER: Order! The Leader of The Nationals will come to order.

Dr ANDREW REFSHAUGE: The local community determines what needs to be done and monitors the work. The chair of the Gulargambone working party, Leanne McEwen, made the following comment about the ACDP:

> It is a great concept because it is bringing together different members of the community … and there is a real commitment to achieve what is best for each community.

Aboriginal people working in a true partnership and exercising self-determination are getting the job done, raising the standard of their infrastructure and learning in the process. The Gulargambone working group has repaired and refurbished 30 houses, built six new houses, started work on facilities for senior citizens and built a new park. The Parliamentary Secretary Assisting the Minister for Aboriginal Affairs was in the area only last week and saw the benefits of the ACDP first hand.

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

Dr ANDREW REFSHAUGE: While the Parliamentary Secretary was at Gulargambone he opened the new park, which has been named in honour of the original chairman of the community working party, William Delaney, who made the park an important part of the program. He is a tireless worker and has done a great job for the community. It is appropriate that he be honoured in this way. One of the benefits of the ACDP is that it creates jobs. That is difficult to achieve in many towns in outback New South Wales, but the Government is always on the look-out. The ACDP has created 222 new jobs, many of which are with Aboriginal community construction companies. A couple of companies had been established before the ACDP was set up, but there are now 13 in New South Wales.

The majority of the new jobs are carpentry apprenticeships, which means the young people involved are getting a trade for life. More than 100 additional casual jobs have also been created. When people have jobs they are able to support their families, contribute to their communities and help to build sustainable towns, especially in the more isolated and remote parts of the State. In the midst of the drought those extra pay packets are vital to the economies of many towns. The ACDP is injecting $16 million into these communities and the benefits are enjoyed by many local companies, such as concrete suppliers, hardware stores, building trades subcontractors and so on. The owner of the sandwich shop at Coonamble said that without the ACDP workers buying their lunches she would be out of business. Noel Lockwood manages the local Aboriginal building

company in Kempsey. He already has seven apprentice carpenters on his books and he is looking to increase that number by nine. He said:

> The community benefits in many ways from the ACDP. We buy our supplies locally. The money that the trainees earn is spent locally, and tenants get new and improved housing.

The Housing for Health project is an important subprogram of the ACDP. It was developed by Paul Pholeros and Paul Torzillo, who are both extremely insightful. The role of the project is to examine the condition and safety of houses. New South Wales established the project and the other States are following. The Commonwealth Government also thought it was a good idea, but, unlike the State Government, which allocated extra funding, it has short-changed the project. The charter of the project is to improve plumbing and electricity facilities and to repair damaged and unsafe areas, replacing switches, taps and plugs. Already 19 major projects have been completed in communities such as Bellbrook, Brewarrina, Armidale, Kempsey, Willow Bend, Walcha, Mungundi and Toomelah. Projects are under way at Broken Hill, Cobar and Menindee, and seven new projects will be commenced soon at Brungle, Erambie and Malabulgilmah. Some 472 houses have been improved through the ACDP and further work is being undertaken on 139 houses.

Work is also being undertaken to improve water and sewerage infrastructure in Aboriginal communities. Some communities are being connected for the first time to the local town water supply. Over the past five years more than $3 million has been spent to complete 48 major projects in 22 communities, connecting more than 2000 people to better water supply and sewerage facilities. Another four projects are now under way. To ensure that the ACDP provides long-term and real benefits we must include local Aboriginal members and tradespeople in every aspect of employment and training. That is what the Government is doing. It is leading the way in improving not only the Government's relationship with Aboriginal people but also the way in which government agencies work together in assisting local communities. The Government has sought to maintain genuine Aboriginal involvement in the decision-making process and in meaningful partnerships. Those partnerships ensure that the results are delivered on the ground and that decisions are not made solely in Sydney. The Government is committed to those partnerships.

A review of Aboriginal education is being undertaken in partnership with the Aboriginal Education Consultative Group, improvements in Aboriginal health are being achieved in co-operation with the Aboriginal Health and Medical Research Group and justice issues are being addressed with the Aboriginal Justice Advisory Council. That partnership approach is the hallmark of the New South Wales Government's approach. It contrasts starkly with what the Federal Government is doing to the Aboriginal and Torres Strait Islander Commission, which will cease to exist by the end of the month. Despite the difficulties that might occur in different organisations, the Government is committed to having elected Aboriginal representatives as part of the self-determination process.

Those who regularly read the *Koori Mail*, which is published fortnightly on Wednesdays, will note the solid support for the State Government's proposed revamp of the Aboriginal land rights legislation. The Government has taken a partnership approach involving consultation and a commitment to self-determination through elected Aboriginal representatives at the land council level. The ACDP is not simply about improving living conditions, although that is the serious outcome being achieved. It is also about community governance, employment and training and community pride. I am proud to say that the Government has a strong commitment to Aboriginal people and that it will continue to ensure that they benefit from this partnership approach.

SHOALHAVEN DISTRICT MEMORIAL HOSPITAL BED NUMBERS

Mrs SHELLEY HANCOCK: I direct my question to the Minister for Health. Given that as late as Thursday last week seven sick and injured patients had to wait at the Shoalhaven District Memorial Hospital emergency department for beds because none was available, why will the Minister not find six permanent beds to provide adequate care and treatment to patients in the Shoalhaven?

Mr MORRIS IEMMA: Given that the Government has undertaken an extensive rebuilding program at that hospital, I am surprised that the honourable member would want to be critical of infrastructure. Her constituents have access to the redeveloped Wollongong Hospital, Shoalhaven District Memorial Hospital, Shellharbour Hospital and another hospital not far away at Kiama, which the Coalition Government closed and this Government reopened. I cannot believe the honourable member has the gall to ask this question.

[*Interruption*]

I heard an interjection about the work force. Honourable members opposite might like to ask the Federal Liberal member for Gilmore why the Commonwealth Government will not fund university places for the many thousands of young people who want to train as nurses.

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

Mr MORRIS IEMMA: A bed is a piece of furniture. What is required is the work force.

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

Mr MORRIS IEMMA: The Leader of the Opposition will have his chance to respond on Monday. Thousands of young people across this State want to become nurses, but they do not get the chance to do so because they are turned away by the Commonwealth. With regard to the Opposition's concerns about the work force, I suggest that the honourable member for South Coast ring her Federal member and ask her why the Federal Government will not provide funding for nurses.

RESIDENTIAL PARKS LEGISLATION REVIEW

Mr MILTON ORKOPOULOS: My question without notice is addressed to the Minister for Fair Trading. What is the latest information on residential and caravan parks in New South Wales?

Ms REBA MEAGHER: I thank the honourable member for Swansea for his question. I note his interest in the operation of the residential park industry in New South Wales. Five years ago the Government introduced the Residential Parks Act and the Residential Parks Regulation to provide wide-ranging laws to specifically address the unique circumstances that arise in park tenancies where most residents live in their own homes on rented sites.

Mr SPEAKER: Order! The Leader of The Nationals will come to order.

Ms REBA MEAGHER: Around 400 residents in the electorate of the Leader of The Nationals are affected by this matter, so I am sure he would be concerned about it. As required by the legislation, the Act now requires review. The Office of Fair Trading has been consulting with a wide range of stakeholders to develop a range of issues for consideration. Today I am releasing a discussion paper that canvasses those issues and seeks comment from interested parties. In New South Wales there are almost 900 residential parks with up to 30,000 permanent residents. As members can imagine, with residents being both owners, in that they own their relocatable homes, and tenants, in that they lease the sites on which the homes are located, the issues can be many and complex. The current legislation deals with the rights and obligations of both residents and park owners. It deals with, among other things, written tenancy agreements, rent increases, dispute resolution, liaison committees, park rules, water and electricity charges, and the termination of agreements.

While the legislation strives to maintain a balance of rights, changes in the market that have occurred over the last five years make it even more timely to review the legislation. The review will determine what, if any, changes are needed to ensure the laws remain as relevant now and into the future as they were when they were introduced. The discussion paper, which is available from the Office of Fair Trading and on its web site, includes a range of matters that have been identified as being of interest to park residents, managers and owners, and others associated with park life. It takes into account issues and suggestions that have been raised directly with me during meetings with individuals and organisations connected with park living, as well as those conveyed to Fair Trading staff during their stakeholder consultation.

Some of the areas covered include the termination of residential agreements, access to compensation, disclosure of information by the park owner at the commencement of the tenancy, the sale of homes in residential parks and long-term tenancies, competency and education of park managers, and dispute resolution mechanisms. There will be a public consultation period of 2½ months, during which discussions will be held with interested parties around the State. The closing date for the lodgment of submissions to the paper is mid-August. I encourage all interested parties, residents and park operators, to take advantage of this opportunity and have their say about the review.

TOPDALE ROAD, TAMWORTH

Mr PETER DRAPER: My question without notice is directed to the Minister for Roads. Following the Minister's visit to Topdale Road, near Walcha, will he advise the House whether he will commit funds to that road to improve the quality of life for local residents?

Mr CARL SCULLY: We had a good meeting on 21 May, when the honourable member for Tamworth and I went out to Topdale Road. I did not realise that Tamworthians go to the beach. At the meeting Tamworth residents were telling me that Topdale Road is the quickest route to the coast. In mid-summer they shoot out to Gloucester, and it takes them about 2½ hours to have a swim and go back. It is important to them. But for the vast majority of the time Topdale Road is used by timber trucks, other heavy vehicles, school buses and many light vehicles. It is an important connection route between Tamworth and Gloucester, and there is an 11-kilometre section that is unsealed. The honourable member for Tamworth wanted me to have a look at the road.

The mayor, Bill Heazlett, who is a great bloke, put a strong case to me that the cost of upgrading Topdale Road to a sealed road was beyond the resources of Walcha council. I share that concern; I believe it is beyond the resources of council to do that. We had a terrific meeting with the farming community. We drove along Topdale Road and parked next to a paddock, where the honourable member bunged on a big town meeting. I think it was done to impress me. About 60 or 70 farmers were present. Kent and Vicki Reynolds presented me with a petition containing 930 signatures. I was particularly influenced by the fact that bus drivers, farmers and many others from the region are concerned about road safety outcomes. Graeme Brazel made an impassioned plea.

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

Mr CARL SCULLY: Members opposite think this is funny. It is little wonder the Nationals lose seats like Tamworth. The people I met in Walcha are people one would normally call Nats; they are normal Nationals supporters. I was confused. They are people one would expect to normally vote for—I cannot remember his name. Was it John Cull? Whoever he was, he was culled from this Parliament because people, like these good farmers, who would normally vote for the Nationals, are lost when the seat goes to an Independent. They cannot bring themselves to vote Labor, but they reach out and vote for a bloke like the honourable member for Tamworth. We had good dialogue with them.

[*Interruption*]

It is not funny. The honourable member for Tamworth should invite these Nats to Tamworth and introduce them to the Brazel family. Graeme Brazel's property, "Broadacre", is only about 50 metres from Topdale Road. I want the honourable member for Tamworth to tell Graeme Brazel that The Nationals think his life is funny. At the meeting Graeme Brazel made an impassioned plea. The honourable member for Tamworth took me along Topdale Road to show me all the dust that is going into Graeme Brazel's home. In fact, the water tank on his property has about 5 inches of silt in the bottom of it. I only half believed what Graeme Brazel was telling me. But in the light wind you could see all the dust going across to his home, onto his roof, and onto the clothes. He has what I would say is a fairly miserable life.

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

Mr CARL SCULLY: I have been asked to address this issue. I have told the mayor that we will consider the case put by council asking for assistance. I have the Roads and Traffic Authority and Walcha council looking at the issue.

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

Mr CARL SCULLY: The honourable member for Upper Hunter has done all right. He comes and has a chat when he wants a bridge done. I have some good news for the Brazel family. I would like the honourable member for Tamworth to tell them that while we are looking at the overall costings to complete the sealing of the road and what we might be able to do to assist Walcha council, I have decided that we need to seal about a one-kilometre length of road from the end of the sealed section past Graeme Brazel's home and the home of his brother, Dale Brazel. That one-kilometre sealed section will mean that their lives will be greatly improved. I have approved a funding allocation of up to about $300,000.

I congratulate the honourable member for Tamworth. What a terrific member of Parliament he is! The Leader of The Nationals got upset when I visited Tamworth and said that the predecessor of the honourable member for Tamworth was a waste of space. That is all he was: a complete waste of space. That is why the honourable member for Northern Tablelands was elected, that is why the honourable member for Dubbo was elected, and that is why the honourable member for Manly was elected. And that is why the honourable member for Murrumbidgee, the honourable member for Burrinjuck and the honourable member for Coffs Harbour will lose their seats!

SMALL TOWNS GROWTH STRATEGY

Mr STEVE WHAN: My question without notice is addressed to the Minister for Regional Development. What is the latest information on assistance to small towns in New South Wales?

Mr DAVID CAMPBELL: I thank the honourable member for his question, which is, as always, a good question from Country Labor about regional issues. The Carr Government is, indeed, keen to support growth in our small country towns. Towns across the State are benefiting from New South Wales Government support. Recently the Government provided $44,000 to the Cooma-Monaro community to promote its future growth. These funds will be used to encourage tourism based on the region's tremendous heritage. It will also be used to give two small communities, Numeralla and Bredbo, the opportunity to plan future growth. Next week the Broke community will launch its strategic plan. I am delighted that the Government has helped its efforts by providing $9,000. I note that the honourable member for Cessnock is endorsing the work of the Broke community.

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

Mr DAVID CAMPBELL: Recently Corowa, in the State's Murray region, successfully applied for funding from the New South Wales Government. The Government has provided $60,000 to support the area's future growth. Over the next three years the Corowa Shire Council will use those funds to employ a business development manager. With a population of just over 8,000, the area already has a strategic plan. For that reason a business development officer will be essential to implement this community-based initiative. This is the second time the Government has helped support Corowa's future growth. Last year we provided $27,000 for community planning.

The Carr Government is also providing $110,000 to the Kyogle community, in the north of the State. Funding for this community project has been provided through the Government's Main Street/Small Towns program. The Kyogle community plans to use these funds to encourage community and economic development and to increase local tourism. The Government allocated $50,000 to Kyogle Shire Council to develop a community strategic plan. The remaining $60,000 will help the council employ a community economic development officer.

The New South Wales Government launched its Small Towns Growth Strategy last year. This project aims to help local communities with less than 5,000 residents to capitalise on new economic opportunities. It aims to help local councils and communities manage future growth. This program began with two towns, West Wyalong and Tumbarumba. The Government is providing $20,000 to Bland Shire Council to undertake a growth strategy and a business retention and expansion survey. I am pleased that these will be officially launched next week. The survey has provided some positive results. Findings of the survey include: 64 per cent of businesses are independently owned, nearly three-quarters of businesses sell locally, more than 70 per cent of businesses expect demand to grow, and more than a third of businesses plan to expand.

West Wyalong's Small Towns Growth Strategy targets business development, self-help programs and skills training. It will also concentrate on teaching local businesses about improving service to customers. This year Tenterfield, on the Northern Tablelands, and Merriwa will be included in this important program. Tenterfield, made famous by Sir Henry Parkes and Peter Allen, is one of the few towns in the region with a growing population. In the 2002 census the number of residents grew from 4,125 to 4,176, and real estate prices rose by 10 per cent. The Small Towns Growth Strategy will help the Tenterfield community identify residential and industrial land strategies. It will also help support the growth of the local wine industry. This is all work that I know the honourable member for Northern Tablelands supports and is encouraging.

Merriwa, in the Hunter region, is another town to benefit from the Carr Government's Small Towns Growth Strategy. With just 2,457 residents and an annual growth rate of 5 per cent, the community is to have a

say in its future. With support from the New South Wales Government it plans to address a number of issues. They include a business plan for local young people, increased tourism, identifying future skills needs, residential development, and further development of its game bird industry. The Government is making a real difference to regional towns and it supports the efforts of regional communities to grow and meet future challenges with home-grown solutions.

DUBBO YOUTH CRIME

Mr BOB DEBUS: I was asked a question earlier by the Leader of The Nationals and I am now in a position to supplement the answer I gave. I told the House that I believed that the Senior Children's Magistrate was visiting Dubbo this week. I have now been advised that because of the presence of key community leaders from Dubbo in Sydney this week, the Senior Children's Magistrate postponed that visit and instead met with community leaders, including senior police, in Sydney. Those discussions have been very positive.

Mr Barry O'Farrell: And fruitful.

Mr BOB DEBUS: And fruitful. The Senior Children's Magistrate will visit Dubbo later in the month to discuss further action, which I am sure will be similarly positive and fruitful.

HOSPITAL EMERGENCY DEPARTMENTS NURSES SHORTAGE

Mr MORRIS IEMMA: Yesterday I was asked by the Deputy Leader of the Opposition, the shadow Minister for Health, a question about a man, injured in the Holsworthy Operation Explorer exercise earlier this week, who was told that he would have to wait more than four hours in the emergency department at Sydney Hospital. I have received advice from the Director-General of the State Emergency Services [SES] and also from the health services that had contact with the injured man. For the record, the injured man was a volunteer of the Sydney Northern Division of the SES and not a soldier, as the House was informed yesterday.

I am advised by the Director-General of the SES, Philip McNamara, of the following. The SES officer refused on-site treatment on two occasions. The officer then attended the first aid centre established by the Ambulance Service at Holsworthy. At 3.00 p.m. he was transported by ambulance to Liverpool Hospital. He subsequently advised the SES that at Liverpool Hospital he had "never seen a doctor so fast in his life". They are the words communicated by the SES officer to another SES officer, and represent a far cry from the account given yesterday. I am further advised by South Western Sydney Area Health service that the patient, the SES officer, had minor swelling and bruising to the arm but still had a full range of movement. The area health service further advised that the patient's arm was placed in a double layer Tubi-grip, and he was advised to take non-steroidal anti-inflammatory medications as required. I am further advised by Philip McNamara:

> At the hospital—

That is Liverpool hospital—

> his arm was treated and he was discharged.
>
> [The officer] has advised that he experienced further pain that evening and went to Sydney hospital, Macquarie Street.
>
> He advised the SES this afternoon—

That is Wednesday afternoon—

> that he was not turned away from the hospital but there was a long queue and he decided to leave of his own volition.

The advice to me further states that he then attended a medical centre and had an x-ray which revealed that there was no break to the arm. I am further advised by the hospital that the patient was transported to Sydney Hospital by ambulance—that was his second ambulance transport for the day—and I am further advised that conflict arose with the staff, requiring security being called to a situation.

Mr Brad Hazzard: Why the conflict?

Mr MORRIS IEMMA: I am advised that there was conflict and security was called.

WAGGA WAGGA BASE HOSPITAL WAITING LIST

Mr MORRIS IEMMA: Yesterday the Leader of The Nationals asked me a question about the Greater Murray Area Health Service. I can now provide the following information, which appears to correspond with the details mentioned by the Leader of The Nationals. He waved around a document yesterday. If that is a letter from the constituent involved, I am more than happy to progress the matter but, in the absence of that, I can inform the House that the matter appears to correspond with a patient booked for surgery at Wagga Wagga Base Hospital in September 2003.

The patient advised the area health service that they would not be available for surgery until one month later, October 2003. The patient was booked for surgery on 22 April 2004. This surgery had to be rescheduled due to a more urgent surgical case entering the hospital, and the surgery was rebooked for 29 April 2004. Prior to that date, the patient's surgeon took un-notified leave, forcing the surgery to be rescheduled to 6 May 2004. On that date a trauma patient was admitted to the hospital with a broken shoulder, which unfortunately meant that the patient had to again be rescheduled for surgery. The patient has since requested that the surgery be postponed until September this year as the patient is unavailable for treatment. If the matter raised by the Leader of The Nationals corresponds to this information, it would appear that this is another example of the Leader of The Nationals getting it wrong. If it does not correspond to the constituent that he raised—

Mr Paul Gibson: There are two of them.

Mr MORRIS IEMMA: That is right, there are two of them. I thank the honourable member for Blacktown. If the information I have given to the House in relation to this patient does not correspond with the documents waved around by the Leader of The Nationals, I invite him to drop the documents around to my office and I will make further inquiries. However, if they do correspond to the documents he was waving around yesterday, yet again he has got his facts wrong.

Questions without notice concluded.

CREDIT ACCOUNTING CONSULTANCY FINANCE BROKING SCAM

Ministerial Statement

Ms REBA MEAGHER (Cabramatta—Minister for Fair Trading, and Minister Assisting the Minister for Commerce) [3.32 p.m.]: I wish to inform members of the House of an important decision that was brought down by the New South Wales Supreme Court this morning. In one of the most significant cases mounted by the NSW Office of Fair Trading in recent years the court ordered that the defendants involved in the case pay $1.3 million to compensate the victims of a finance broking scam. Today's decision relates to a business called Credit Accounting Consultancy [CAC], its principal operator, Rowland Thomas, and associates Michael Carney, David Ross and Helen Topalov.

The business, which was located in Glebe in Sydney's inner west, was formed in 2000. It described itself as management consultants that could help consumers consolidate debt into a more attractive refinance package or obtain personal loans. Consumers paid an average $2,000 up-front fee to CAC for services—one consumer even paid $18,000. Demanding up-front fees prior to arranging finance is a breach of New South Wales credit laws. But it got worse. In return for paying up-front fees, CAC would arrange unnecessary credit cards, generally leaving the consumers significantly worse off and liable for making enormous interest payments.

The individuals involved were subject to interim orders of the court, preventing them from offering or arranging credit for consumers. Justice Shaw today made those bans permanent. More importantly, Justice Shaw today ordered three of the individuals to pay $200,000 each, in addition to an amount of $700,000 that one of the defendants had already agreed to pay. A trust account, which will be administered by the Commissioner for Fair Trading, will be established to compensate victims of the scam. In recent years almost 100 consumers have complained about CAC to the Office of Fair Trading. However, we anticipate that news of this decision may encourage other affected consumers to make contact with Fair Trading.

I note that Justice Shaw referred in his judgment to audio surveillance of CAC operations in which one of the principals is heard telling a staffer how to get more money in. The principal is quoted as saying that the business needs more clients and that the employees should "look up some oldies". In his judgment Justice Shaw stated:

> There is discussion on the tape about the requirement to confuse the client and the view is proffered that the client should not understand what is going on.

Mr Brad Hazzard: Is this Jeffery?

Ms REBA MEAGHER: You have your own history with oldies. I would listen closely to this.

Mr SPEAKER: Order! Members interject at their peril. They will listen to the Minister in silence.

Ms REBA MEAGHER: In his decision Justice Shaw accepted Fair Trading's evidence that:

> The defendants agreed the "scam" should be executed via the vehicle of CAC and its employees … All of the defendants were knowingly concerned in the operations of CAC and aided the conduct of the "scam".

It is clear from these references that the whole of the CAC operations were predatory and designed to deceive consumers. The bans on the individuals involved and the compensation payments indicate the serious nature of the misconduct. I also acknowledge the important role played by NSW Police in this matter. A joint investigation involving Fair Trading and NSW Police led to action in the Supreme Court and charges being laid against a number of individuals. The criminal matters are still to be determined and I will not make any further comment about that aspect of the case. Today's decision is an important victory for consumers. It is the first time that a trust account of this kind has been established to compensate consumers. It demonstrates that strong and effective action will be taken against those who prey upon our vulnerable consumers. I welcome this decision on their behalf.

Ms KATRINA HODGKINSON (Burrinjuck) [3.36 p.m.]: The Opposition is delighted to hear about today's conviction and the setting up of a trust account in the amount of $1.3 million for the victims of this finance broking nightmare. Credit Accounting Consultancy stands as an example to other finance brokers in the State who may be considering similar action. Such predatory practices are to be condemned. We trust that many more convictions will flow and that the Office of Fair Trading will catch other predators in the future.

DEPUTY LEADER OF THE OPPOSITION MIDDLE EAST VISIT

Personal Explanation

Mr BARRY O'FARRELL, by leave: Earlier today in the other place, while trying to extricate himself from a larger matter, the Hon. Eddie Obeid sought to insinuate something untoward about my visits to the Middle East six and four years ago. As my pecuniary interests returns show, I have undertaken two one-week trips to Lebanon, in July 1998 and May 2000, after being invited by members of my local Australian Lebanese community. The International Council of Lebanese Migrants in Australia sponsored the trips. Among those accompanying me on the trips were the honourable member for Fairfield, the honourable member for Blacktown, an inspector from the Campsie Local Area Command, and the Victorian State member for Williamstown, that is, Steve Bracks, the Victorian Premier. To be clear: During my time in Lebanon I never met a local councillor, let alone ran a local government campaign. Nor did I take 17 relatives to try to help win a campaign.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Roads, and Minister for Housing) [3.38 p.m.]: I move:

> That standing and sessional orders be suspended to provide for the following routine of business for the remainder of today's sitting:
>
> (1) Government Business have precedence of all other business; and
>
> (2) Private members' statements to be taken at 4.15 p.m. from the honourable member for Davidson, the honourable member for Southern Highlands, the honourable member for Strathfield and the honourable member for Auburn, after which consideration of Government Business will resume.

Honourable members are aware that the Opposition supported a motion in the upper House requiring this House to send business to the upper House by 22 June, or that House will not consider it. It is necessary that I move this motion to dispense with motions for urgent consideration and the majority of private members' statements to enable Government Business to continue.

Mr ANDREW HUMPHERSON (Davidson) [3.39 p.m.]: Here we go again! It is near the end of the parliamentary session and the Government wants to disband the program, wipe a number of issues from the program, to enable Government business to take precedence. Coalition members well recall the early weeks of this session, through March and April, when the Government had no business. We had filler motions and nonsense debates but no Government business. Now, in the second to last sitting week the Government has

cobbled together legislation that it wants to rush through the Parliament. The Coalition does not accept that and it will not agree to the motion.

Most significantly, debate on urgent motions has been wiped from the program this afternoon. Let me tell honourable members what should have been debated this afternoon. The Opposition wanted to debate an urgent motion—and it will be debated if the motion to suspend standing and sessional orders is defeated—which would give the Premier an opportunity to explain why the brutal murderer of Newcastle schoolgirl Leigh Leigh was granted parole today, only four months after the Serious Offenders Review Council opposed his release. We want to debate that motion. We want answers from the Premier and the Government about the circumstances surrounding the release.

To put it simply, there are few more infamous murders in this State's history than that of Leigh Leigh in the late 1980s. Many members will recall that case. The circumstances were horrific. That infamous and horrendous crime saw one offender convicted and sentenced to 20 years in gaol. He has served just over 14 years and he will be released next Wednesday because the Government has decided to release him. That is why our motion is urgent. On behalf of the citizens of New South Wales we want to know the full circumstances of his release. What gave rise to his release? Has he been rehabilitated? Does he deserve to be released? Can the people of New South Wales be assured that he will not commit a further offence?

We should not forget that this crime was horrific. Leigh Leigh was a 14-year-old schoolgirl who was attending a birthday party at North Stockton Surf Club. The honourable member for Strathfield may think that this is funny, but I doubt whether her colleagues or constituents would think so. Leigh Leigh was violently sexually assaulted, and bludgeoned to death with a rock weighing six kilograms. Forensic tests revealed that Leigh may have been raped with a bottle. All those circumstances give rise to enormous community concern. In 1990 Matthew Webster was convicted of murdering Leigh Leigh. He was given a 20-year sentence, with a non-parole period of 14 years, and he was eligible for parole earlier this year.

The Serious Offenders Review Council, at the first occasion in February, opposed Mr Webster's release, and the Parole Board agreed. This morning the Serious Offenders Review Council withdrew its objections and agreed with the Government-appointed Parole Board to release Matthew Webster next Wednesday. We want to know whether he has shown any remorse. What threat does he pose to the community? What conditions have been imposed on his parole? The Parole Board, which is appointed by the Government, has released more than 90 per cent of offenders as soon as they have become eligible for release. Under this Government and this Premier, 45 per cent of offenders who have been released from gaol have returned to gaol within two years because they have not been rehabilitated.

One may think that 45 per cent is not a significant proportion, but when Labor took office ten years ago the figure was 35 per cent. New South Wales has the worst reoffending rate in the country, and the Labor Government is responsible for that. We want an assurance and a guarantee from the Government and the Premier that Matthew Webster will not reoffend or breach his parole, and that justice will be done in this case forever, not just for the purposes of having committed him to gaol for 14 years. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Ms Allan	Ms Hay	Mr Pearce
Mr Amery	Mr Hickey	Mrs Perry
Ms Andrews	Mr Hunter	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Mr Black	Ms Judge	Mr Sartor
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 Watkins
Mr Corrigan	Ms Meagher	Mr West
Mr Crittenden	Ms Megarrity	Mr Whan
Ms D'Amore	Mr Mills	Mr Yeadon
Mr Debus	Mr Morris	
Mr Gaudry	Mr Newell	*Tellers,*
Mr Gibson	Mr Orkopoulos	Mr Ashton
Mr Greene	Mrs Paluzzano	Mr Martin

Noes, 36

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

Pair

Ms Saliba	Mr Brogden

Question resolved in the affirmative.

Motion agreed to.

LIQUOR AMENDMENT (PARLIAMENTARY PRECINCTS) BILL

Second Reading

Debate resumed from 12 May.

Mr GEORGE SOURIS (Upper Hunter) [3.52 p.m.]: I lead for the Opposition on the Liquor Amendment (Parliamentary Precincts) Bill, which the Opposition will not oppose. However, I take the opportunity to make some general comments about the bill and its object, which is to bring Parliament into line with the public expectation of the provisions of the Liquor Act. According to the bill, Parliament will be issued with a Governor's licence specifically for Parliament House. Beyond that, the Director-General of Liquor and Gaming and the Presiding Officers of Parliament will enter into a memorandum of understanding in respect of how the Governor's licence and any conditions attaching to it will be applied in respect of Parliament House.

The bill arises principally in direct response to a somewhat disgraceful performance in this House one night, when the honourable member for Murray-Darling, in a state not befitting a member of Parliament, entered this Chamber and performed an act of aggression—indeed, an assault—upon a female member sitting immediately in front of him. Honourable members were outraged at this behaviour, and members of the public, too, were outraged by it, it having been captured on camera and therefore used in television news broadcasts. This honourable member has exhibited—

Mr Alan Ashton: Point of order: It is unusual to take a point of order on a Opposition spokesman, but at the moment he is not talking about the bill in any way at all. He is in his own mind creating a reason for the bill being introduced. The bill has been introduced House because of the Alcohol Summit. It is not reasonable for the honourable member to attack a member of this Chamber; he should be directed to return to the substance of the bill.

Mr GEORGE SOURIS: To the point of order: The bill does not arise immediately or directly following the Alcohol Summit. Quite a significant period of time has passed since the Alcohol Summit was held. The bill arises directly, immediately after, as a direct result of, and in answer to considerable media inquiries about the actions of the honourable member for Murray-Darling. It also follows notice given in this Chamber of a private members bill, and it follows considerable comment made in another place and the engagement of the ethics adviser to discuss the matter.

Mr DEPUTY-SPEAKER: Order! The criticism by the honourable member for Upper Hunter of a member of this Chamber is sufficient to establish his concern about the reason for the introduction of the bill.

However, I uphold the point of order and ask him to return to the leave of the bill. His preliminary comments canvassed his concerns and need not be reiterated.

Mr GEORGE SOURIS: Nonetheless, it will be necessary for me in discussing this bill to refer to matters that are part of the memorandum of understanding that flows from the bill, and particularly aspects relating to members' conduct that are properly considered in the memorandum and therefore are properly part of this debate. The issue of most concern to the Opposition is the area to which this bill will apply and whether it applies by virtue of the Governor's licence and the conditions attached to it or as described in the memorandum. I was provided with the draft memorandum by the staff of the Minister for Gaming and Racing, and I am thankful for the consultation I have had with the Minister's staff. The draft memorandum I was provided with includes essentially the entire precinct and, in particular, this Chamber. It includes the fence fronting Macquarie Street, the wall adjoining the hospital, and the curb and guttering attaching to Hospital Road and the Domain. In general terms it is literally an all-encompassing area, including the Chamber.

I would not want to give the impression that I do not believe that the Chamber ought to be included in this bill on the basis that I somehow might be implying that a standard of behaviour need not or should not apply to this Chamber; indeed, I believe that a standard of behaviour ought to apply more to the Chamber. The issue that arises is similar to the principle underpinning parliamentary privilege. That is, if this bill applies to the parliamentary Chamber, it therefore, by virtue of the memorandum of understanding, places an responsibility on the Presiding Officers for the conduct and state of members during their attendance in this Chamber. A member may raise a point of order or may seek an explanation or clarification from the Speaker, Deputy-Speaker or Acting-Speaker in respect of a particular member's state. Therefore, one has to ask: What is contemplated by the Government in respect of what action ought to take place should such a point of order be raised or such a matter be pointed out?

Is it expected that the member presiding in the chair would have to undertake some form of investigation, and perhaps would have to seek the exclusion of the member involved for a period during which some form of investigation, perhaps by a third party, could be undertaken? It also lends itself to an unbecoming parliamentary tactic in its own right. Whether the member in question is in a poor state from the consumption of liquor or not, another member could use this process to seek to exclude a member from the Chamber, perhaps in the lead-up to a crucial vote. This could prejudice the principles underpinning the existence of this Parliament and indeed privilege itself. I ask the Minister to come down to this Chamber and respond especially to those aspects. It is important for us to know precisely how the Government intends that this process will apply in the Chamber.

The conditions in the Governor's licence or the memorandum could prescribe an area beyond the bottle shop, one or other of the bars, or one or other of the dining rooms. Indeed, functions could be held not in any one of those locations but in other rooms such as one of the meeting rooms in the Parliament. Could the Presiding Officers or their delegated persons supervise and be responsible for the execution of the responsible service of alcohol and harm minimisation guidelines, let alone the matters which would be included in the memorandum of understanding in respect of areas other than those that I have just described, where employees or officers of this Parliament would be in a position to serve alcohol? A member may purchase alcohol from the bottle shop some days previously and then later, upon consuming that alcohol, breach general standards of conduct and be in a state contrary to the normal principles underpinning the responsible service of alcohol. I ask the Government how the procedure will operate.

It is important that the Minister answer this question when he replies to the second reading debate. A member may bring into the parliament and therefore into his room alcohol purchased not even from the parliamentary bottle shop but from a supermarket or liquor store. What would be the obligations of the Presiding Officers in respect of the consumption of that alcohol and the principles underpinning the responsible service of alcohol? What would be the process involved if a member were to contact a Presiding Officer and report that in an adjoining room there may be an abuse of proper standards and behaviour attributable to the excessive consumption of alcohol? What would the Presiding Officers be obliged to do and in what way would this be covered by either the Governor's licence or the memorandum of understanding? None of these matters is covered, let alone covered adequately, in the draft memorandum that I have received a copy of.

Since so many weeks have expired, the Government should by now have applied its mind to precisely how this bill will operate. The matter could be decided according to parliamentary representation. If a matter arises by virtue of complaint or through the observation of one of the parliamentary officers, what is to be the fate of the member? In what way is it to be ascertained that the member is or is not exceeding the boundaries

created by the bill and/or the memorandum? What tests would be applied and what sanctions would then be applied? Would the member be excluded from the precincts? If so, by what process would he or she be excluded from the parliamentary precincts? By order of an officer of the Parliament? Or would the matter need to be separately debated in this Parliament?

It does not accord with the sanctity of parliamentary representation for the power to exclude a member from the parliamentary precinct, including this Chamber, to be devolved to a parliamentary officer. It may well be that a crucial vote is coming up. I seek a response from the Minister on these issues that are very important for our democracy. I am very disappointed that the Minister is not at the table. This will not be a long debate and I am sure that by now the Minister's staff will have apprised the Minister of the concerns that I am now raising, which I have also previously raised with the Minister's officers. Following the incident referred to earlier, it was suggested in the other place that members should be breathalysed somewhere or other in the Parliament or prior to entry into the Chamber at specified parts of the day or whatever.

As a result of those suggestions the Legislative Council has sought advice from the Parliamentary Ethics Adviser, Ian Dickson. I do not know whether the Legislative Council has asked Mr Dickson to apply his mind particularly to the Chamber itself. Equally, I do not know whether the reference that would have been made, I presume in the name of one of the Presiding Officers, can subsequently be extended. In any case, I recommend to the Parliament that the proclamation of the bill be held until there is clarification of the issues that I have raised about the extent of the parliamentary precinct and until advice is received from the Ethics Adviser or any other third party to assist the Minister primarily in determining what ought to be contained in the memorandum.

It is generally not a good idea for the House to be presented with a bill that relies on other proclamations—in this case the grant of a Governor's licence—and the ultimate settlement of a memorandum of understanding. In passing this bill we are simply agreeing to the principles it contains and leaving it entirely to the Executive Government to, hopefully, fulfil its responsibility to take due care and consider the issues raised, especially those pertaining to the operation of this Chamber and members' democratic right to represent their constituents. I hope that my questions have been noted and that the Minister will respond. I commend the bill to the House.

Mr PAUL GIBSON (Blacktown) [4.11 p.m.]: I support the Liquor Amendment (Parliamentary Precinct) Bill. It is surprising that the parliamentary precinct is exempt from the operation of the State's liquor laws, but that is not unique: the same applies in all other Australian Parliaments. It is a longstanding exemption that dates back to the 1900s. On that basis, we are dealing with landmark legislation. The passage of this legislation will result in the New South Wales Parliament's being subject to the State's liquor licensing and regulatory framework. My first thought when I heard about this legislation was that we might see major changes in the way the parliamentary bar is run. I am a teetotaller most of the time, but when it was suggested that the bar would be subject to this law I thought we might have poker machines, TAB terminals, and meat raffles in the bar. The Minister for Gaming and Racing assures me that that will not happen.

Given the much-publicised Alcohol Summit that was held 18 months ago, the State Government and the Parliament would look very foolish if they did not make this precinct subject to the liquor laws that apply elsewhere in the State. The bill ensures that the harm minimisation and responsible service of alcohol provisions of the legislation will apply to the Parliament. About 1 per cent of the population needs help to deal with alcohol abuse. I am proud to say that this Government has led the way with harm minimisation. I also commend the Australian Hotels Association and the clubs movement of this State for the contribution they have made to a tremendous improvement in liquor retailing in New South Wales.

In place of the exemption, the bill will enable the Governor to issue a licence authorising the sale of liquor within the parliamentary precinct. That type of licence has been around for a long time and it is called a Governor's licence. It is also utilised for unique Crown facilities such as the Opera House, the New South Wales Art Gallery, the Botanic Gardens, and the Domain. The licence conditions will be formulated through discussions between government officers and parliamentary officers nominated by the Presiding Officers.

I have been in this place for nearly 17 years, and the House sometimes sits very late into the night. In fact, a few years ago we started sitting on a Tuesday and kept going until 8.10 a.m. on Thursday. They are very long hours and our work pattern is very different from the traditional eight-hour day. Given that, those who enjoy a drink should have the opportunity to do so. Much has been said recently about this country's drinking culture, particularly in the rugby league arena. I played rugby league for a long time and I would not say it has a

drinking culture. As I said, I am a teetotaller and I found that many of my team mates were also teetotallers. I am sure that is still true of footballers today. The mateship culture is stronger than any drinking culture could ever be. The parliamentary culture is akin to that. We enjoy mateship in this place and some honourable members like to have a drink. I have no problem with that.

The Government will be working to develop a memorandum of understanding between the Presiding Officers and the Director of Liquor and Gaming. The director is a statutory officer within the Department of Gaming and Racing who has powers similar to those of the Commissioner of Police under the liquor laws. The Leader of the Opposition mentioned that the provision dealing with the memorandum of understanding is similar to section 27, which allows the Presiding Officers and the Commissioner of Police to enter into a memorandum of understanding regarding the exercise of police powers within and around the parliamentary precinct. I have some concerns about this issue. As honourable members know, this place is a safe haven. When I was first elected I was told that the police have no right to come into the parliamentary precinct to arrest or to question any honourable member. This legislation will give the police and liquor inspectors the right to enter Parliament at any time to ensure we are serving alcohol appropriately.

I urge caution in this regard because of the way in which politics works. An honourable member could be arrested and taken out of this place on the report of another honourable member. A few years ago the Government of the day held office by only one seat. I can imagine an honourable member being turfed out or arrested because a liquor inspector or a police officer believes that is an appropriate course of action. That action could change the fabric of the Parliament and it could usurp the vote of the people of New South Wales if the numbers in the Chamber were close. That issue must be considered. Liquor inspectors have the power to enter all licensed venues. It is important that liquor inspectors and police officers have appropriate access to Parliament House to enforce liquor laws, and the proposed power to enter into a memorandum of understanding will provide certainty for members of Parliament, parliamentary officials, and liquor inspectors. Therefore I support the bill.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

TRIBUTE TO MR BOBBY GIBBES

Mr ANDREW HUMPHERSON (Davidson) [4.15 p.m.]: I acknowledge the presence in the gallery of a number of members of the 77th Squadron Association at the invitation of the honourable member for Southern Highlands. I also acknowledge that my father is present as a member of the association. I take this opportunity to speak about a significant contributor, pilot Bobby Gibbes, who is also in the gallery with his wife, Jean, and daughter, Julie. Last week Bobby, who was a Second World War fighter ace, was awarded the Order of Australia, which was much deserved. Bobby was born in 1916 and joined the Royal Australian Air Force in February 1940 as an air cadet and completed his training in August that year. In early 1941 he sailed for the Middle East and was posted to No. 3 Squadron after reaching Egypt; he was to remain with this unit throughout his two-year combat tour in North Africa.

His squadron moved to Syria by July 1941 and began flying P-40B Tomahawks against the Vichy French. Within a week Gibbes shot down a French-built Dewoitine 520 fighter, to achieve his first victory in aerial combat. When the Syrian campaign ended in September, he returned to the Western Desert to take part in the Libyan campaign, where he achieved three additional victories before the year's end. After converting to P-40C Kittyhawks, Gibbes became commander of No. 3 Squadron in February 1942 and soon shot down two more aircraft. In May he had to bail out after being shot down by a Ju-88 rear gunner, when he broke his ankle and fractured his leg upon hitting the ground. With his leg still in a cast, he discharged himself from hospital and returned to command the squadron one month later.

On 21 December 1942 Squadron Leader Gibbes performed an extraordinary deed of heroism when he landed his aircraft in rough terrain deep within enemy territory to pick up a downed pilot. Discarding his parachute to make room in the single-seat cockpit, he lost a wheel on take-off, flew the 190 miles to his home base, and successfully landed. Less than one month later, Squadron Leader Gibbes was shot down some 70 miles behind the lines and evaded capture for three days while walking through the desert to reach Allied patrols. Before his African tour ended in April 1943, he flew 274 operational sorties throughout the Middle East, achieved 12 confirmed and several probable victories, and was awarded the Distinguished Service Order.

Squadron Leader Gibbes eventually returned to Australia and flew Spitfire Mk. VIIIs in the Southwest Pacific until the end of the war. After flying for various private concerns after the war, he established Gibbes Sepik Airways in January 1948, and began operations out of New Guinea with surplus war aircraft. For the next 10 years his airline played an important role in the exploration and development of the Sepik River and the central highlands of that area.

Bobby Gibbes' family has a long history in Australian politics and war-time events. In 1842 the Gibbes family moved to Kirribilli Point to reside in "Wotonga", the house constructed by Colonel Gibbes on the site where Admiralty House now stands. Later Colonel Gibbes lived at "Yarralumla", the property of his son Augustus. "Yarralumla" was later converted and adapted to be used as the principal residence of the Governor-General of Australia, a high duty it still performs. Bobby's friends, relatives and other people last week celebrated the awarding of his Order of Australia.

But of all the remarkable achievements Bobby Gibbes has racked up in his illustrious career, his marriage to Jean, his commanding officer and managing director, is probably the greatest. On 23 January next year Bobby and Jean notch up 60 years of marriage, and I congratulate them. I also congratulate Bobby on his contribution as a significant aviator in Australian history. I know that he will be joining the members of 77 Squadron who are in the public gallery, a number of whom are his close friends, for a celebration shortly after this private member's statement. I thank all of them, as well as members of the 77 Squadron Association, for their contribution to our country.

ROYAL AUSTRALIAN AIR FORCE 77 SQUADRON

Ms PETA SEATON (Southern Highlands) [4.20 p.m.]: "For we are young and free" are the most important words in our national anthem. Today I am honoured to speak of a group of great Australian airmen who proudly, but modestly, earned the deserved reputation of the Royal Australian Air Force 77 Squadron for fearless defence of the values we hold dear, and for doing more than their fair share to secure the freedoms we take for granted. Not that one would ever hear about it from them—for that we must rely on some rare histories that reveal the true brilliance and courage of the men who made 77 Squadron the legend that is symbolised in the Squadron tie I am proud to wear today. The legend began in Western Australia in 1942 when Australia faced direct threat in Darwin from Japanese fighters fresh from Pearl Harbour. The newly formed squadron led by Wing Commander Dick Cresswell took to the air in American Kittyhawk fighters, shooting down the first Japanese "Betty Bomber", and then on to Milne Bay, where, with 75 and 76 Squadron, they helped allied forces turn the invading Japanese forces around—and with it, the course of history.

Dick Cresswell is in the gallery today, as is his successor and Wing Leader of 81 Fighter Wing, Wing Commander "Buster" Brown and many of their colleagues, who have all shaped the indomitable character of 77 Squadron, whose mantle is carried by Wing Commander Gavin Turnbull, who is also in the gallery today and who headed up Squadron anti-terrorist activities in Afghanistan using FA/18 Hornets. From the British Occupation Force in Japan, 77 Squadron was then called to action in Korea, the first Australian military unit to see action, based at Iwakuni in Japan, then at various airfields in South Korea, and finally at Kimpo. Mustangs gave way to Meteor jets in July 1951, giving 77 Squadron a faster edge in fighter combat through 18,872 operational sorties.

This is the 77 Squadron I grew up with. Although it is still almost impossible to get much out of these gentlemen, except at the end of an Anzac Day, the friendships that survive lifetimes tell me more about what happened in the skies above Pusan, Seoul, and the 38th Parallel than I will ever read about in a military history. Photographs show lean, confident young Australians making the best of tough conditions but quietly determined to free South Korea from the deadly shackles of communism. One photograph shows two mates shaking hands—one who has just been released from a prisoner of war camp, having been shot down three months before. Today there is a raw gap in the 77 Squadron formation that Don Pinkstone would have filled. Don passed away last week, and today we honour his memory and achievements. The other pilot in a photograph I have here is my father, Don's best mate. Forty-three Squadron members lost their lives in Korea, and seven were taken prisoner.

The 77 Squadron served with Avon Sabres in the Malayan emergency and Indonesia. It then re-equipped with the Mach 2 Mirage, and it now operates 10 FA/18 Hornets. The squadron has the unique distinction of having never been disbanded, and remains in active operation—today as importantly as ever, as we face new and serious threats. The 77 Squadron motto, "Swift to destroy", is embodied by the oriental lion on the squadron colours. Less reverentially called the "grumpy monkey", it symbolises "a defender of peace, which, when disturbed, is swift to destroy".

I acknowledge Squadron Association President Jim Treadwell for his custodianship of the legend that was rescued by the great efforts of Alwyn Quoy, OAM, and Harry Delaney, who refused to take no for an answer at an Anzac Day march in 1953 and started the association. The association's patron, Sir Neville McNamara, is a former Southern Highlands resident, one of several 77 Squadron members and families in my electorate.

To our two very special guests today—Wing Commander Dick Cresswell, DFC, American DFC and Air Medal, and Wing Commander Bruce "Buster" Brown, DFC & Bar, OAM—we thank and honour you for your leadership in preserving Australia's freedom and for inspiring the 77 Squadron legend. It is our responsibility as members of this House to value the freedom you and all Australian service men and women have given us through your commitment, and we pledge to play our part in keeping Australia "young and free", as you did for us.

KOREAN WOMEN'S INTERNATIONAL NETWORK

Ms VIRGINIA JUDGE (Strathfield) [4.25 p.m.]: I wish to inform the House about the recent launch of the Oceania branch of the Korean Women's International Network. Last Saturday I attended a function in Homebush Bay celebrating the foundation of a new subgroup of the Korean Women's International Network, which is a group of Korean women spread across the globe who meet in their global regions to share knowledge and experience in the content of their Korean heritage. The Korean Government founded the Korean Women's International Network in 2001, with the objective to strengthen the bond between Korean women in Korea and worldwide. The Department of Gender Equity of the Korean Government selected 12 global leaders to head up the geographical branches. The head of the Oceania branch, Dr Kyughee Lee, who is a professor at the Australian International Conservatorium of Music, is truly an international leader in her field.

These women are leaders in their respective fields, whether it be medicine, education, architecture, literature, art, politics, finance or any speciality. The formation of their network makes them more than purely the sum of themselves; they are more valuable for their association and their time spent together. I felt truly privileged to be take part in the occasion on Saturday marking its formation in Oceania, particularly as this function was held in Homebush. A powerful and intimate network such as this is truly significant, not only for its members but also for Korea and the members' resident nations. I hope that the members of the network will take the opportunity that their association provides to learn from each other and from women leaders in other networks with the aim of improving the organisations they strive for and the communities that drive them on.

The Korean Women's International Network is a strong and important grouping of Korean women across national boundaries and time zones. The organisation reinforces the bonds between Korean women in leadership positions across the world. Doctor Kyughee Lee, the President of the Korean Women's International Network Oceania, was kind enough to invite me to join the Oceania Korean female leaders group to celebrate their momentous step forward, and I thank them from the bottom of my heart. I wish to also acknowledge the presence at this function of Consul-General Mr Kim, the presidents of many Korean organisations, and representatives of the Korean Department of Gender Equity.

Women's networks in all forms play a truly significant role in both our society and other global societies. Women's groups are empowering and vital to developed and well-rounded communities and should be universally supported by governments and communities. I wish all the members of the Korean Women's International Network the best of luck in their leadership pursuits. Their contribution has been valuable to the advancement of Korean women internationally and I have the greatest of faith that this will continue to grow with their individual and collective advancement. I particularly wish to congratulate the Oceania-based members of the Korean Women's International Network. They have taken the profile of female Korean leaders to new heights in this region and I am confident they will be as successful in finding and fostering new talent in young Korean women as their sister branches have been internationally.

A few months ago I had the privilege of representing the Premier at the launch of the Korea Local Authorities Foundation for International Relations [KLAFIR] in Sydney. KLAFIR is an organisation sponsored by the Korean government which aims to support regional governments in Korea and to foster relationships with our local government, which I think is equivalent to their regional governments in Korea. They have a number of these international offices around the globe—in New York and Paris, et cetera—and we now have one in Sydney. That speaks volumes for the sorts of relationships and bonds that our nation is forming with Korea, which I think is our fourth largest trading partner. I congratulate the Korean Women's International Network and its Oceania branch and I wish them the best of luck in the future both here and internationally.

MULTIPLE SCLEROSIS

Mrs BARBARA PERRY (Auburn) [4.30 p.m.]: I draw the attention of the House to Multiple Sclerosis Awareness Week, which was held from 30 May to 6 June. It is my intention to use this timely opportunity to urge honourable members towards involvement in that important initiative. Despite ongoing efforts to inform the general public of the facts, there remains a good deal of misperception and lack of proper understanding about multiple sclerosis [MS]. To some degree that can be attributed to the mysterious and complex nature of the illness, which remains incurable. MS is a condition brought on by spontaneous and unprovoked attacks by the body on the coating around nerves, known as myelin, resulting in multiple scars—hence the term "sclerosis" from the Greek word meaning "scars". In short, it is a disease of the central nervous system.

Contrary to popular belief that people with MS ultimately find themselves confined to wheelchairs, 85 per cent will, in fact, never need such a provision. Notwithstanding that, MS affects lives in a wide range of debilitating ways, such as robbing its host of his or her sight, limiting the ability to walk, and wreaking havoc on the bowels and bladder. In keeping with its profoundly unpredictable and elusive pattern of behaviour, MS betrays its presence in an enormous variety of symptoms and has been known to depart as dramatically as it arrives. I know of a woman—once virtually blinded and bedridden, unable to eat anything but porridge for three months due to extreme fatigue caused by the onset of MS—who, within a few short years of recovery, completed a 700-kilometre bicycle fundraising event.

For the most part MS targets youth. It is usually diagnosed between the ages of 20 and 40 and affects three times as many women as men. It is a mysterious phenomena of nature that haunts and plagues our society at will, randomly selecting young people for the most cruel and unusual of afflictions. MS is more prevalent than statistics would indicate as it is not a notifiable disease and thus there are people in our communities, suffering in painful and muted silence, who have not yet come forward. We must help them and we must find a cure. We are at war and, as in any war, the first step is to know thine enemy. In this case ours is a particularly wily and ruthless one. Not only is it crucial that we do all we can to support people with MS but, more important, we must undertake an ongoing and spirited effort to raise money for research.

For years now MS has conducted yearly read-a-thons for the dual purpose of raising funds and injecting our kids with a renewed enthusiasm for reading. It is a most noble and valuable educational event, which I would encourage honourable members to strongly support. But as good as it is, more needs to be done. Since becoming the member for Auburn I have developed a close and deeply rewarding relationship with the Multiple Sclerosis Society of New South Wales, which has a branch in my electorate. I acknowledge that sitting in the gallery today is the chief executive officer, Bill Northcotte, and his assistant, John Roubicek. Bill, John and the staff and volunteers they represent have won my greatest respect for their relentless devotion and hard work as well as for their vision and greatness of heart. It is, indeed, a pleasure for me to honour them in the House and on the record today.

The goal of the Multiple Sclerosis Society is to raise $30 million for research, which I understand will be done primarily in partnership with corporate entities. As a country we are perfectly placed for such efforts as we have significant variances in temperature, as well as a largely homogenous population. That works very much in favour of scientific investigation, as MS is known to be more prevalent in cooler climates and among people of Caucasian or European backgrounds. I am hopeful that the business community will respond favourably to propositions put to them and, once again, I strongly encourage members of this House and this Parliament to give as much assistance as possible to the Multiple Sclerosis Society. I once again congratulate and acknowledge Bill Northcotte and John Roubicek for their fine efforts.

Private members' statements noted.

LIQUOR AMENDMENT (PARLIAMENTARY PRECINCTS) BILL

Second Reading

Debate resumed from an earlier hour.

Mr KERRY HICKEY (Cessnock—Minister for Mineral Resources) [4.36 p.m.]: I agree with the honourable member for Upper Hunter that the bill is drafted in a way that suggests it applies to the whole of Parliament House, including the Chambers. Indeed, the bill introduced by the Deputy Leader of the Opposition

also applied to the whole of Parliament House. However, this bill provides for a Governor's licence to be issued that will allow for selective application of the liquor laws. It is the Government's intent that the bill will not apply to this Chamber or the other place. Rather, the licence will cover the bar areas, the parliamentary dining rooms, functions areas and the bottle shop. The Government will develop these licence conditions in consultation with the Presiding Officers or the Clerks. To achieve the best outcome, the Government will take into account the concerns raised by the honourable member for Upper Hunter.

The provisions in the bill will not affect existing liquor trading arrangements at Parliament House. That means that liquor operations in the dining room, bar areas, and function facilities throughout Parliament House will not be affected, and the provisions will not affect liquor sales. The bill provides a broad regulatory framework for liquor sales at Parliament House. It will be a requirement for bar staff to be trained in the responsible service of alcohol. Another requirement is that statutory signs be displayed where liquor is served and that responsible serving practices be observed. Regulatory measures that apply to licensed venues generally will also apply to Parliament House. The bill also seeks to establish clear protocols to be observed by the Director of Liquor and Gaming should inspectors be required to undertake liquor law compliance operations within Parliament House.

Mr GRANT McBRIDE (The Entrance—Minister for Gaming and Racing) [4.39 p.m.], in reply: I thank honourable members for their contributions to the debate. I commend the shadow Minister, the honourable member for Upper Hunter, for his usual diligence in examining the matter in minute detail and providing the necessary balance to improve the legislation. I always appreciate such contributions. This is important legislation and I appreciate the commitment of the shadow Minister and his willingness to openly debate the issues without prejudice. The licensing arrangements of this place have come under close public scrutiny in recent months and the measures in the bill will bring Parliament House within the scope of the State's responsible serving of alcohol laws.

Since the New South Wales Summit on Alcohol Abuse last year, it has been generally recognised that there can no longer be one set of rules for Parliament House and its members, and another set of rules for the general public. That aim will be achieved through this bill, as it allows for a Governor's licence to be applied to Parliament House. Such a licence will establish the conditions under which alcohol can be sold and served here. A Governor's licence is the most appropriate licence category to apply to Parliament House, which is a unique place. Those types of licences apply to any premises on Crown land, such as Parliament House. Other Crown facilities subject to a Governor's licence include the Sydney Opera House, the Art Gallery of New South Wales, the Royal Botanic Gardens, and The Domain.

The licence conditions will be determined in discussions between officer of Parliament and officials from the Department of Gaming and Racing. The Government is working towards ensuring a seamless transition between the current situation and the introduction of a regulatory framework for Parliament House liquor sales. To do that, the proclamation of the bill will coincide with the granting of the Governor's licence. The bill establishes clear protocols that must be observed by the Director of Liquor and Gaming should inspectors be required to undertake liquor law compliance operations within Parliament House.

These protocols will be established in a memorandum of understanding between the Presiding Officers of the Parliament and the Director of Liquor and Gaming, who is a statutory officer within the Department of Gaming and Racing and therefore has similar powers and responsibilities under the liquor laws to those of the Commissioner of Police. Also, compliance officers operate under delegated authority to undertake compliance inspections and prosecutions under the Liquor Act.

There is currently provision under the Parliamentary Precincts Act 1997 for a memorandum of understanding to be entered into between the Presiding Officers and the Commissioner of Police. That memorandum establishes agreed protocols that police officers must observe during police operations within the parliamentary precincts. The bill allows for a similar memorandum of understanding to be entered into between the Presiding Officers and the Director of Liquor and Gaming, should the need arise, in exceptional circumstances, for the director or his inspectors to enter Parliament House for liquor law enforcement and compliance purposes. Officers from the Department of Gaming and Racing have already begun liaison with parliamentary officers over the development of that memorandum of understanding. The Opposition has been provided with a draft of that document for input into the process, as it is important that these matters be addressed in a bipartisan way.

I turn now to address some of the comments made during the debate. Concern has been expressed that the bill may detrimentally impact on liquor trading arrangements within Parliament House. I emphasise that the

Government is doing everything possible to ensure a seamless transition into the regulatory framework of the liquor laws. Much of the administrative groundwork for the development of a Governor's licence for Parliament House is now being undertaken in anticipation of the passing of the bill, which is essential in providing the mechanism to license Parliament House. Without those changes Parliament House could not be licensed, nor would it be subject to the liquor laws.

One of the licence conditions will involve designating which areas of Parliament House are appropriate to incorporate into the licensed area. For instance, it is not proposed that either Chamber or the offices of members will form part of the licensed area. The bill does not affect the current rights of members within the Chamber, as the Minister does not have the jurisdiction to make such changes. The conduct of business within the Chamber remains the responsibility of the Presiding Officers. Serious consideration is being given to licensing areas where hospitality is traditionally provided and liquor is served publicly. Again, I emphasise that the bill does not seek to drastically alter the way in which liquor is sold at Parliament House. Rather, it changes the regulatory framework under which liquor is sold.

That means that specific offences, such as intoxication and under-age offences under the Liquor Act, can result in a court prosecution, a penalty notice being issued, an official caution, or the issue of a compliance notice. In addition to the offence provisions, a disciplinary complaint can also be taken by police and the Director of Liquor and Gaming on certain grounds, including the breach of licence conditions. A disciplinary complaint can result in the suspension or cancellation of the licence or disqualification of the licensee. Parliament House will need to operate within the conditions of its licence. It will be everyone's responsibility to ensure that the conditions for liquor service at Parliament House are observed. This is a small bill, but it provides a significant and historic change to the way in which liquor is served in Parliament House. I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

FINES AMENDMENT BILL

Second Reading

Debate resumed from 2 June.

Ms GLADYS BEREJIKLIAN (Willoughby) [4.49 p.m.]: I regret that the Coalition has had only about 24 hours to consider the provisions of the Fines Amendment Bill, which amends the Fines Act 1996 in relation to the role of the State Debt Recovery Office as the co-ordinating body in the fine enforcement system, and to make various improvements to the efficiency of the review process. The main objects of the bill include the introduction of procedural provisions relating to fine enforcement orders, community service orders, and periodic detention orders. The bill seeks to clarify that the State Debt Recovery Office has a discretion as to whether it makes a court fine enforcement order on referral of a matter to it by the registrar of a court. It establishes a Hardship Review Board to review applications for extension of time to pay fines and write off fines.

The bill waives State debt recovery enforcement costs for people under 18 years of age—I understand that they are currently $50 per fine. For people under 18 years of age, enforcement actions taken against driving licences are to be restricted to driving or parking offences. Under the bill, the power to annul a fine due to doubt about the liability of the person will shift from the Minister to the State Debt Recovery Office. However, a fine can only be annulled after review by the prosecuting authority. The bill will also authorise the State Debt Recovery Office to disclose personal information about fine defaulters to prosecuting agencies, but only to the extent that the information is reasonably necessary to monitor the status of outstanding fees.

Perhaps most significantly, the bill provides for an extension of the limitation period for taking proceedings to 12 months for offences that currently have a limitation period of less than 12 months, if a penalty notice is issued within the original limitation period and a person elects to have the matter dealt with by a court. While the Opposition will not oppose the bill, I place on record our grave concern about the Government's failures in relation to fine enforcement. Item [12] of schedule 1 amends section 42 of the Fines Act by inserting section 42 (1A), which reads:

> A penalty notice enforcement order may not be made later than:
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> (a) if the applicable limitation period in relation to the offence is less than 12 months—12 months from when the offence was committed or is alleged to have been committed, or
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> (b) if the applicable limitation period in relation to the offence is 12 months or greater—the expiry of that limitation period.

Currently, the statute of limitations for Roads and Traffic Authority offences, which constitute about 80 per cent of all offences, is 12 months. The statute-barred period for road and traffic offences was increased from six months to 12 months on 1 August 2003. That change was made by regulation and bypassed any debate in this place. The amendment to section 42 of the Act change the statute of limitations for all fines from six months to 12 months, except when the statute of limitations is no longer than 12 months. Given what I have just read into *Hansard*, it is important to outline to the House the circumstances that necessitated the initial extension of the statute-barred period for road and traffic offences in August 2003 and the subsequent amendment presented in this bill to deal with the balance of infringement notices. Let the extension of the statute-barred period not be an excuse for continued inefficiency and the prolonging of matters in dispute which are currently experienced in the Infringement Processing Bureau and the State Debt Recovery Office.

I am a member of the Public Accounts Committee, which is currently conducting an inquiry into the Infringement Processing Bureau and infringement enforcement matters. I do not wish to pre-empt the current work of the committee but I place on the record the Opposition's grave concerns and criticisms of the handling of the entire Infringement Processing Bureau. The editorial in the *Newcastle Herald* of 13 February 2003, entitled "A rough passage", highlighted the lack of justification or rationale for moving the headquarters of the Infringement Processing Bureau from Parramatta to Maitland, why sufficient care was not subsequently taken in the business case to ensure that the computer system was able to cope with the many thousands of infringement notices, and why many residents of New South Wales were subsequently forced to respond to infringement notices which did not belong to them or which were incorrect. The editorial stated:

> There was undoubtedly a political motive behind the announcement by Premier Bob Carr in March, 1999, that the agency which collects traffic and other fines would be transferred from Parramatta to Maitland, with the gain of 150 jobs for the Hunter city.
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> The announcement was made just two weeks before a state election and Maitland was the marginal seat the Labor government wanted to win from the Liberal Party. It succeeded in doing so.
>
> But while the proposal was a blatant grab for votes, it was also part of a government scheme to transfer some of its agencies and departments from Sydney metropolitan area to country towns. The 150 jobs pledged to Maitland were among a total 1400 earmarked to regional NSW under this plan.

So from the outset—the editorial is now 18 months old—questions have been asked about the relocation of the Infringement Processing Bureau from Parramatta to Maitland and the subsequent loss of services and, indeed, mistakes that the residents of New South Wales have had to endure since then. The Government has conceded that the huge bungle did not result in $32 million in fines or $32 million of lost revenue as statute-barred cases were recognised. On recent advice received from the Infringement Processing Bureau and the Office of State Revenue, New South Wales taxpayers have lost $41 million as a result of the bungling through the Infringement Processing Bureau: $29 million for statute-barred fines and another $12 million resulting from compensation to be paid—I understand it has not yet been paid—to councils and other commercial clients of the Infringement Processing Bureau. In fact, the mishandling of the infringement enforcement process and the Infringement Processing Bureau has resulted in a loss of $41 million—$29 million in statute-barred fines and $12 million in compensation.

That is the tip of the iceberg in terms of how infringement enforcement in this State has been mismanaged by the Government. Following that, the Treasurer, in acknowledging the bungle, subsequently moved the Infringement Processing Bureau from NSW Police to the Office of State Revenue; and subsequently the Government has made every effort to cover up the incredible mishandling of the matter. It has failed to provide a sufficient explanation of what went wrong and why, and it has failed to give an undertaking that we will not have a repeat of the backlog of fines and mistakes in the future.

So while the statute-barred period for all infringement notices in New South Wales has been extended from six months to 12 months by this bill, the concern is to ensure that this extension does not mean that people might have to wait longer before they receive notice that they have committed an offence. Time and time again members of Parliament receive complaints—I received such a complaint as recently as a few weeks ago—from constituents who receive notices two, three or up to four months after they have allegedly committed an offence. If the statute-barred provision is being extended to 12 months the Government needs to assure the public that this is not an excuse for inefficiency and it is not an excuse for the Infringement Processing Bureau not making its practices more efficient to ensure that infringement notices are produced and sent to the correct perpetrator within a reasonable time frame.

The extension of the statute-barred period should not be used as an excuse to maintain and continue current inefficiencies and mistakes in the system. On that point, I will highlight two examples of New South Wales residents receiving incorrect notices in recent times. The first is Mr Richard Jones, who is referred to in an article in the *Daily Telegraph* of 7 July last year. According to the article, Mr Jones cannot even pronounce the name of the place at which he allegedly incurred the fine. The article had this to say about Mr Jones:

> The Kotara resident was issued with a $4043 enforcement order from the State Debt Recovery Office last week for contravening the Fisheries Act by "driving" on "Murramerang" Beach on December 5, 1996. Mr Jones lived in Canowindra, in the state's west, at the time of the "offence"—as he says, "a hell of a long way from any beach".

That is one example of just how wrong the Infringement Processing Bureau, and subsequently the State Debt Recovery Office, got it. The honourable member for Wagga Wagga will be highlighting many examples, and I hope I have not taken this one from him. It is referred to in an article in the *Daily Telegraph* of 3 July 2003 headed "Brian's 'never been to Narrandera'". The article stated:

> Brian Christian had never been to Narrandera, or even heard of the small Riverina town.

But the state's bungling bureaucratic debt collectors claim he was there on 16 March 1996 and did not pay his taxi fare after getting out of a cab in the town's main street.

> The Terrey Hills man last month was sent a fine for $190 for failing to pay the seven-year-old enforcement order, even though he had never seen it before.
>
> That State Debt Recovery Office even bungled the fine, spelling his street name wrong.
>
> And it had the temerity to threaten to cancel his driver's licence, even though it didn't know the number because the fine had been sent to the wrong Brian Christian.
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> "I don't know where Narrandera is and I certainly haven't been there," Mr Christian told *The Daily Telegraph*.
>
> The SDRO is under sustained criticism for not thoroughly checking its information before sending "final notices" to people to pay fines they never got in the first place for offences they never committed.

As I said, although we will not oppose this bill we have grave concerns about what has occurred in relation to the enforcement of infringement notices in the State. The $41 million already lost in statute-barred infringements and compensation paid to commercial clients is outrageous and should never have occurred. This bill is a good opportunity for the Government to admit it failed the residents of New South Wales and to give an assurance about the steps it has taken to make sure this bungling does not continue.

Residents have a right to expect that infringements will be notified within a reasonable time frame, that mistakes will not be made, and that revenue that should otherwise have been collected and which should have gone into consolidated revenue to pay for New South Wales services is not poured down the drain. We will not oppose the bill but we place on record our utter disgust at the mismanagement of the Infringement Processing Bureau and the State Debt Recovery Office to date.

Mr ALAN ASHTON (East Hills) [5.02 p.m.]: Any of us who represents a lower House seat knows that after council and Department of Housing matters, there is no more significant subject that keeps us busy in our electorate offices than people coming to us with various forms of fines they have received—from driving offences through to parking offences and not paying various penalties. There has been quite an issue over this in the five years I have been the member for East Hills. These things keep us very busy because many people think that if they see their State member they can put forward mitigating circumstances that they feel that either the Infringement Processing Bureau or the State Debt Recovery Office has not taken into account. As State members we are often asked to look into these matters and write letters to the Treasurer to see whether the facts can be re-examined and tested.

One of the earliest such matters I had to deal with as the member for East Hills concerned a chap who was driving in the northern part of New South Wales. He was clocked doing 180 kilometres in a 100-kilometre zone. He came to me because he was told there was a good chance he could get off—there are people in the community who pass on that sort of information! I said to this chap that even assuming the speed camera was out by 20 kilometres an hour, he was still well over the limit. He promised that it was necessary to do that speed at the time because he was on the way to a church service and needed to get there on time. My response was that it could have been a funeral service rather than a church service, and, given that he was going that fast, it could well have been his funeral.

The Fines Amendment Bill might give some people the chance to test their side of the story. On other occasions it may keep away from our doors people we have not met and who just want us to write a reference saying they are good people who would never speed. I take the point made by the honourable member for Willoughby about people with similar names. Unfortunately, there have been a couple of occasions when people have been pursued because their name is exactly the same as an offender's. Like it or not, that is a glitch in any system that is hard to deal with, though it falls on all governments to try to correct that, find the real person who committed the offence, and make sure they pay the fine.

I turn to some of the more significant aspects of the bill. Despite the criticisms of the honourable member for Willoughby, there is good news in the bill for people who have been fined. It makes it clear that people who have been fined have some option to seek redress. The bill follows a 2002 review of the Fines Act. Submissions during the review raised some issues about procedures for the enforcement and recovery of fines. The bill amends the Fines Act to address these issues and to make a number of procedural and administrative improvements. Some of the most important ones I have identified specify the circumstances in which fine enforcement orders may be withdrawn. So, it is possible for a fine that has been issued to be withdrawn. At the moment, once a fine has been issued it is difficult to withdraw it. Once the fine goes to the State Debt Recovery Office there are few ways of withdrawing it.

The bill specifies the circumstances in which fine defaulters may apply for a fine to be written off. In other words, it will set up a regime—I presume under regulations—of how and in what clearly defined circumstances fine defaulters may have their fines written off. The bill will also require the State Debt Recovery Office to notify fine defaulters of the review options available. My electorate does not have many people of non-English-speaking backgrounds, but in Liverpool, Bankstown, and parts of Auburn many people cannot read all the English words and the technical jargon about the fines they have received, and they have to take them to relatives to explain.

The bill provides for a clearer notification system, which gives people a better idea of the options available. At present the options are to pay the fine or go to court. Sometimes people think they have a good case, but if, for example, they are self-employed and go to court to contest a $60 fine, it will cost them about $400 in lost wages and time. Any step we can take to give people more options under the review process is to be commended. The bill will also simplify the process for an annulment of a penalty notice enforcement order, including removing the application time limit. It will also provide for an additional review of fines by the issuing agency in some circumstances. A great concession provided by the bill is the establishment of the Hardship Review Board to provide for the additional review of some State Debt Recovery Office orders.

As I have said, we know that there are serial offenders when it comes to illegal parking and speeding who do not pay a whole raft of fines. Penalties are imposed for very good reasons. All governments and all councils have to have a regime of fines if people do not do the right thing, because they are not doing the right thing by their fellow citizens. If they park all day in a four-hour zone so they can catch a train to the city, they are stopping maybe three or four other families using that parking space. Someone who has just been unemployed and then been employed could have a fine at least reviewed—I am not necessarily saying waived.

The bill improves the fine enforcement procedures. The major changes are to make enforcement action taken against persons aged under 18 years more appropriate, and to reduce and waive enforcement costs incurred by minors. I do not take the view that everybody with their feet on a train seat is a potential lifelong criminal who needs to be fined hundreds of dollars. Recently two constituents of mine alighted at Sutherland railway station and lit up a cigarette in the uncovered area of the steps leading to the top of Sutherland railway station, and they then walked about four or five metres into the covered area. They were then grabbed by undercover officers who hit them with a $400 fine, which is a fair whack. They are the sort of people who make representations to local members, and such cases may be appropriate for waiving enforcement.

The limitation period for certain action to recover and enforce fines will be extended to 12 months, to prevent processing delays resulting in a loss of revenue. I appreciate that some people could say that that gives departments a greater period in which to receive the money from the fine. If the honourable member for Willoughby ever has the chance to be in government she will want her Government to receive revenue from fines. But she should not be too ambitious; Kerry and about 18 others I can mention thought they would soon be in government. I would rather have a couple of dollars on Labor winning the Government benches in Canberra.

In addition to the avenues provided in the bill, members who are convinced that their constituents have a fair case will write to the Treasurer to ask him to exercise his discretion. The fine might still have to stand but

the review process could take a period of months, and the increased time allowed might be of assistance in such cases. I agree with one point the honourable member for Willoughby made. A constituent, a surgeon, came to see me about his wife, a psychiatrist, who received three speeding fines within three or four weeks. The husband was more concerned than the wife. The wife had been detected speeding by a red light camera and the husband was concerned that because the process was not quick enough the wife was not learning the lesson. I presume that the husband was saying to her, "Dear, you have to slow down a little."

We do not yet have a system that can instantly inform the offender about the fine. The message for people is that if they continue to speed they will get caught and they may well receive a string of fines. In such cases they should not bother coming to see their local member or seeking a review. They will receive no solace, because if they have committed so many offences they deserve to be fined. I congratulate the Treasurer on introducing the bill, and I commend it to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [5.16 p.m.]: The Fines Amendment Bill is a result of nine long years of mismanagement of the State Debt Recovery Office by the Government. I clearly recall speaking in this House about the recovery of fines and an event that happened to a Dr Clayton Barnes. I was listening to an ABC radio discussion with Dr Barnes about his having received an infringement notice for "standing contrary to notice" in William Street, Port Macquarie, on 9 January 1990. It was only last year that I raised the matter in this House, so it had taken that long for Mr Barnes to receive his infringement notice. Mr Barnes wanted to defend the matter and was told he would have to pay a $50 application fee to the court and go to Port Macquarie to defend himself. The ABC set a challenge to me and said that this was an issue for his local member. Following that radio interview and newspaper interviews, a whole raft of people came forward with similar complaints about the mismanagement of the collection of fines by the State Debt Recovery Office.

Mrs Janice McKenzie received a parking fine for a car that was not registered in her name in 1984. Mrs McKenzie was from West Wyalong but she featured in an article in the *Daily Telegraph*, the newspaper that the honourable member for East Hills says that no-one reads. Quite clearly the Treasurer read it. The article was headed "Fine Fiasco: How it takes 19 years to issue a parking ticket". As a result of that there were several more headlines in the *Daily Telegraph*. I have kept them all, being as interested in this issue as I am. Another article was headed "Carr Chases Dog: Fine fiasco gets even more insane". The article is about Sam—a 13-year-old kelpie cross that was the latest victim of the Carr Government's desperate grab for cash—having been issued with a fine. It is laughable. A fine was issued for, apparently, a tractor registered to a TAFE college at Port Macquarie speeding along a Sydney highway at 120 kilometres an hour. A Datsun 120Y was also recorded as travelling at a ridiculous and improbable speed.

An editorial headed "Govt chases 'historical' traffic fines" details some of the absurd events that have occurred under the watch of this Treasurer and his department. As a result of that editorial many people contacted my office and I responded to them all. I understand that a special fax number was established for members of Parliament because of the number of complaints they were receiving about the State Debt Recovery Office's bungling. This legislation is designed to help people like those who have written to me, such as David McWilliam, who was fined for an offence committed in Sydney when he was in Wagga Wagga, which he could prove. I received a fine for travelling across the Sydney Harbour Bridge without paying the toll. I was in Sydney on that day, but my car was safely parked at the Wagga Wagga airport. I had my airline boarding pass to prove it, but I had to take on the bureaucracy to prove my innocence. At the time I asked how many other people had to go through the process of proving that they were not at a particular place at a particular time or that they did not own the motor vehicle concerned and so on. This bungling has caused great frustration.

I have correspondence from David Rutland of Wagga Wagga, who supposedly committed an offence in Broadmeadow, and from Kevin Lindsay Mitchell, who supposedly disobeyed a stop sign on Old Barrenjoey Road, Avalon, though he has never been there. The owner of a little runabout that could not travel in excess of the 60-kilometre-an-hour limit in Wagga Wagga was stunned to receive a fine. Such was the madness that engulfed the State Debt Recovery Office. I have numerous letters, which I will make available to honourable members, that highlight how difficult it is for people to be heard. If this legislation assists them it will be a good thing. The owner of a car hire company wrote to me in the following terms:

> It is with reluctance that I write to you about the inflexibility I am experiencing from the State Debt Recovery Office. On the 5th February 2004 I received enforcement order … for $253.00 from the State Debt Recovery office for an offence committed on 24 August 2003. This was the first notice that I received of the offence.

This is not the only example brought to my attention of motorists having problems with first notices. Of course, the bureaucrats claim that notices are posted to the correct addresses. I do not believe that all my constituents are

fibbing; they know that when they complain to a member of Parliament they are obliged to tell the truth. The letter continues:

> The order was due for payment on Sunday 8 February 2004. As I am the proprietor of a … Rental Vehicle Franchise owning approximately 180 vehicles, it is important that we are given the opportunity to complete a Statutory Declaration nominating the actual driver at the time of the offence. As the original Penalty Notice was not received, the offence was referred to the State Debt Recovery Office. We are now being denied this option, despite the completion of two Statutory Declarations nominating the driver.
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> I was shocked on the 14 April 2004, during one of my many phone calls to the SDRO to learn that I also had 8 previous outstanding offences dating back to 22 March 2002.
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> As this verbiage was the first notification I had received, I requested and have now received the enforcement notices. However, as in the previous instance I do not have the option of nominating the actual driver.
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> I am not disputing that the offences occurred, but I would like the opportunity to nominate all the drivers in charge of the vehicles at the time of the offences. I have made inquiries at Australia Post to ascertain if and why this mail may not have been received by me. Advice has also been received from the Chamber Magistrate in Wagga Wagga.
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> The options now available to me are to pay the fines totalling $1,974.00 which could accumulate sufficient points to cause my licence cancellation or, alternatively, pay an additional $50.00 per enforcement order to have the matters heard at a court nearest to where the offences occurred.
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> Based on the fact that I have not received prior notices for these offences and that the vehicles involved in the offences were all rental vehicles, I need to be able to nominate the driver/renter. I appeal to you to help find a satisfactory way to resolve the issue currently confronting me.
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> Due to the number of vehicles in our fleet it is a common occurrence to receive penalty notices for various offences incurred by vehicle renters. Our staff deal with these notices promptly when these notices are received.
>
> I am enclosing copies of the enforcement orders as outlined together with copies of Statuary Declarations already forwarded by me to the State Debt Recovery Office.

If this legislation helps constituents like this man and the others I have mentioned today, it will be a positive step. However, I do not know whether the problems in the State Debt Recovery Office will ever be resolved. It has had problems since it was moved. The *Daily Telegraph* has published many articles about the bungling of the Minister and this office. This should not have happened. Mrs Janice Mackenzie, Mr James Morris, Ms Judith Richter and others should not have had to go to these lengths to prove their innocence.

I understand that a committee is inquiring into the problems at the State Debt Recovery Office. I also wrote to the Auditor-General suggesting that he visit the office again to ensure the protocols are being adhered to and best practice is being employed. People have had a gutful of this Minister's mismanagement. He has been forced by the *Daily Telegraph*, the ABC and others to introduce legislation to address these problems, but it has taken nine years. I wonder how many more people like Dr Barnes have paid fines rather than take on the bureaucracy. I am sure that many other people have decided it is too difficult and have simply written a cheque. How much money has this Government taken under false pretences because parking fines have been issued inappropriately? The Government must do its job more effectively and it should review the technology used to record offences.

I say to the department: if parking police are to issue fines, the department should get the numbers right. It is as simple as that. The Minister responsible should ensure that other aspects are also addressed, including the way in which infringement notices are issued. A person who commits an offence may not receive notice of the infringement for 12 months. The department needs to lift its game, and the Minister must ensure that best practice is adhered to. I place a lot of trust in the Auditor-General and the reports he brings down. The Auditor-General must ensure that the department gets its act together and complies with best practice, and delivers to the people of New South Wales the outcomes they deserve.

Mrs JUDY HOPWOOD (Hornsby) [5.30 p.m.]: In speaking to the Fines Amendment Bill I wish to illustrate one example of a fine that I regard as ludicrous in the extreme. Coalition members who have contributed to the debate have highlighted many of the issues regarding fine enforcement by the State Debt Recovery Office about which the residents of my electorate have also expressed concern. The example I raise relates to Mr Simon O'Neill, an avid bike rider, and his experience in taking his foldable bike onto a train. Recently Mr O'Neill wrote to me as follows:

> I am a regular train commuter between Hornsby and Redfern stations during the week and have done so for the past three years. I catch the 6:15 train from Hornsby arriving at Redfern at 6:44am—this is an intercity express train from Gosford.

Three years ago I researched the feasibility of using a folding bicycle to commute to Hornsby station and from Redfern to my work in Alexandria. I rang the CityRail info line and inquired about using a folding bicycle and was told that it would not require a fare if it is folded on the train. I then asked the staff at Hornsby station and was told no problems. I have commuted everyday on this bicycle with no problems. Occasionally I have been asked by CityRail staff to show a bike ticket but when I have let them know and demonstrated that it is a fold up they have let me pass with no problems.

My bicycle is always folded on the train and I have even demonstrated it in the baggage compartment to transit police when being asked to show my ticket. When I alight from Redfern station I unfold it on the platform and wheel it from the station. For three years I have never had a problem and always met pleasant and courteous staff.

Imagine my surprise at 6:50am on the 30 April 2004 after one hell of a train journey when I was fined $200 for travelling without a valid bike ticket. I explained to the transit officer that my bicycle was a fold up, I had used it for the past three years and the CityRail info line as well as the staff on the gate had no problems with it. I also mentioned the fact that it fits onto a shelf in the baggage compartment. On this particular day the carriage door was also stuck open and I spent my trip freezing in the baggage compartment, my bicycle if left unattended could have fallen out of the train!

I explained all of this to the transit officer who was very rude and disinterested. He was getting very agitated and threatened to arrest me and remove me from the station if I kept questioning his authority. He puffed his chest out and told me that he was the law and a bike is a bike. I wanted to get his name but thought better of it as he and his partner looked like a couple of heavy handed thugs outside of a nightclub.

On my arrival at work I immediately rang the CityRail complaints number that I obtained from the website and explained what had happened. The person at the info line then told me that her information about folding bicycles was that they were free during peak hours because they were classed as baggage. She even went as far as telling me that if the front wheel was removed on a normal bike it also did not incur a fare. This was exactly what I had been told previously by CityRail staff. I therefore thought I was not breaking any law.

Just to be sure I again rang the 131500 complaints line and was told the same thing and that I wasn't really speaking to CityRail! Apparently the 131500 number is a call centre acting on behalf of CityRail and that I would be contacted by a CityRail employee sometime in the future. I also reported the jammed open door on the carriage and mentioned that at Strathfield people were jumping onto the train as it was moving along the platform. I gave the carriage number so this is on record.

That night I went to see the Station Master at Hornsby station who was very helpful. When I told him what had happened he had to check the CityRail rule book himself as he was surprised that I had been fined. He also was under the impression that folding bikes were classed as baggage and promised to ring Central station and get some information for me if I came back the next day.

I returned the next day and was told that my bike had to be in a bag before I entered the ticket gate and could not be unpacked until I had left the station. I therefore cannot wheel my bike out of a station and have to carry it. The KHS Westwood folding bike with lights and rack for commuting weighs in at 14kgs plus backpack, lunch and work clothes.

Redfern station has no elevator and I must climb the slippery when wet stairs with two very heavy bags and cleats on my shoes. My bag hurts and I am more exhausted getting out of the station than commuting on the bike. It is also very dangerous as it is very easy to slip over due to the imbalance and bulk of carrying the bike folded. If something is heavy and has wheels normally you would push it, not apparently if you deal with CityRail!

I purchased my folding bike for several reasons, to save $22 dollars a week which adds up at the end of the year, it folds up small and therefore does not inconvenience fellow rail commuters, in a time when our roads are clogged with cars and 60% of Australians are overweight or obese I am fit and healthy. Many people have asked me about my bicycle and I have been more than happy to tell them of its benefits, where is the incentive now? If you are elderly or not strong enough to carry a fold up along a platform and up a flight of stairs forget it. You may as well use a full sized bike and inconvenience everyone on the train. This government talks about getting more Australians active, minimising car usage and attracting people back to public transport yet we have this ridiculous situation with CityRail.

Folding bicycle technology has got to the stage that they take up less room than a suit case and are a great solution to decreasing car usage as well as improving peoples fitness. When used in conjunction with public transport they offer endless possibilities for commuting to work and should be encouraged unlike the archaic attitude of CityRail management. When this incident occurred I honestly thought why bother just go back to using the car as has been the case of many former rail commuters after the train driver debacle. As a bicycle commuter I can honestly verify this due to a marked increase in traffic since the recent problems in CityRail. I have decided to keep using the train despite the very real possibility of injuring myself at the train station. The benefits of cycle commuting far outweigh driving to work. I am extremely fit and arrive to and from work unstressed, happy with a feeling of having achieved a good daily amount of exercise.

The use of fold up bicycles should be encouraged by CityRail as they benefit everybody. It is time that CityRail saw itself as a very real solution to minimising the congestion on Sydney's roads and improving the quality of life of Sydneysiders by making the usage of bicycles attractive during peak hours. At the moment the rail system is an unreliable joke and raising revenue through indiscriminate fining of commuters is not the way to attract them back to public transport. How many other bicycle commuters have been given the wrong information by CityRail staff only to find themselves two hundred dollars poorer and wondering why they didn't drive the car to work?

I hope this matter can be sorted out for Sydney's sake. If our rail network with its present attitude cannot get its act together we have no hope.

I have made representations to the Minister on Mr Simon O'Neill's behalf. His foldable bike, of which I have a photograph, is just like a piece of baggage. He should not have been fined the $200-odd for taking it onto a train. He can obviously prove that it is a foldable bike. By unfolding it and wheeling it through the station

barriers, he was fined. I urge the Minister, in association with the review of the Fines Amendment Bill, to give consideration to reversing Mr Simon O'Neill's fine.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [5.38 p.m.], in reply: The Fines Amendment Bill improves the operation of the fines enforcement system. The Fines Act was introduced by the Government in 1996 as a major reform of the fine enforcement system. Prior to the commencement of that Act, the integrity of the fine enforcement system was threatened by a large number of unpaid fines and a growing debt to New South Wales. Of greater concern was the number of people imprisoned for defaulting on the payment of fines, either because they were unable to pay the fines or they sought to avoid their obligation to pay. The 2002 statutory review highlighted a number of issues, which are incorporated in the bill, a number of improvements to the Fines Act in relation to the treatment of juveniles and the codification of many practices already undertaken by the State Debt Recovery Office. This includes the opportunity for fine defaulters to take issues to a hardship review board, and to be more aware of their rights, as well as a number of other changes, including expanding the circumstances in which enforcement orders can be withdrawn.

In relation to the extension of the limitation period for fines not already 12 months old, these are extended if a penalty notice is issued within the original limitation period and a person has not been dealt with in court. It should be noted that the onus remains on the relevant agency to issue the notice within the applicable period. In relation to the Infringement Processing Bureau [IPB], there are a number of important steps this Government has taken. First, we identified the inconsistency of procedures between the State Debt Recovery Office [SDRO] and the IPB, as the IPB is a source of 80 per cent of fines administered by the SDRO. This concern has been addressed in part by the transfer on 1 October 2003 of the IPB from NSW Police to become a part of the SDRO. This move has improved the administration of fines in New South Wales, and further improvements will continue to be made.

As a number of honourable members have stated, problems occurred following the move in September 2002 of the IPB from Parramatta to Maitland. Following the loss of experienced staff and the introduction of a new fines processing system, a backlog of infringement processing built up during 2002-03. Because the IPB was unable to process the penalty notice or infringement notice fines within the statutory limitation period of six months, $32 million in revenue was lost in that year. The Treasurer wrote to the chairman of the Public Accounts Committee asking that the committee inquire into the relocation of the IPB and the implementation of its computer system. That inquiry is currently under way, and I think the honourable member for Willoughby is a member of that committee. In relation to open accountability, I read onto the record a letter that was sent from the chairman of the Public Accounts Committee to the head of the SDRO, with attention to the head of the IPB:

> I am writing on behalf of the Committee to express our appreciation to you, Ms Evans and the staff of IPB for assistance given throughout its inquiry.
>
> The Committee is particularly grateful that you arranged for the IPB building at Maitland to be made available for our inspection. The Committee found this tour to be especially informative.
>
> The Committee would also like to congratulate OSR for the decisive actions taken to address the problems within IPB. As a result of these actions, the Committee now have confidence that the operations of IPB are being appropriately monitored and controlled, and, therefore, that any future threats to IPB's service delivery will be properly managed.

That is how the Government is addressing accountability: getting a committee of the Parliament to address it. The committee is quite happy with the progress that is being made. The transfer of the IPB from NSW Police to the SDRO, under the umbrella of the Office of State Revenue, allowed greater co-ordination of fines processing and recovery, and utilised the expertise of the Office of State Revenue in revenue collection. The Government also provided the IPB with additional recurrent funding of $4.341 million in 2003-04, which was used to employ an additional 25 permanent staff and 36 temporary staff, taking the total number of staff at Maitland to 300 full-time equivalent. Funding of $5.149 million was also provided by the Government to upgrade the computer system used by the IPB to process fines. As a result of these initiatives, the rate at which infringement fines became statute-barred fell substantially from $4.8 million in the first six months of 2003-04 to approximately $150,000 per month currently. The Government is taking action on the limitation period to make sure that the problems do not occur in the future. This bill improves the operation of the Fines Act in New South Wales. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Divisions and Quorums: Suspension of Standing and Sessional Orders

Motion by Mr Carl Scully agreed to:

That standing and sessional orders be suspended to provide at this sitting until the rising of the House no divisions or quorums be called.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

(1) That the House at its rising this day do adjourn until Friday 4 June 2004 at 10.00 a.m.

(2) That, unless otherwise ordered, the House at its rising on Friday 4 June 2004 do adjourn until Tuesday 22 June 2004 at 11.00 a.m.

POLICE AMENDMENT (SENIOR EXECUTIVE TRANSFERS) BILL

Bill introduced and read a first time.

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [5.44 p.m.]: I move:

That this bill be now read a second time.

The Police Amendment (Senior Executive Transfers) Bill replaces the current restrictive police senior executive service [PSES] permanent transfer arrangements in the Police Act 1990 with the more flexible provisions of the Public Sector Employment and Management Act 2002. The bill makes it clear that the merit appointment provisions of section 39 of the Act do not apply to transfers. It provides that an unattached senior executive service officer is regarded as holding an equivalent position in NSW Police for the purposes of any provision of the Police Act dealing with the permanent appointment of members of NSW Police. The bill prevents an officer removed from a senior executive service position from seeking compensation from the Statutory and Other Offices Remuneration Tribunal when he or she consents to a transfer at a lower level of remuneration.

The Commissioner of Police has far less flexibility than other public sector chief executive officers [CEOs] in permanently transferring senior executive officers to other positions. CEOs from most public sector agencies have authority under the Public Sector Employment and Management Act 2002 to permanently transfer an appropriately qualified officer to another position or other employment within the agency, following consultation with the officer. The transfer may be to a position or employment with lower remuneration, if the officer consents. The commissioner can transfer a senior executive service officer from one executive position to another with the same remuneration, if the transfer is considered to be in the interests of NSW Police. However, the commissioner cannot transfer the senior executive service officer to a lower remunerated position, even with the officer's consent. Similarly, the commissioner cannot transfer an unattached senior executive service officer. Existing transfer provisions allow transfers only between positions and unattached officers do not occupy positions.

Further, when the commissioner removes an officer from a senior executive position, he cannot return that officer to another position within NSW Police, unless the officer was appointed to a PSES position before 1 December 1996 and has maintained a right of return. Again, the commissioner cannot provide alternative employment for officers who, for personal reasons, may wish to leave a senior executive position or take up a lower remunerated senior executive position. A police officer who ceases to be a senior executive officer cannot apply to return at a senior non-executive level. The officer can only apply to return at constable rank and return to a higher non-executive position through the merit-based promotion process. This differs from arrangements for former senior executive service officers in the public sector who can apply and compete for any available public sector position.

Policing is highly specialised and police in senior executive positions have in the past enjoyed lifetime careers with NSW Police. By the very nature of a specialised career in policing, it is harder for these officers to take up other employment in the public sector. At the moment officers who join the senior executive service

may no longer have a policing career if they cease to be a senior executive service officer for any reason. This may be a disincentive for qualified applicants. Under the existing arrangements, NSW Police lose the valuable experience of officers who are unable to return to another policing position. The bill will remove the current provisions of section 60 of the Police Act, which restrict the transfer powers of the commissioner. With the restriction gone, the provisions of section 87 of the Public Sector Employment and Management Act will automatically apply to the permanent transfer of senior executive service officers.

The Commissioner of Police will then have the discretion to offer senior executive officers a permanent transfer to an appropriate non-SES position or to another SES position of equal or lesser rank or remuneration. The merit appointment provisions of section 39 of the Act will not apply to these transfers as transfers are a distinct form of appointment. Similarly, the integrity checking requirements of that section will not apply to SES officers who have already gone through that process and are simply being transferred to another SES position in NSW Police. The amended section 60 will apply the variation in remuneration of transfer provisions of section 89 of the Public Sector Employment and Management Act.

These make it clear that SES officers can be transferred to positions where they are paid by salary and receive benefits such as the compulsory superannuation scheme that attach to that position, rather than the total remuneration package structure that applies to SES positions. It also prevents officers from appealing to the Government and Related Employees Appeal Tribunal where an SES officer is appointed to a position by way of permanent transfer. The bill also amends section 53 of the Police Act to be consistent with section 78 of the Public Sector Employment and Management Act. This prevents a removed SES officer from seeking compensation from the Statutory and Other Offices Remuneration Tribunal when he or she consents to a transfer at a lower level of remuneration.

Section 77 (3) (c) of the Public Sector Employment and Management Act provides that an unattached SES officer holds an equivalent, though notional, executive position in the agency from which he or she was removed, for the purposes of eligibility for permanent transfer and merit appointment. This makes it clear that they are regarded as attached to the agency for particular purposes. The bill will make corresponding changes to section 51 of the Police Act to provide that an unattached police senior executive service officer is regarded as holding an equivalent, though notional, position in NSW Police for the purposes of any provision of the Police Act dealing with the permanent appointment of members of NSW Police. The Police Amendment (Senior Executive Transfers) Bill will attract more skilled and experienced officers into positions in the police senior executive service and help ensure quality leadership throughout NSW Police. I commend the bill to the House.

Debate adjourned on motion by Mr Peter Debnam.

COMMERCIAL AGENTS AND PRIVATE INQUIRY AGENTS BILL

Bill introduced and read a first time.

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [5.53 p.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Commercial Agents and Private Inquiry Agents Bill. This bill is based on the national competition policy review final report into the Commercial Agents and Private Inquiry Agents Act 1963, which was released in November 2003. The report made significant recommendations, many of which have been included in this bill. Members are well aware that the national competition policy reform program aims to promote and maintain competition in order to increase economic efficiency and community welfare while continuing to provide for consumer protection. The review considered these principles in examining the objective of government regulation of commercial agents and private inquiry agents, as well as whether regulatory intervention is still justified; the impact of the current legislation on competition within the industry and the costs and benefits of the legislation; and whether the Government's objectives can be met by any less restrictive mechanisms.

The Commercial Agents and Private Inquiry Agents Act 1963 commenced operation on 1 July 1963. The Act establishes the regulatory framework for commercial agents and private inquiry agents. Prior to 1963 only private inquiry agents were subject to a licensing regime. In 1985 the Commercial Agents and Private Inquiry Agents Act 1963 was amended to remove security agents from the definition of "private inquiry agent"

and place them under separate legislation. This legislation has remained substantially unchanged since 1985. Licences for commercial and private inquiry agents have previously been issued by the Local Court after consulting with police. This will no longer be the case. Police will now administer the licensing of commercial and private inquiry agents. In New South Wales approximately 3,000 licences are issued to agents and subagents. The objectives of the bill are to protect the public in relation to private agent activities such as process servers, debt collectors and those engaged in repossession of goods, surveillance of persons and investigation of persons.

The bill will also provide for the licensing of persons carrying out, and persons carrying on, business in relation to commercial and private inquiry agent activities; establish standards to be observed by licensees in relation to their activities, as well as ensure that licensees are accountable for their acts and omissions; and repeal the Commercial Agents and Private Inquiry Agents Act 1963. Licences will now be issued by NSW Police for business owners, master licences and employees of such operative licences who undertake commercial agent or private inquiry agent activities. These are defined in clause 4 as activities that involve acting as an agent for another person or company by providing services of debt collection, process serving, repossession of goods, investigation of persons, or surveillance of persons, unless specifically exempt. Exemptions from the requirement to be licensed are essentially the same as in the 1963 Act to include police and other public servants of New South Wales and the Commonwealth, lawyers, company auditors, persons who are employed by insurance companies and insurance loss adjusters, and bank employees.

This legislation is not intended to cover all persons who undertake such activities, only agents who do so on behalf of others for a fee. The licensing system also specifically provides for a probationary licence for newly licensed operators. The bill sets out the classes of persons who are ineligible for a licence, including persons convicted of specified offences, non-citizens who are prohibited from engaging in employment in Australia, and persons who do not have appropriate experience or are unqualified or untrained. Specific provisions for debt collectors are also included in order to regulate record keeping and the collection and distribution of moneys collected by these agents. The provisions contained in schedule 2 to the bill that deal with trust accounts, record keeping and receivership in relation to debt collection are based on similar provisions in the Property, Stock and Business Agents Act 2002.

The bill also provides that discretionary licensing determinations are reviewable by the Administrative Decisions Tribunal and that a register of licence holders is to be kept by the Commissioner of Police and accessible by the public. The bill also makes it an offence to employ unlicensed and non-eligible persons, harass persons in the collection of debts from them, fail to produce a licence on request by an authorised officer or a person with whom the licensee is dealing, and obstruct authorised officers in the carrying out of their duties. The bill provides powers for authorised officers to obtain documents relating to the activities of the business, enter licensees' business premises under strict circumstances and provisions that enable search warrants to be obtained. There are also important consumer protection measures contained in the bill that provide that licence holders must display and provide licences so that the consumer is aware of the bona fides of the agent. I commend the bill to the House.

Debate adjourned on motion by Mr Peter Debnam.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr John Watkins agreed to:

That standing and sessional orders be suspended to permit the introduction, and progress up to and including the Minister's second reading speech, of the Child Protection (Offenders Prohibition Orders) Bill, notice of which was given this day for tomorrow.

CHILD PROTECTION (OFFENDERS PROHIBITION ORDERS) BILL

Bill introduced and read a first time.

Second Reading

Mr JOHN WATKINS (Ryde—Minister for Police) [6.00 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Child Protection (Offenders Prohibition Orders) Bill. The bill realises a key commitment in the Carr Government's 2003 child protection policy—Child Sexual Abuse: Labor's Plan to

Protect Children. Preparation of the bill has been a collaborative effort between the Attorney General and Police portfolios, and will be jointly administered by the Minister for Police and the Attorney General. The bill will enable police to apply to the Local Court to prohibit a registrable person under the Child Protection (Offenders Registration) Act 2000, from engaging in specific behaviour when, on the balance of probabilities, there is a reasonable cause to believe that the person poses a risk to the sexual safety or the life of a child, or to children generally.

The Carr Government has a proud child protection record, unequalled by any government in the history of this country. In fact, child protection initiatives by this Government, in particular the establishment of the New South Wales Child Protection Register, have been a model for jurisdictions Australia-wide. The Government has pursued its child protection agenda with the support of the people of New South Wales, and the creation of child protection prohibition orders by this bill will offer further protection to our State's children. In recognising the recidivist nature of paedophile offending, the Carr Government has already introduced significant legislation which imposes certain restrictions on child sex offenders after their release into the community.

This bill recognises the special risk that child sex offenders and other violent offenders against children may still pose after they are released back into the community. Child protection prohibition orders are intended as a means of managing offenders of the highest risk to children. By prohibiting high-risk offenders from specified conduct previously shown to be a precursor to offending, a child protection prohibition order will help prevent further serious offences before they are committed. If police have reason to believe, based on their intelligence about a registrable person and their knowledge of that person's previous offending behaviour, that the person may be engaging in conduct that is likely to pose a risk to a child or children generally, they will be able to apply to the Local Court for a order prohibiting that person from specific kinds of behaviour.

For example, a registrable person may be seen at a local swimming pool teaching a seven-year-old child to swim. On the face of it, there may be nothing wrong with such behaviour. But if on a prior occasion this kind of conduct by that person led to a sexual assault against a child of a similar age and of the same sex, it would be appropriate for police to consider whether they should apply for a prohibition order against this person. Another example would be that of a registrable person who may regularly deliver produce to a school canteen. Again on the face of it, there may be nothing wrong with this. But if that person has a history of offending against children that they have gained access to when making these sorts of deliveries, then an order may be necessary to prevent that person gaining access to children in this way. In determining whether to apply for orders, police will need to conduct risk assessments of the person concerned to establish whether the person's current conduct, in conjunction with his or her previous convictions, is likely to pose a risk to children. This has the function of putting the offender's behaviour, which might otherwise appear normal, into a relevant context.

I will now outline the key provisions of the bill. The bill will create child protection prohibition orders [CPPOs] to prohibit registrable persons within the meaning of the Child Protection (Offenders Registration) Act 2000 from engaging in specified conduct when, on the balance of probabilities, there is reasonable cause to believe that the person poses a risk to the sexual safety or life of a child. Registrable persons are those whom a court has found guilty and sentenced in respect of certain serious offences against a child, including the murder of a child, offences involving sexual intercourse with a child, the persistent sexual abuse of a child and certain kidnapping and indecency offences. As at the end of May 2004 a total of 1,500 offenders had been placed on the register; of these, 971 registered persons are currently in the community and 56 are absent from New South Wales. The bill will allow police to apply to the Local Court for a child protection prohibition order against a registrable person.

Clause 5 of the bill provides that the court will be able to make such an order if it is satisfied that there is reasonable cause to believe, having regard to the nature and pattern of conduct of the person, that the person poses a risk to the lives or sexual safety of one or more children, or to children generally. This will be a civil test, relying on the balance of probabilities that the person poses such a risk. The court will also need to be satisfied that the making of the order will reduce the risk posed by the registrable person to a child, or to children generally. A child protection prohibition order may prohibit conduct such as contact with specified persons or kinds of persons, being in specified locations or kinds of locations, engaging in specified behaviour, and being in specified employment or employment of a specified kind.

The bill allows for an order to be made against an adult registrable person for a period of up to five years, and against a young registrable person for up to two years. Contravention of an order will be a criminal offence and carry a maximum penalty of 100 penalty units or imprisonment for two years, or both. Clause 7 also

provides for interim child protection prohibition orders if it appears to the Local Court that there is a need to prevent an immediate risk to the lives or sexual safety of one or more children, or to children generally. An interim order may be made by the Local Court in the registrable person's absence and whether or not the registrable person has been given notice of the proceedings. If an interim prohibition order is made by the Local Court, the court must issue a court attendance notice requiring the registrable person to attend the court for a further hearing of the matter as soon as practicable after the interim order is made. In determining whether to apply for an order or an interim order against a registrable person, NSW Police will need to assess the risk of that person's conduct in the context of their past offending behaviour or established modus operandi.

Other government agencies may hold vital information which would be relevant to the risk posed by a registrable person. For this reason, clause 16 allows the Commissioner of Police to direct other government agencies to provide information relevant to the assessment of the registrable person's risk to the lives or sexual safety of children when determining whether to apply for, or when applying for, an order or interim order. This provision is similar to the existing powers of the Commission for Children and Young People to compel other government agencies to provide information relating to the safety of children under section 14A of the Commission for Children and Young People Act 1998. Government agencies will not be required to give information that is subject to legal or other professional privilege. Clause 14 provides that proceedings for applications for child protection prohibition orders must be heard in the absence of the public, unless the court specifically permits persons other than the parties to the proceedings, or their legal representatives, to be present.

The bill provides for a range of important safeguards to be considered by a court when determining whether to make a child protection prohibition order. Clause 5 (3) provides a comprehensive set of factors that a court is to consider when determining whether to make a prohibition order against a registrable person, including the seriousness of each offence with respect to which the person is a registrable person; the period of time since those offences were committed; the age of the person when those offences were committed; the age of each victim of the offences when they were committed; the difference in age between the person and each such victim; the person's present age; the seriousness of the person's total criminal record; the effect of the order sought on the person in comparison with the level of the risk that a further offence may be committed by the person; to the extent that they relate to the conduct sought to be prohibited, the circumstances of the person, including the person's accommodation, employment needs and integration into the community; and any other matter the court thinks fit.

Clause 9 requires the court to ensure that all reasonable steps are taken to explain to the registrable person their obligations under the order and the consequences which may follow if they fail to comply with the order. Further safeguards are provided in relation to orders against juveniles, requiring the court to be satisfied that all other reasonably appropriate means of managing a young registrable person's behaviour have been considered before the order was sought. The court must also consider the educational needs of a young registrable person in determining whether to make an order.

The bill also limits the power of the Commissioner of Police to delegate responsibility for the function of applying for an order against a young registrable person to the member of NSW Police who has responsibility for child protection matters, or the person performing that role in his or her absence. This is currently Superintendent Kim McKay, the Commander of the Child Protection and Sex Crimes Squad. A registrable person subject to a prohibition order has a right of appeal under Local Court legislation. In such appeals relevant legislation usually operates to stay the operation of an order until the appeal is heard. Clause 15 of the bill provides that in any appeal made in relation to a child protection prohibition order, the order will remain in force until the outcome of the appeal is determined, unless otherwise ordered by the court.

The bill also provides for the Local Court to make a prohibition order by consent if the applicant—that is, the police—and the registrable person consent to the making of an order. In such cases, it will not be necessary to conduct a hearing before making an order, unless the Local Court is of the opinion that it would be in the interests of justice to do so. In forming this opinion, the court may consider factors such as whether the registrable person has sought legal advice, whether they suffer from any impaired intellectual functioning, are the subject of a guardianship order, are illiterate or are not fluent in English. Clause 18 of the bill makes it an offence, without the consent of the Local Court, to publish information that identifies a person as someone against whom an order has been sought or made. It is also an offence, in relation to an order, to publish the name of any victim or person identified as a person at risk because of the conduct proposed to be prohibited. The bill provides for a maximum penalty of 100 penalty units, $11,000, or imprisonment for two years, or both, for an offence under this section.

This section does not apply to publication of information to the registrable persons themselves, members of NSW Police or other law enforcement agencies or persons involved in the administration of the order. Nor does it apply for the purpose of investigating an alleged breach of an order or to persons involved in proceedings for an alleged breach of an order. The bill also does not apply this section to information disclosed to any member of staff of a government agency involved in the assessment and management of a registrable person. This will enable effective interaction between this legislation and the Government's child protection watch teams. I will comment further on this relationship.

There may be occasions when it will be appropriate to release certain information in relation to an order to people other than those directly involved in the court proceedings. For example, if an order was made against a person who had a history of offending against preschool-age children. to prevent that person from being in the vicinity of particular preschools it may be appropriate to inform the preschool manager about the person who has been prohibited from the school and other details about the nature of the order. The bill, therefore, makes provision for the court to specify any other person or class of person in the order who may be told details of the order and the identities of registrable persons and victims to whom the order may relate. For example, if a registrable person poses a specific threat to a particular child, it may be considered necessary by the court to inform that child's school principal to help protect that child when he or she is under the care of the school.

This bill will play an important role in the operation of child protection watch teams. The Government has recently announced a trial of multi-agency child protection watch teams to examine risks posed by serious, high-threat sex and violent offenders against children. Child protection watch teams will play a significant role in the case management of these high-risk offenders once they have served their time and are released back into the community. Child protection prohibition orders will offer greater protection to our State's children by banning child sex offenders from certain high-risk behaviours. If they breach an order, they will face another two years in prison. This bill marks yet another milestone in child protection legislation not only for New South Wales, but for Australia. I commend the bill to the House.

Debate adjourned on motion by Mr Daryl Maguire.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Motion, by leave, by Mr John Watkins agreed to:

That standing and sessional orders be suspended to permit the introduction, and progress up to and including the Minister's second reading speech, of the following bills, notice of which was given this day for tomorrow:

Residential Tenancies Amendment (Public Housing) Bill
Local Government Amendment (Discipline) Bill.

RESIDENTIAL TENANCIES AMENDMENT (PUBLIC HOUSING) BILL

Bill introduced and read a first time.

Second Reading

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [6.15 p.m.], on behalf of Mr Carl Scully: I move:

That this bill be now read a second time.

There are currently 129,000 public housing tenancies in New South Wales. In all, this represents the provision of subsidised housing to around 269,000 people. In fact, one in four people in New South Wales who rent their homes live in housing provided by the Carr Government. Public housing is a valuable community resource built up by successive governments on behalf of the people of New South Wales. Stable, affordable housing is a fundamental requirement for all members of our community. Without housing, it is impossible to hold down a job, stay healthy, get an education or maintain family and community relationships.

As a society, we value the principle that no-one should be shut out of life's opportunities by social disadvantage. We make provision for public housing because we value the principle that people should have a decent standard of living. But public housing is a valuable community resource. So when people are provided

with subsidised public housing, it carries with it an obligation to do the right thing by the community. At the most basic level, access to public housing carries an expectation that tenants will live in peace and harmony with their neighbours. The Department of Housing works with other agencies such as police and mental health teams to resolve neighbourhood disputes among public housing tenants. The effectiveness of their efforts is greatly reduced by antisocial behaviour.

The sort of behaviour we are concerned about includes dumping of cars, petty vandalism, graffiti, noise nuisance, throwing of firecrackers, rocks on the roof, and abuse. It also includes more serious criminal behaviour: assault and burglary. Antisocial behaviour does not include people going about their legitimate business. A child playing in the street, or adults using power tools at the proper times is not of itself antisocial behaviour. The measures outlined in this bill are not aimed at curtailing people's daily activities. Nor are we intending to persecute people who are already vulnerable. We recognise that public housing tenants are some of the most disadvantaged members of the community, otherwise they would not be in public housing.

However, there is a small number of individuals who, for various reasons, are unable to get along with their neighbours, and who are unwilling to accept responsibility for their behaviour and its impacts on the surrounding community—impacts like tenants feeling imprisoned in their own homes due to the behaviour of their neighbour; impacts like children being unable to concentrate on studying for their Higher School Certificate because their parents are at war with a neighbour; impacts like families needing to move away from the problem behaviour, resulting in social support networks being disrupted and kids having to change schools; impacts like an increased risk of crime, and an increased fear of becoming a victim of crime.

The cumulative effect of antisocial behaviour is that public housing becomes increasingly stigmatised, which in turn leads to more requests for rehousing and rejection of housing offers made in affected areas. Antisocial behaviour also means that the Department of Housing has to deal with the costs of vandalism and property damage, when it should be putting those resources into enhancing public housing. Antisocial behaviour also means frontline staff spend disproportionate amounts of time dealing with complaints about neighbours or arranging transfers for those people who can no longer continue to put up with the actions of their neighbours.

We all want neighbourhoods where people can socialise without causing trouble or intimidating the neighbours. We all want to live free from noise nuisance, vandalism, and petty crime. Above all, we want people who are doing it tough to be given as much support as they need to fully participate in their communities and give their kids the best possible start in life. This bill supports these community ideals by introducing a number of measures to better address those factors that may undermine neighbourhood harmony and prevent our communities from reaching their full potential. We are supporting tenants to change unacceptable behaviours. We are creating safer and more socially rewarding communities for the overwhelming majority of tenants who live harmoniously with their neighbours. And we are also ensuring that tenants are accountable for their behaviour. The proposed amendments and other strategies that the Government will be putting in place represent a measured response; one that imposes some responsibility on tenants but provides support and assistance to tenants who lapse into antisocial patterns of behaviour.

Proposed new section 35A of the Residential Tenancies Act 1987 introduces acceptable behaviour agreements. These are written agreements between the department and the tenant in which the tenant, or another household member, agrees not to carry out a series of identifiable antisocial behaviours, specific to each set of circumstances. Acceptable behaviour agreements will only be used where the history of the tenancy—or any prior public housing tenancy—points to a likelihood of continued antisocial behaviour. If the tenant does not alter their behaviour or refuses to sign an acceptable behaviour agreement, it may constitute grounds for the department to seek an order for termination of a tenancy agreement in the Consumer, Trader and Tenancy Tribunal.

The bill requires the department to notify tenants that a refusal to sign an agreement when requested or a serious or persistent breaching of a signed agreement may result in termination of their tenancy. Without such notification, an acceptable behaviour agreement has no effect. The power to evict based on a breach of an acceptable behaviour agreement as per the proposed new section 57A will be used sparingly and rests with the Consumer, Trader, and Tenancy Tribunal. The emphasis is not on evicting tenants but rather on trying to change unacceptable behaviour, and the department will make every effort to assist with behavioural change.

There will be some tenants who, due to mental illness, intellectual disability or other reasons, are unable to form an acceptable behaviour agreement. The Government does not intend to interfere with any of the important legal protections currently afforded these individuals. One reason for the success of acceptable

behaviour contracts trialled in the United Kingdom is that a number of different agencies were involved in monitoring behaviour and providing support. That is why we are introducing specialist response teams to support families whose members are engaging in antisocial behaviour, and to make sure behavioural change is achievable. The teams will be made up of representatives from Human Services and other relevant agencies working together at the local level to case manage identified families. A multi-agency approach is vital, as no one agency has the mandate or capacity to respond to the issues in problematic families, and a range of skills and roles are required to respond effectively.

The teams' primary objective will be to identify and implement appropriate measures to prevent the occurrence or recurrence of antisocial behaviour in public housing. Specialist response teams will ensure existing resources are better utilised. The roles and responsibilities of each agency would be clearly outlined under a multilateral memorandum of understanding [MOU] or protocol. The aim is to use the specialist knowledge and experience of relevant government agencies to support tenants who may engage in antisocial behaviour to change their behaviour and sustain their tenancies.

Specialist response teams represent an extension of this Government's recognition that antisocial behaviour may be symptomatic of broader issues of social and economic deprivation and a lack of access to support networks and life opportunities. Specialist response teams represent another commitment by the New South Wales Government to address the problems that stem from social deprivation, a commitment that has included community regeneration strategies in public housing estates; intensive management programs on estates with severe social problems; urban design that reduces the risk of crime; and strategies to increase employment opportunities for tenants. Specialist response teams will help strengthen families, which means safer, stronger communities.

Proposed new section 14A will allow for the public housing renewable tenancies policy to be implemented under the Residential Tenancies Act. The policy was introduced in 2002 to enable tenants and the department to identify early any breaches which might otherwise lead to the termination of a tenancy agreement. This bill strengthens the effectiveness of the policy by giving it a sound legislative base. Initially leases will be for one year, followed by two subsequent terms of three years each. Satisfactory tenants will be promoted to longer terms on the basis of their performance, while tenants causing problems will be demoted to shorter terms. Should a tenant not have signed a new agreement when their renewable tenancy expires, the Department of Housing can nominate the term of the new lease.

The bill provides for public scrutiny of changes to government policy—section 14A (4) requires the Minister to gazette any such changes made in relation to public housing tenancy agreements. The Government cannot and will not continue to house perpetrators of antisocial behaviour. We want to communicate to tenants and the broader community that public housing is not a lifetime proposition. If tenants do not do the right thing the term of their tenancy can be reduced to three years or one year. Under proposed new section 64 (2A), antisocial tenants will be required to show why they should not be evicted if they seriously or persistently breach an acceptable behaviour agreement. This reversal of the onus for antisocial tenants is necessary because there is a history of cases in which tenants have provided evidence against their antisocial neighbours, only to find themselves further victimised if the courts decide anything less than an eviction is warranted.

I stress that reversal of onus applies only before the tribunal where the tenant has seriously or persistently breached an acceptable behaviour agreement. It does not apply to other matters before the tribunal. Tenants' fears of retribution from antisocial neighbours are legitimate. In one case the antisocial behaviour that complainants had to endure included assault, verbal abuse and threats, having their car sprayed with paint, and having hot water containing fat thrown onto them from an upper-storey window. Tenants are understandably reluctant to get involved in giving evidence against their neighbours. Tenants living in public housing are very disadvantaged. They may be elderly or have a disability. With good reason, they fear retribution from their antisocial neighbours.

What we are proposing distances tenants from the firing line, and makes the department better able to respond to complaints about antisocial behaviour. Despite the reversal of onus where breach of acceptable behaviour agreements is involved, the department must still follow legal procedures and gather evidence before seeking an order for termination in the Consumer, Trader and Tenancy Tribunal. The department still has a responsibility to ensure that any decision to seek termination is just and fair. If, for example, it is alleged that a tenant has breached their acceptable behaviour agreement the circumstances of the breach must be clearly and unequivocally stated, and tenants must be given an opportunity to modify their behaviour before eviction.

Tenants retain access to existing appeals processes. They can apply to have their case reheard in the tribunal in the event that the tribunal's decision was not fair and equitable or was against the weight of evidence, or where there is new evidence. Tenants also have recourse to the Supreme Court if they believe that the tribunal has made an error of law. Other proposed amendments will streamline application of the Residential Tenancies Act so that successive tenancy agreements between a tenant and the department, regardless of whether in the same or a different premise, will be taken to be a continuous tenancy.

The bill also protects front-line staff from harassment by tenants. Proposed section 68A allows for conduct by tenants that amounts to harassment, molestation, or intimidation of departmental staff to ground an application for termination of a tenancy agreement. The tenants' behaviour must, however, be severe or persistently threatening, or intentional, before any action to evict can occur. This change will help the Government fulfil its occupational health and safety responsibilities to its front-line staff, for whom current protections from the effects of repeated antisocial behaviour are inadequate. Client service staff have a vital role to play in helping tenants sustain their tenancies; they need to be adequately protected in the face of unreasonable behaviour.

The New South Wales Government wants to help our tenants understand the consequences of their behaviour, and provide them with every support to change it. That is what these amendments to the Residential Tenancies Act are all about. It is about establishing a balance between the entitlement to secure housing and the need for tenants to be accountable for their behaviour within their communities. We want to drive home the message that living in public housing does not provide exemptions from the consequences of behaviour that would not be tolerated in the broader community.

Section 22 of the Residential Tenancies Act 1987 obliges the Department of Housing, as with all other landlords, to preserve the peace, comfort, and privacy of tenants. This carries with it an obligation to deal with any behaviour that undermines their peace, comfort, and privacy. Due to the potentially serious impact that these changes will have on the lives of the few tenants who perpetrate antisocial behaviour, the Government is proposing that any decision resulting in the termination of a tenancy agreement will be made by very senior officers within the department, and the Minister will be informed. In the event of a tenant actually being evicted, the department will continue to provide support. For example, the department may make RentStart available to give the tenant the best possible chance of securing private rental accommodation.

This suite of new initiatives will not require further expenditure. Rather, it will use existing resources more effectively and efficiently. We must remember that antisocial behaviour is perpetrated by a very small number of tenants. These measures have been developed in recognition that the behaviour of this small group has a disproportionate effect. Input from stakeholders is vital, and the Department of Housing has commenced this process with peak bodies including Shelter, the National Council of Social Services, and the Tenants Union, all of which have recognised the need for some measures to reduce the impact of antisocial behaviour in public housing estates. We will continue to seek input from these important stakeholders as we implement these measures.

If we are sincere about addressing some of the really serious problems on our estates, one strategy has to be to implement measures that will really work to reduce antisocial behaviour. For the sake of the vast majority of tenants who live together without any neighbourly problems, we cannot afford to ignore the few whose behaviour can, at times, make others feel like virtual prisoners in their own homes. The emphasis is not on evicting tenants. Rather, these measures are intended to support tenants to change unacceptable behaviour. I commend the bill to the House.

Debate adjourned on motion by Mr Don Page.

LOCAL GOVERNMENT AMENDMENT (DISCIPLINE) BILL

Bill introduced and read a first time.

Second Reading

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [6.32 p.m.], on behalf of Mr David Campbell: I move:

That this bill be now read a second time.

This bill addresses council misbehaviour in local government. It brings forward the provisions contained in schedule 2 of the Local Government Amendment Bill 2003, which received its second reading in this House but

did not further proceed. Later I will explain certain departures and refinements to those original proposals. The bill reflects the Government's commitment to the proper functioning of local government. The Government recognises that if community confidence in local government is undermined and councils cannot function in the best interests of ratepayers the State Government must intervene.

The bill sets out the standards of behaviour that the community expects of persons both in leadership positions in councils and working for councils. It will do this by introducing a comprehensive code of conduct that all councils will be required to adopt and apply. While the Act currently allows for a code of conduct to be prescribed, the new bill sets out an improved system for the adoption and application of a model code of conduct by councils that will link in with the new provisions on misbehaviour. I will outline those provisions later in this speech. A model code of conduct is being drawn up with input from the peak industry bodies for local government in New South Wales, council representatives, the Independent Commission Against Corruption, the Ombudsman, and the Department of Local Government. We are confident that the foreshadowed code will assist councillors and councils to better understand their responsibilities in carrying out their functions on a day-to-day basis.

Not only will councils have minimum standards set out in the prescribed code; the bill also leaves room for councils to supplement those standards with their own provisions that are relevant to local conditions. This also permits councils to introduce more stringent provisions where they are appropriate. Councils will continue to be required to review their code after each election to ensure that it is consistent with the prescribed code and contains any other appropriate provisions. It is expected that the vast majority of councillors will follow their code of conduct in good faith. No doubt they will welcome a code that assists them to clearly understand their responsibilities. However, the irresponsible actions of a few councillors can tarnish the good name of local government. This bill will ensure that irresponsible behaviour of councillors can be better dealt with by councils.

The bill sets out the sort of action or omission that will amount to misbehaviour. This includes the failure to comply with applicable requirements of the council's code of conduct, as well as acts of disorder that are committed by councillors during council or committee meetings. It is important that councils are able to restrain attempts by councillors to improperly disrupt council and committee meetings. Councillors should not be able to get away with irresponsible behaviour that inhibits councils from getting on with their business. It is also important that breaches of the Local Government Act and regulations and failures to act in accordance with the council's code of conduct by councillors can be properly disciplined by councils.

With this in mind, the bill permits a council to formally censure a councillor for misbehaviour. However, this power should not be seen as a way of stifling proper process and debate at council meetings, nor of preventing minority representatives from putting forward their views on matters before council. The bill therefore requires a formal censure resolution to follow the usual requirements for notice and to state the grounds on which the council is satisfied that the councillor should be censured. These requirements will provide proper transparency and accountability for council decisions.

If a councillor does not respond properly to the attempts of his or her council to stamp out misbehaviour, the Director-General of the Department of Local Government will be able to suspend that councillor for a period of up to one month, where that action is warranted. The suspension for a short period of a councillor who is involved in misbehaviour will allow both the council and the councillor concerned to re-assess the situation with a view to returning to more appropriate behaviour. For more serious misbehaviour, the director-general will be able to refer the matter to the Local Government Pecuniary Interest Tribunal, which will be given new powers and appropriately renamed the Pecuniary Interest and Disciplinary Tribunal.

Councils, the Ombudsman, and the Independent Commission Against Corruption will each be able to indicate to the director-general that grounds may exist to warrant a councillor's suspension. In addition, the director-general will be able to request a report from a council about a councillor's alleged misbehaviour. Suspension from civic office is not an action that will be taken lightly. The bill sets out the serious circumstances in which a councillor may be suspended from civic office for misbehaviour. Suspension may be warranted where there is a pattern of disruptive behaviour over a period of time that includes instances of misbehaviour, or if a single incident of misbehaviour is of a sufficiently serious nature. The power to suspend councillors in these circumstances will act as an appropriate deterrent to councillors becoming involved in misbehaviour in the first place.

The Government is aware of concerns that majorities on councils might misuse their referral power to silence minority representation. To prevent such misuse, the bill limits the circumstances in which councils can

begin the process for suspension of a councillor. A council will be able to refer a matter to the director-general only if it has already formally censured the councillor or expelled the councillor from a meeting because of the relevant incident of misbehaviour. This constraint will also encourage councils to deal with issues of misbehaviour at a local level, whenever possible. The director-general will either consider a departmental report or a report by the Ombudsman or the Independent Commission Against Corruption before deciding to exercise the power of suspension. In all circumstances, the councillor will have an opportunity to respond to allegations of misbehaviour.

However, in many circumstances suspension may not be the appropriate solution. The director-general can therefore refer a matter back to the council with recommendations as to how the council might otherwise resolve this matter. This is in line with the Government's belief that issues of misbehaviour are best dealt with at a local level by the council concerned. Councils are autonomous bodies in their day-to-day operations, and the Government will therefore intervene in a council's affairs only when other solutions are not apparent.

The bill encourages transparent decision making and accountability. The director-general must give reasons for a decision, whether it is to impose or not to impose a period of suspension, or to refer a matter to the Pecuniary Interest and Disciplinary Tribunal. If the director-general makes an order suspending a councillor from civic office, the councillor will be able to appeal that decision to the Pecuniary Interest and Disciplinary Tribunal. The tribunal is an independent body with a wealth of experience in dealing with councillors and others who are alleged to have failed to comply with the pecuniary interest provisions of the Local Government Act. It is therefore the appropriate body to be given the responsibility of considering matters of councillor misbehaviour.

To assist the renamed tribunal with its increased responsibilities, the bill will allow the deputy tribunal member to hear matters at the same time as the tribunal member. Where the director-general refers a misbehaviour matter to the tribunal, it will have complementary powers to the powers it currently exercises in pecuniary interest matters. This means the tribunal will be able to suspend a councillor from civic office for a period of up to six months in serious cases. The tribunal will also be able to counsel or reprimand a councillor in less serious circumstances.

A new power will enable the tribunal to suspend a councillor's right to be paid any fee or remuneration to which the councillor would otherwise be entitled, for a period of up to six months, without actually suspending the councillor from civic office. This power will not prevent councils from making payments outside the suspension period. However, the bill confirms that a council may not pay any fee or remuneration to which a councillor would otherwise be entitled in respect of any period of suspension, unless the Local Government Act specifically allows for this to occur. This will give the tribunal greater flexibility to ensure that councillors are appropriately and adequately sanctioned for irresponsible behaviour. As with pecuniary interest matters, the councillor concerned will have a right of appeal to the Supreme Court against the tribunal's decision.

The director-general will be able to refer requests from councils to the tribunal only where the relevant councillor has previously been suspended for misbehaviour. This will prevent any council from lobbying the director-general to refer matters to the tribunal when this is not appropriate. For example, complaints may be made about a councillor for factional or political reasons, rather than as a result of actual misbehaviour. The Government recognises the important role of the Independent Commission Against Corruption in dealing with particularly serious actions by councils and councillors. The bill consequentially amends the Independent Commission Against Corruption Act 1988 to make a substantial breach of an applicable requirement of the code of conduct a disciplinary offence for the purposes of that Act.

The Government recognises that councils are largely autonomous bodies that are accountable to their own electorate for the manner in which they conduct themselves. The primary responsibility for managing councillor misbehaviour therefore lies with individual councils. To reinforce this responsibility, and to prevent politically motivated referrals of misbehaviour to the director-general, the bill allows for the expense of investigating and dealing with misbehaviour matters to be borne by the councils themselves.

The Director-General of the Department of Local Government will be able to charge a council with the reasonable expenses of any investigation into misbehaviour matters that are referred to him by the council. Following consultation with the Local Government and Shires Associations of New South Wales, I have refined the original proposal regarding cost recovery. The bill allows a council to apply to the Administrative Decisions Tribunal for a review of the amount charged by the director-general if the council considers it is unreasonable. The right of review provides further accountability and transparency. Councils can be confident that they will be charged only with the reasonable expenses of departmental work relating to their misbehaviour matters.

I have also accepted that it is in the public interest for certain serious matters of misbehaviour to come before the Pecuniary Interest and Disciplinary Tribunal. In those circumstances, the expenses of dealing with the matter before the tribunal will not be charged to the council. The local community will not appreciate any waste of council resources on dealing with matters that could be resolved by the council, or that amount to factional or political grandstanding. Rather, the local community can generally expect councils to resolve misbehaviour issues. The power to recover expenses will be an additional incentive for councils to prevent councillor misbehaviour or to resolve matters at an early stage. However, it should not prevent councils that are unable to resolve continued disruption and serious misbehaviour from referring matters to the director-general.

Councillors and other council staff should be aware that they are dealing with finite public resources that are provided for the needs of the local community. Where councils incur deficiencies or loss due to the negligence or misconduct of a councillor, the general manager of a council or any other staff member, it is important that those persons can be made accountable for their actions or omissions. To clarify that the Director-General of the Department of Local Government can permit a departmental representative to surcharge the person responsible for such negligence or misconduct in appropriate cases, the bill removes the need for culpable negligence to be proved.

The meaning of "culpable" in this context is unclear and has provided a barrier to the appropriate use of the surcharging power. The bill will remove that unintended obstacle. However, this amendment will apply only to alleged negligence or misconduct occurring or committed after its commencement. It is anticipated that this power would only be used in circumstances of serious negligence or misconduct. A right of review to the Administrative Decisions Tribunal already provides safeguards against any inappropriate use of this power.

The bill clarifies that neither a councillor nor a council may direct a member of staff of a council as to the content of any advice or recommendation. However, this will not prevent the council or the mayor from directing the general manager to provide advice or a recommendation. This minor amendment recognises the different roles of councillors, mayors, the general manager, and other staff of a council, and prevents inappropriate approaches to staff by councillors. The Department of Local Government already undertakes various investigations into local councils and councillors under the Local Government Act. The bill makes clear that the director-general can also authorise preliminary inquiries about the activities of local councils to help decide whether to exercise any of the formal powers of investigation under the Act. In conclusion, the bill will encourage councillors and councils to act in the best interests of their local community, free from any disruptive and irresponsible behaviour by individual councillors. The bill will be welcomed by all those concerned about the proper functioning of local government in New South Wales, and I commend it to the House.

Debated adjourned on motion by Mr Andrew Fraser.

WORKERS COMPENSATION LEGISLATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [6.47 p.m.], on behalf of Ms Reba Meagher: I move:

That this bill be now read a second time.

The Workers Compensation Legislation Amendment Bill introduces a number of further reforms to workers compensation legislation. I will first list the major amendments made by the bill and will then explain the purpose of the amendments in more detail. Schedule 1 gives effect to miscellaneous amendments to the Workers Compensation Act 1987 to reverse an aspect of the decision of the Court of Appeal in *Orica Ltd v CGU Insurance Ltd*, reported in [2003] NSWCA 331; ensure that the relevant employer is indemnified under statutory workers compensation policies for common law claims despite damage being suffered by the relevant worker many years after the initial injury was sustained; ensure that WorkCover can make guidelines regarding payment for both gratuitous and non-gratuitous domestic assistance; and include the Treasury Corporation among the entities that can provide guarantees to State-owned corporations to enable compliance with provisions regarding securities for self-insurers.

Schedule 2 contains amendments to the Workplace Injury Management and Workers Compensation Act 1998 to provide presidential members of the Workers Compensation Commission with an additional power

on appeal, and establish the Workers Compensation Insurance Fund Investment Board, which will determine the investment policies of the new Workers Compensation Insurance Fund. The amendment to the Sporting Injuries Insurance Act 1978 proposed in schedule 3 will provide that if a person unreasonably refuses medical treatment, the medical panel or referee may assess that person's permanent injury on the assumption that the person's injury was improved by such treatment.

Before I outline the amendments in the bill in more detail I wish to acknowledge the assistance received in the course of settling the bill from the many stakeholders who commented on it. On 11 May the bill was circulated to members of WorkCover's Advisory Council, which includes representatives of the Labor Council and employer bodies. The bill was also circulated to the Insurance Council of Australia, the Law Society and the Bar Association. Comments made by stakeholders have been carefully considered and taken into account in settling the final terms of the bill.

Firstly, this bill will address one of the findings of the Court of Appeal in *Orica Limited v CGU Insurance Limited*, reported in [2003] NSWCA 331. In Orica, the Court held that common law liability would arise only at the time a worker has suffered damage. However, in the case of dust diseases, damage may occur many years after the injury was initially sustained. The Orica decision means that, under certain statutory workers compensation policies, an employer would only be indemnified by an insurer for liabilities arising during the period of the insurance policy. Given that liability for a dust disease claim arises many years after these policies of insurance have expired, these claims for damages would not be covered by insurance and the employer would be solely liable for the claim.

The amendments ensure that insurers are required to indemnify employers where an insurance policy covered a relevant period when a worker was at risk of sustaining injury. The amendments ensure that statutory workers compensation policies respond to claims for disease and injury with long latency periods, such as dust diseases. The changes will ensure that employers are appropriately indemnified by insurers for these liabilities. I wish to assure honourable members that no other terms of the insurance policies will be altered by the amendments, such as the caps applying to some older policies. The amendments merely address an anomaly in statutory workers compensation policies and legislation that led to the decision in Orica.

Secondly, it is proposed that this Act be amended to ensure that licensed self-insurers who are State-owned corporations are not disadvantaged because they use Treasury Corporation, also known as T-Corp, for financial services. Generally, licensed self-insurers are required to deposit an amount of money with WorkCover as security. As an alternative, self-insurers can provide a guarantee from a bank, building society or credit union. However, because T-Corp is not a bank, building society or credit union, it cannot provide such a guarantee. This means that State-owned corporations are required to obtain a guarantee from another institution and they lose the cost-benefit of the pre-existing relationship with T-Corp. In order to rectify this inconsistency, T-Corp will be one of the entities that can provide guarantees to State-owned corporations.

Thirdly, a further amendment to the Workers Compensation Act ensures that WorkCover can make guidelines for the payment of non-gratuitous domestic services as well as gratuitous domestic services. The 2001 reforms introduced a new entitlement to statutory compensation for domestic assistance considered reasonably necessary to be provided to a worker as a direct result of an injury. The entitlement applies where the permanent impairment of the worker is 15 per cent or more, with exceptions for short-term special needs. The provision of this benefit was intended to ensure that the long-term care needs of the most seriously injured workers were met by the statutory scheme. The Act allows WorkCover to make guidelines, requiring gratuitous domestic assistance to be provided in accordance with a care plan set out in WorkCover guidelines. However, the Act does not make similar provision in relation to domestic assistance provided by professional carers, even though the criteria and prerequisites for the provision of all domestic services to workers are the same. This appears to be an oversight, which is remedied by the bill before the House.

The fourth significant aspect of this bill amends the Workplace Injury Management and Workers Compensation Act 1988 to give presidential members of the Workers Compensation Commission an additional power on appeal to remit the matter to the arbitrator for determination, in accordance with any directions or recommendations of the presidential member. The powers of presidential members on hearing reviews of arbitrators are currently limited to confirming the decision, or revoking it and substituting a new decision. However, in some cases, such as when a presidential member hears an appeal on a preliminary decision, it is more appropriate for members to remit the matter back to the original decision maker. This procedure will save time and costs for the parties. This proposal is consistent with powers in other tribunals, such as the Administrative Decisions Tribunal. The new procedure might be used, for example, if the parties submit documents shortly before the hearing and the arbitrator does not receive them in time.

The fifth matter dealt with in the bill is the establishment of the Workers Compensation Insurance Fund Investment Board. Honourable members will recall that the Workers Compensation Amendment (Insurance Reform) Act 2003 reforms the arrangements for the provision of workers compensation insurance, to support the implementation of the report prepared by McKinsey & Company, "Partnerships for Recovery". That Act provides for the transfer of the six separate managed funds currently held by each of the licensed insurers into a single fund, to be known as the Workers Compensation Insurance Fund. The bill before the House provides for the establishment of a specialist board to determine the investment policies of the insurance fund and to advise the Minister on the investment performance of the insurance fund. The board will comprise WorkCover's chief executive officer and five other members, specifically chosen for their business, investment or other relevant qualifications. Members of the board will be jointly appointed by the Minister and the Treasurer.

Finally, the bill includes an amendment to the Sporting Injuries Insurance Act 1978 to provide that if a person unreasonably refuses medical treatment, the medical panel or referee may assess that person's permanent injury on the assumption that the person's injury was improved by such treatment. The scheme provides insurance cover for the members of any sporting organisation that has elected to join. The scheme is administered by the Sporting Injuries Committee, which comprises seven members, most of whom are involved in sport. Over $10 million has been paid from the Sporting Injuries Fund to applicants from a range of sports, including rugby league, rugby union, cricket, touch football, soccer, cycling and pony clubs. Any injury resulting in the permanent loss of a prescribed faculty or use of some prescribed part of the body is covered by the scheme.

The Sporting Injuries Scheme is only intended to compensate for injuries, serious permanent injury or death. The proposed amendment is required to deter applicants from attempting to be assessed for permanent loss before corrective surgery has been undertaken. This is particularly relevant for anterior cruciate ligament damage, which is a very common knee injury in sport. For example, there are more than 1,200 anterior cruciate ligament injuries each season in rugby league alone. Corrective surgery can reduce the damage from between 35 and 45 per cent to between 5 and 15 per cent.

This is below the threshold required to receive payment for permanent loss of the use of a leg. Clearly, delaying surgery until after an assessment is conducted undermines the scheme and will render the scheme unviable in its current form, because it does not have sufficient resources to compensate for injuries where it is unnecessary. The proposed amendment will ensure that the contributions made by sporting organisations to the scheme are applied to compensate sportspeople who suffer permanent loss, consistent with the objectives of the scheme. The bill continues the program of reform and improvement to the workers compensation scheme, in the interests of workers, employers, and the broader community. I commend it to the House.

Debate adjourned on motion by Mr Daryl Maguire.

The House adjourned at 6.56 p.m. until Friday 4 June 2004 at 10.00 a.m.