LEGISLATIVE ASSEMBLY

Tuesday 1 March 2005

———

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

Mr Speaker offered the Prayer.

GOVERNMENT SCHOOL ASSETS REGISTER BILL

Bill received and read a first time.

Mr SPEAKER: I advise the House that the honourable member for North Shore will have the carriage of the bill in the Legislative Assembly.

Second reading ordered to stand as an order of the day.

PETITIONS

Alstonville Bypass

Petition requesting that the Alstonville Bypass be completed by the end of 2006, received from **Mr Donald Page**.

Gaming Machine Tax

Petitions opposing the decision to increase poker machine tax, received from **Mrs Judy Hopwood**, **Mr Steven Pringle** and **Mr Andrew Tink**.

Kurnell Sandmining

Petitions opposing sandmining on the Kurnell Peninsula, received from **Mr Barry Collier** and **Mr Malcolm Kerr**.

Bungonia Quarry Construction Application

Petition opposing the application to construct a quarry at Ardmore Park, Bungonia, received from **Ms Katrina Hodgkinson**.

Breast Screening Funding

Petition requesting effective breast screening for women and maintenance of funding to BreastScreen NSW, received from **Mrs Judy Hopwood.**

Cremorne Community Mental Health Centre

Petition requesting the retention of the Cremorne Community Mental Health Centre, and the upgrading of the facilities at Chatswood, received from **Mrs Jillian Skinner**.

Road Tunnel Air Filtration

Petition asking the Government to ensure that all Sydney road tunnels are fitted with air filters, received from **Ms Clover Moore**.

Oxford Street Clearway

Petition requesting removal of the Oxford Street clearway and imposition of a 40 kilometres-per-hour speed limit in Oxford Street, received from **Ms Clover Moore**.

Old Northern and New Line Roads Strategic Route Development Study

Petition requesting funding for implementation of the Old Northern and New Line roads strategic route development study, received from **Mr Steven Pringle**.

Forster-Tuncurry Cycleways

Petition requesting the building of cycleways in the Forster-Tuncurry area, received from **Mr John Turner**.

Southern Tablelands Rail Services

Petition opposing any reduction in rail services on the Southern Tablelands line, received from **Ms Katrina Hodgkinson**.

Newcastle Rail Services

Petition requesting the retention and improvement of Newcastle rail services, received from **Mr John Mills**.

Murwillumbah to Casino Rail Service

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

Casino to Murwillumbah Branch Rail Line

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

CountryLink Rail Services

Petition opposing the abolition of CountryLink rail services and their replacement with bus services in rural and regional New South Wales, received from **Mr Andrew Stoner**.

Mid North Coast Airconditioned Buses

Petition opposing the removal of the new airconditioned buses assigned to the mid North Coast, received from **Mr Andrew Stoner**.

Adult Training, Learning and Support Program

Petition opposing changes the Adult Training, Learning and Support Program, received from **Mrs Judy Hopwood**.

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**.

Colo High School Airconditioning

Petition requesting the installation of airconditioning in all classrooms and the library of Colo High School, received from **Mr Steven Pringle**.

Water Carting Restrictions

Petition opposing the decision by Sydney Water Corporation to restrict the operating times for water carters and not allow Sunday cartage, received from **Mr Steven Pringle**.

Hawkesbury Electorate Sewerage

Petition praying that funding be provided to construct a reticulated sewerage system for Glossodia, Freemans Reach and Wilberforce, received from **Mr Steven Pringle**.

Glenorie and Galston Sewerage

Petition requesting the delivery of sewerage services to the Glenorie and Galston districts, received from **Mr Steven Pringle**.

Wisemans Ferry Electricity Requirements

Petition requesting an assessment of the electricity requirements of the Wisemans Ferry district, received from **Mr Steven Pringle**.

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**.

Collector Bushrangers Reserve Motorcycle Track

Petition requesting approval for the construction of a motorcycle track at Collector Bushrangers Reserve, received from **Ms Katrina Hodgkinson**.

Water-Access-Only Property Policy

Petition requesting a review of the water-access-only property policy, received from **Mrs Judy Hopwood**.

Sullage Removal Subsidy

Petition requesting that the subsidy for sullage removal be extended to residents in the Hawkesbury local government area, received from **Mr Steven Pringle**.

Hawkesbury-Nepean River System Weed Harvester

Petition requesting the purchase of a weed harvester for the Hawkesbury-Nepean river system, received from **Mr Steven Pringle**.

LEGISLATION REVIEW COMMITTEE

Report

Ms Virginia Judge, on behalf of the Chairman, tabled the report entitled "Legislation Review Digest No. 2 of 2005", dated 1 March 2005, together with "Extract of the Minutes of Proceedings of the Committee Relating to Legislation Review Digest No. 1 of 2005".

Report ordered to be printed.

QUESTIONS WITHOUT NOTICE

MACQUARIE FIELDS RIOTS

Mr JOHN BROGDEN: My question without notice is addressed to the Premier. Given that police chase suspect Jesse Kelly was allowed to walk free from Macquarie Fields police station on Saturday, which Superintendent Les Wales today admitted was "an accident" and "not so sound in hindsight", why has the Premier allowed the police Minister to cover up the fiasco by saying he was released for operational reasons?

Mr BOB CARR: Mr Speaker—

Mr John Brogden: It is a cover-up!

Mr BOB CARR: Some cover-up! Let me quote the view of no less an authority than the police commissioner himself, who stood with me—and this is a matter of public record—only a couple of hours ago and answered this very question.

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

Mr BOB CARR: The police commissioner said:

> An operational decision was made to allow the driver of the vehicle to go free. This was done for two reasons.

I am quoting the police commissioner himself. Again the Opposition places itself at odds with the leadership of the police force of New South Wales, not the Government.

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

Mr John Brogden: Point of order: My point of order is relevance. Why did Superintendent Wales say it was an accident?

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

Mr BOB CARR: The New South Wales Commissioner of Police said:

> An operational decision was made to allow the driver of the vehicle to go free. This was done for two reasons.

I am quoting the New South Wales Commissioner of Police:

> One … you have to provide the proof to the court that this individual was in fact the driver. That necessary proof was not available to a substantial degree until the Sunday morning. So the decision to allow the driver to remain at large at that point was a conscious operational decision …

I would have thought the House would have had some confidence in Ken Moroney's experience and credentials.

Mr Russell Turner: He comes from West Wyalong.

Mr BOB CARR: Yes. I will go on in a moment quoting what the commissioner said, but when one looks at the qualifications of Ken Moroney and compares them with someone else who was a political staffer to the Hon. Ted Pickering, a member of the Royal Motor Yacht Club, public relations manager for the Credit Union Services Corporation and public relations consultant for Cosway Australia, who would you believe, the Leader of the Opposition or the Commissioner of Police? I think the Commissioner of Police. I was interrupted when I had not finished quoting what the Commissioner of Police had to say.

Mr John Brogden: Point of order: On the point of relevance to the hack journalist—

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

[*Interruption*]

Mr SPEAKER: Order! The behaviour of the Leader of the Opposition is disgraceful. I call him to order. The Premier has the call.

Mr BOB CARR: I have quoted the first reason offered by the police commissioner. Now I want to quote the second reason offered by this experienced, senior and most respected police leader. Indeed, Ken Moroney is the most respected police leader in Australia.

Mr Andrew Tink: Point of order: Superintendent Wales said on radio this morning it was an accident. Has the police commissioner spoken to Superintendent Wales, yes or no?

Mr SPEAKER: Order! The next member who tries that sort of stunt will be removed from the Chamber. I place the honourable member for Epping on three calls to order.

Mr BOB CARR: Slow, deep breathing, Andrew! The doctor and the nurse will be around in a moment with those nice coloured tablets. Here is the second reason advanced by the police commissioner. He said:

> Over and above that, there was strong but unrelated operational reasons, which I cannot go into at this time, unrelated to the accident, which also require that this person not be arrested at that point in time.

I say without reservation that I have total confidence in the judgment of these front-line police and the police commissioner. Faced with the choice about whose judgment to back, the judgment of the Leader of the Opposition or the judgment of the police commissioner, I would back the judgment of Ken Moroney any day.

MACQUARIE FIELDS RIOTS

Mr GRAHAM WEST: My question without notice is directed to the Premier. What is the Government's response to community concerns about the attacks on police in Macquarie Fields?

Mr BOB CARR: The 65,000 people who live in the Macquarie Fields community deserve their streets and their good name back. After four days of unwarranted and intolerable criminal behaviour in Macquarie Fields, police have arrested 26 suspects, of whom nine have been denied bail. A police task force has been formed to investigate these violent attacks and further arrests are expected in the coming days. The first point I want to make is that we can all be armchair generals or armchair police commanders, but the fact is that senior police ran this operation from the start. There was but one direction from me and the Minister, and that was, "Do what you have to do to restore order and arrest the wrongdoers." It was as simple as that—one direction. We accept that policing at night, with large crowds of bystanders and lots of side streets and backyards to hide in, is not easy. You have got cowardly louts darting out of the crowd and throwing a brick or a Molotov cocktail, then darting back into the cover of the crowd or into a nearby yard or street, or you have cowards, not even visible to the police, throwing projectiles from backyards or from the back of crowds.

This is a challenging environment, but one in which the police want to restore order and make arrests. Nothing was stopping them except prudent operational judgments made on the ground at the time by experienced police. Neither the Minister nor I is going to second-guess those decisions. We trust the judgments of these senior, experienced operational police. We are very proud of these police, who suffered immense provocation and numerous injuries and who remained focused and professional throughout. It must be remembered that over the past four nights a few louts chose to be criminals. They chose to get bottles, fill them with petrol, put wicks in them, light them and throw them at police. They chose to tear palings off fences and throw them at police. They chose to pick up rocks and throw them at police.

These people consciously and deliberately chose to commit crimes. There is no excuse for that, either in the events of last Friday night or in the social conditions of the area. Crime is a choice. It is not a matter of where you live; it is a matter of how you behave. Lots of people grow up in housing estates and the vast majority of them manage to stay out of trouble, get an education and get jobs. One must remember the huge range of recreational and educational facilities in the Macquarie Fields area, and the Macarthur region more generally, as well as the significant resources poured into the area by the Department of Community Services, the Department of Housing and various community groups.

To excuse the criminal behaviour of these few dozen louts is to insult each of those thousands of families who, in a tough area, bring their kids up well, send them to school, support their community and respect the police. They teach their youngsters to behave properly on the streets. By not making excuses for this criminal behaviour, we are sending a strong message to parents who do the right thing that their efforts are supported and that we will not undermine their good parenting by absolving from blame criminals in the neighbourhood with vague excuses about social disadvantage—no excuses, no hand wringing, no holding back the police response.

ORANA JUVENILE JUSTICE CENTRE STAFF AND INMATE BEHAVIOUR

Mr ANDREW STONER: My question is directed to the Minister for Juvenile Justice. Why did the Minister deceive the family of nine-year-old Brendan Saul by claiming last Wednesday that no witnesses to an Orana detention centre staff member high-fiving their son's acquitted killer had come forward, and denying on

Thursday any knowledge of two police officers witnessing the event, then on Friday being forced to admit that two police had in fact been interviewed?

Ms DIANE BEAMER: I suggest that the Leader of The Nationals read the answer in last Thursday's *Hansard*.

Mr Andrew Stoner: Point of order: My point of order is one of relevance. The Minister gave three versions last week.

Mr SPEAKER: The Minister has uttered only about three words.

[*Interruption*]

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

Ms DIANE BEAMER: As honourable members are aware, last Thursday I informed the House that the department will do all it can to investigate any allegations made at any time, including spurious allegations that in the end are proved to be wrong. In this instance I informed the House that we will continue our investigations, and we are doing so. I do not intend to politicise the tragic incident that occurred with Mr Saul. Mr Saul deserves to be treated with respect in this matter, but he has not been treated with respect by the Opposition.

RAIL INFRASTRUCTURE INVESTMENT

Mr BRYCE GAUDRY: My question is directed to the Minister for Transport. What is the latest information about investment in rail infrastructure and related matters?

Mr JOHN WATKINS: The Carr Government is spending record amounts on infrastructure—$7.5 billion per year. That is 33 per cent more than what was being spent in the 1990s. Investment in the rail system is one of the highest priorities for this Government. That is why we have announced a $2.5 billion capital investment plan. That is the largest investment in Australia in rail infrastructure. Over the next six years approximately $1 billion will be invested in the Rail Clearways Program to simplify and untangle the CityRail network. This financial year a further $422 million has been earmarked for capital works, including $33.5 million for station upgrades across New South Wales. This work ranges from the provision of new stations, station platform enhancements, shelter upgrades and safety improvements.

As part of the record infrastructure investment, the Government has announced a plan to fast-track the replacement of 498 non-airconditioned carriages, at a capital cost of approximately $1.5 billion. Those 498 carriages, which are currently reaching the end of their workable life—an average age of 30 years—will be replaced with modern, airconditioned rolling stock. That will include improved seating, interior electronic displays, easy access, improved safety, including better emergency exits, and closed-circuit television cameras. Originally scheduled for introduction in 2017, these state-of-the-art carriages will now start rolling out into service in 2008. All carriages will be in service by 2010.

The new carriages will be delivered as part of a public-private partnership [PPP]. Under the PPP, the new rolling stock will be financed, designed, built, owned and maintained by the successful tenderer for 35 years, which is the anticipated life of the rolling stock. The tender will ensure that the rolling stock purchased complies with requirements of the Waterfall recommendations accepted by the Government. For those recommendations for which the Government is undertaking further work, the train specifications will future-proof the carriages. We will ensure compatibility with any future upgrades.

The PPP contract is for 498 new carriages. These may be all double-deck carriages or a combination of single-deck and double-deck carriages. While no decision has been made to reintroduce single-deck trains, the tender process will enable the Government to assess the potential benefits of single-deck trains for short metro-style trips within the network. These benefits include high acceleration, rapid braking and short dwell times, all of which can deliver greater reliability across the network. A final decision on whether to acquire single-deck trains, and therefore the number of double-deck trains to be acquired, will be made when all bids have been evaluated.

RailCorp called for expressions of interest for the PPP in August 2004, with responses received by 2 February 2005. The evaluation committee presented its report to the RailCorp board at its meeting on

22 February 2005. I now announce that two consortia have been short-listed for the double-deck contract. The short-listed parties for the double-deck trains are STAR Transit, a partnership between United Goninan and Mitsubishi Electric, and Reliance Rail, a consortium of Downer EDI Ltd, ABN AMRO, Hitachi and AMP Capital Investors Ltd.

Four consortia have been short-listed for the single-deck contract. The short-listed parties for the single-deck contract are Aurora Rail Partnership, which is a partnership between Siemens and the Commonwealth Bank; Bombardier Consortium, which is a consortium between Bombardier, the Plenary Group and Deutsche Bank; Reliance Rail; and STAR Transit, which has also been short-listed for the double-deck trains. RailCorp intends to consult further with the short-listed bidders prior to the release of the request for detailed proposals [RDP]. Following the issue of the RDP in April, the parties will have four months to prepare their proposals, which will then be evaluated to determine which represents the best value of money for the people of New South Wales.

The Government expects that RailCorp will be in a position to award contracts to the successful tenderers in 2006. We have fast-tracked the rail plan. The $1.5 billion investment in rolling stock complements the Government's $1 billion Clearways program to simplify and untangle the CityRail network. Together, these programs will mean safer, more reliable rail services for all passengers on the network.

DESIGNER OUTLETS CENTRE, LIVERPOOL, CLOSURE

Mr ANDREW TINK: My question without notice is addressed to the Minister for Juvenile Justice. Now that the Premier's Chief of Staff, Graeme Wedderburn, has admitted under oath at ICAC that he told the Minister to "stick to the rules" in relation to Orange Grove, will the Minister now admit that she lied when she said, "He never gave that directive to me, so I was unaware it was made"?

Mr Carl Scully: Point of order: I am sure the Minister will have no difficulty in answering the question. However, under the forms of the House, it is entirely inappropriate for a question of that nature to be asked while we are literally in the middle of an ICAC hearing. It is offensive.

Mr Andrew Tink: To the point of order: A clear provision in the ICAC Act states that proceedings before the ICAC and proceedings of this House may continue totally independent of each other. It is a matter of public interest whether the Minister lied—and she did lie. The Premier's Chief of Staff said one thing, and a Minister of the Crown said another. That is a matter for this Parliament. This Parliament has made it clear in an Act of Parliament that we can continue to ask such questions, regardless of what the ICAC is doing. Mr Speaker, if you gag this question you are aiding the cover-up of the Leader of the House.

Mr SPEAKER: Order! I will not rule on the point of order. I will seek advice and rule on the matter at a later stage.

THE SPIT BRIDGE WIDENING

Mr DAVID BARR: My question is addressed to the Premier. What is the Government's timetable for the construction of the extra two lanes on The Spit Bridge?

Mr BOB CARR: Wasn't the honourable member's win in Manly at the last election remarkable? One would have thought one seat the Opposition could have won back would have been Manly. But I am not interested in political distractions. This Government has an affordable, responsible and practical plan to widen The Spit Bridge, unlike the Opposition's ludicrous $1.2 billion plan for a tunnel from Manly to Cammeray. That is an irresponsible fantasy, I am told, and reiterated as recently as 14 February by the Leader of the Opposition at a "shadow transport forum" on the north side. Imagine what a shadowy gathering that was! Our plan will increase the bridge's capacity from four to six lanes, as well as adding a footway for pedestrians and cyclists. The design will be in harmony with the existing bridge and will preserve the lift span to maintain access to Middle Harbour.

[*Interruption*]

The Opposition fought the last State election in Manly on its policy, and it failed. It is a failure. I am advised that the Department of Infrastructure, Planning and Natural Resources is currently finalising the conditions of consent after consultation with Mosman and Manly councils and the New South Wales Maritime

Authority. The consultation has taken some time because of local concerns over traffic and parking. Parallel to the development application process, the Roads and Traffic Authority has also called for tenders for a firm to undertake the detailed design process. That tender closed on 19 January. I am happy to advise the honourable member that subject to design, planning approvals and the tender process, construction is expected to commence in 2006. So, the plans for The Spit Bridge widening are progressing. These plans require a great deal of local consultation. We are happy to see a longer time line if that means bringing the local authorities—

[*Interruption*]

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

[*Interruption*]

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

Mr BOB CARR: If the locals hate it, why did the Opposition not win the seat on its plan? It was a referendum.

[*Interruption*]

They are not lousy people; they are the electors of Manly. How dare you call them lousy people! The honourable member's contempt for the electors of Manly ought to be recorded.

[*Interruption*]

Mr SPEAKER: Order! Disorderly behaviour of that sort is not acceptable in this Chamber. Again I ask members to exercise due diligence in acting in accordance with the rules of the House. It will be impossible to continue question time if members behave in that way. That warning applies equally to those on the Government and Opposition benches.

CASINO TO MURWILLUMBAH RAIL LINE

Mr DONALD PAGE: My question without notice is to the Minister for Transport. How serious is the Government about using the $30 million on offer from the Federal Government to reinstate rail services on the Casino to Murwillumbah line when RailCorp recently called tenders for CountryLink bus services on that route for the next five years? Is the Minister fair dinkum?

Mr JOHN WATKINS: The Opposition can blame the Federal Government for the loss of rail services between Casino and Murwillumbah. That was not an easy decision to make but it was thrust upon us by the savage cuts to the New South Wales budget by the Federal Government. The New South Wales budget lost $376 million because of the behaviour of the Coalition's colleagues in Canberra.

Mr Donald Page: Point of order: The point of order relates to relevance. The Federal Government has given an extra $30 million. The money is there so why are you not utilising it instead of calling for contracts for bus services for the next five years?

Mr JOHN WATKINS: You asked about the Federal Government and you asked about money.

Mr SPEAKER: Order! The Minister and the honourable member for Ballina will address the Chair.

Mr JOHN WATKINS: The Federal Government ripped out more than $300 million from the State budget. Rail engineers have advised that the cost of maintaining the Casino to Murwillumbah line over the next 20 years will be about $188 million. I appreciate that communities hold dear the provision of rail, but patronage levels on that line simply could not justify continuing the service when massive investment was required to upgrade the line.

One of the benefits of the new bus service is the improved access to a number of towns in northern New South Wales. I am advised that the coach service now links for the first time the towns of Bexhill, Eltham and Binna Burra. An extra eight towns now have access to early evening CountryLink coach services to and from Casino, including Bangalow, Mooball, Burringbar, Chinderah, Clunes, Pottsville, Hastings Point and

Bogangar. Previously these towns were only served by coaches departing Casino at 3.30 a.m. Additional benefits include better connection times, including direct connections from Sydney to Dubbo, Canberra and Melbourne rail services; and reduced travelling times to Surfers Paradise, Robina and Brisbane.

The rail corridor will be retained. An integrated transport plan for the North Coast and northern rivers is under development. The New South Wales Ministry of Transport is working with the Commonwealth Department of Transport and Regional Services and the Australian Rail Track Corporation on freight options for the line. The Department of Infrastructure, Planning and Natural Resources is working with the New South Wales Ministry of Transport to assess potential future rail corridors in northern New South Wales. Members of the Opposition should not claim that it is this Government's intention to do anything other than to deliver the best service possible. When the Federal Government is ripping out more than $350 million from the State's budget, certain decisions have to be made.

DESIGNER OUTLETS CENTRE, LIVERPOOL, CLOSURE

Mr ANDREW TINK: Point of order: Can I get a ruling on my earlier point of order?

Mr SPEAKER: I am still being advised at this stage.

GOLD PRODUCTION

Mr PETER BLACK: My question is addressed to the Minister for Mineral Resources. What is the latest information on gold production in New South Wales?

Mr KERRY HICKEY: New South Wales has been a major gold producer since 1851, when the first discovery of payable gold was made at Ophir, north-west of Bathurst. It is only fitting that the same Government that delivered the best ever Olympic Games is getting a silver medal performance out of today's gold industry. New South Wales is the second-highest gold producing State in Australia, with major gold and copper-producing mines in Orange, Parkes and Cobar. New South Wales is experiencing the twenty-first century gold rush, and it could not have come at a better time. In the December 2004 quarter gold prices hit a 20-year high, at more than $US440 an ounce. The figures tell the story. New South Wales is the greatest State for gold exploration, investment and production. We have a winning combination: sound policy, an attractive investment climate and, most of all, the Carr Labor Government, a government truly committed to the mining industry.

Both public and private gold exploration investment have increased. Gold exploration now accounts for about 50 per cent of total mineral exploration expenditure. In the September 2004 quarter gold exploration was particularly strong at $7.6 million, the highest quarterly gold exploration figure since March 1998. I eagerly await the December 2004 quarter results, which are due in early March. The investment has direct bearing on gold production. The total value of gold production in New South Wales increased by 147 per cent between 1997-98 and 2003-04. In 2003-04 alone New South Wales produced 10 per cent of Australia's total output for the second year running, and our performance can only improve.

The Australian Bureau of Agricultural and Resource Economics reported in September last year that New South Wales produced seven tonnes of gold in the June 2004 quarter, up two tonnes on the March quarter results. At current projections New South Wales is set to produce gold worth more than $500 million in 2004-05, mostly driven by the higher production from the Ridgeway mine, which is part of the Cadia Valley operations. The Cadia Valley figures are nothing short of outstanding. Mine operator Newcrest Mining Ltd has uncovered a major increase in resources at Cadia Valley. With more than 29 million ounces of gold, Cadia Valley now represents almost half of Newcrest's total gold reserves. It outstrips reserves at the company's other developments, including the Telfer operation in Western Australia where total resources of 26 million ounces of gold and 960,000 times of copper have been identified.

Newcrest's confidence in Cadia Valley is at an all-time high. In October 2004 the company lodged a development application for the Ridgeway Deeps project. New capital expenditure is estimated at $100 million. It has also recently committed $109 million towards a feasibility study to reach the Cadia East deposit, which could extend the mine's lifespan to the middle of this century. As reported in the *Central Western Daily* on 17 December 2004, if Cadia East goes ahead, the mine's current workforce of 900 people remain fairly stable and a further $190 million would be spent on new capital investment. Cadia Valley has kept Orange going during the worst drought in 100 years, injecting approximately $450 million a year into regional business turnover and

about $47 million in total household income. The only downside of this terrific story is that the geology is in this area and not in the electorate of the honourable member for Bathurst. As the Minister for Mineral Resources I will ensure that the Carr Government's strong and detailed plans for the gold industry extend this band of prosperity.

The Lachlan fold belt is our most prospective area for new gold discoveries. Prospects have been enhanced by ongoing company exploration of the area, the commissioning of successful mining operations and, most importantly, the Carr Government's initiatives. It is a pity that The Nationals are losing their finest member of Parliament. I have no doubt that the honourable member for Lachlan will continue to join the Government in our unshakable support for the future of this great industry and the people who have benefited from his long and illustrious service in this Chamber. The only bonus for The Nationals is that they will have more room in their Tarago, although who will be in the driver's seat is one of the great mysteries of all time. It definitely will not be the member for Upper Hunter. The massive projects are a clear endorsement of the Carr Government's seven-year, $30 million Exploration New South Wales Program. Mining companies, big and small, appreciate our commitment to encouraging minerals exploration.

In August last year the Premier announced that the Geological Survey of New South Wales—a key part of our fine Mineral Resources team—has identified the extension of the gold-rich Bendigo zone from Victoria. It is very early days. There will need to be further exploration, but the signs are good. Additional surveys, funded through the Government's seven-year $30 million Exploration New South Wales Program, will be conducted later this year. Although the exploration depth is currently a challenge, new technologies mean that the Deniliquin-Hay-Balranald triangle will be a target for explorers of the future. Also, locals are excited by the prospect of moving to the seat of Murray-Darling where they will be represented by a true supporter and advocate of the New South Wales mining industry, rather than by a shadow spokesman who is more concerned about being a rurosexual.

Mr John Brogden: How do you know?

Mr KERRY HICKEY: I have read about it. The Carr Government has offered financial support for Tritton Resources copper and gold mine near Cobar to help the company with electricity supply and fibre optic cabling. Tritton is investing $20 million on an ore concentrator, creating 50 local jobs. The mine and processing plant will create 140 jobs during construction and approximately 100 jobs at full production. This is great news for the bush. I am pleased to see that the Leader of The Nationals is so excited about it. It is estimated the mine will generate $670 million in export revenue during its 12-year life. Last week Havilah Resources identified a rich deposit in South Australia in the relatively unexplored Curnamona province. If everything goes to plan for Havilah, Broken Hill's mining fortunes will swing upwards again. We are talking about the possibility of a major new mine, which will significantly boost Broken Hill's economy. It is another great win for that Country Labor member, the honourable member for Murray-Darling.

Broken Hill has the infrastructure, the experienced and skilled work force, and the service companies to support explorers and operators. Last October it was my pleasure to announce that the Carr Government had delivered on yet another election promise: to build a new $400,000 drill core library, thereby securing Broken Hill's reputation as the centre of excellence for mining exploration. Clearly, families across New South Wales depend on the long-term stability of our minerals industry. The investment of public money by the Carr Labor Government into minerals exploration is one of the best cost-benefit decisions we have made and demonstrates that we have strong detailed plans for the minerals sector of New South Wales. Our silver medal in gold will continue to boost regional developments and create jobs and wealth for families in rural New South Wales—families who are represented by the one true voice of the bush: Country Labor.

DESIGNER OUTLETS CENTRE, LIVERPOOL, CLOSURE

Mr SPEAKER: Order! Although there is substantial precedent and a number of Speakers' rulings in relation to the raising in this House of matters being investigated by royal commissions and matters being heard by juries, I am not aware of any precedent or ruling that relates to the Independent Commission Against Corruption. I intend to allow the question asked by the honourable member for Epping. However, I do so with two qualifications. The first is that this matter warrants a detailed ruling, and I intend to deliver such a ruling at a later stage. The second is that it is important for the honourable member for Epping and the Minister to bear in mind that the Independent Commission Against Corruption is still hearing evidence in relation to this matter, and that the Assistant Commissioner hearing the matter may make some comment in relation to the issues raised here.

Ms DIANE BEAMER: There is no conflict. I look forward to giving my evidence to the Independent Commission Against Corruption. As every honourable member of this House knows, I made my decision on strong planning grounds.

SPORTING FIGURES BEHAVIOUR

Mr MATTHEW MORRIS: My question without notice is to the Minister for Tourism and Sport and Recreation, and Minister for Women. What is the Government's response to community concerns about the behaviour of sporting figures and related matters?

Ms SANDRA NORI: There have times, particularly in the last 12 months, when my role as Minister for Sport and Recreation and my role as Minister for Women have overlapped. I have to say that women are very much underrepresented when it comes to leadership and decision-making roles in sport. Only 24 per cent of executive officers, 20 per cent of presidents and 28 per cent of treasurers are women. In contrast, women comprise 54 per cent of all sporting secretarial positions. In regard to coaching positions in this State, a measly 26 per cent of level 1 coaches, 17 per cent of level 2 coaches and 12 per cent of level 3 coaches are women.

The representation of women in the media has a long way to go as well. Women's sports coverage in newspapers is a paltry 10.7 per cent, in television 2 per cent, and in radio only 1.4 per cent. There is no doubt that cultural change is desperately needed. For example, in the United States of America there are professional leagues—watched by literally millions—that are devoted to women's sport. My challenge to the male-dominated sporting organisations in New South Wales is to bring women into sport at every level, and to encourage women to referee games, join boards and so on.

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

Ms SANDRA NORI: I think that sporting organisations would be very pleasantly surprised at how much they would benefit from having a more gender-balanced perspective. I have had very positive discussions with the major male codes about extending, with their financial support, the Women's Sport Leader's Scholarship Program offered by the Department of Tourism Sport and Recreation. These scholarships provide a pathway for women into leadership and decision-making positions. The scholarships are open to women who work in sports, either on a paid or voluntarily basis. I might point out to honourable members that the closing date for nominations for these scholarships is 18 March.

Mr SPEAKER: Order! I call the Minister for Mineral Resources to order. I call the Minister for Infrastructure and Planning, and Minister for Natural Resources to order.

Ms SANDRA NORI: Although I am very aware of the progress needed to change male sporting culture, I am also extremely encouraged that in recent times the National Rugby League [NRL], the Australian Football League and Basketball New South Wales have embarked on campaigns and programs to eradicate so-called bad behaviour in sport. Of course, I am aware that rugby union, cricket and soccer have also done so in the past. The swift action by the NRL during the past two weeks is to be commended. In fact, late last year the Government established the New South Wales Minister for Sport's Values and Integrity Award to encourage sporting groups and sporting codes to implement programs to deal with the issue of bad behaviour, particularly in the high profile sports, and also, of course, to give acknowledgement to those sports that made an effort in this regard.

Two weeks ago the inaugural award was presented to the New South Wales Basketball Association for its respect and behaviour program. I believe we have to understand the limitations faced by administrators. Administrators can spend a million to develop a program, set a standard and deliver a message, but ultimately they have to contend with the free choice of every individual player. The players have a choice to behave well or behave badly. If they behave badly they will be punished. These days it seems punishment will be swift and they may even lose out on the opportunity to continue playing in their chosen sport.

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

Ms SANDRA NORI: Community expectations are quite clear. Bad behaviour in sport should be punished, and I am pleased to say that that seems to be happening. I also feel obliged to say that boorish, loutish and positively criminal behaviour is not exclusive to sport. Clearly, it is a sad reflection on a broader problem in society and we cannot single out our elite sportspeople. Packs of men away for the weekend on their own, especially if they have had a skinful, have never been pretty, no matter who they are.

The significance of sport in this country gives our sports heroes a lot of power, and because of that power they have a unique opportunity to deliver messages to the community at large about what is good, decent and responsible adult behaviour. Those who participate should take that power very seriously and ensure that they do not deliver the wrong message. Last year we launched a poster campaign aimed at juniors, the tag line being, "The man he becomes depends on what you teach him now—fair play on and off the field—ending violence against women is everyone's responsibility."

Cricket New South Wales was the first to come on board and we are about to launch the second phase with the NRL. The other major codes are also coming on board and we will be rolling that out over the next 12 months or so. I thank the codes for their support. I conclude by saying there is a long way to go in this area but I am optimistic and the reason for my optimism is that I believe the major codes have recognised that these problems arise from time to time. They have devised programs and processes to eradicate them, and appear to be prepared to act decisively when they do occur. I do not think we can ask for more than that.

BREAST CANCER SCREENING

Ms MARIANNE SALIBA: My question without notice is directed to the Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer). What is the latest information on breast cancer screening in New South Wales?

Mr FRANK SARTOR: I thank the honourable member for Illawarra for her very timely question. Breast cancer remains the biggest cancer killer of women in Australia. For example, in 2002, 4,000 women were diagnosed with breast cancer in this State and 900 died. The fact is that the number of women being diagnosed with breast cancer is on the increase, with the number of cases increasing by about 1.4 per cent per annum. But the good news is that the survival rate is also going up, by 2.2 per cent per annum. The reason is simple: it is screening. Screening has had a remarkable impact on the survival rate for women with breast cancer. That is the finding of the Australian Institute of Health and Welfare. It is also clear from the statistics available, for example, that women in the target group of 50 to 69 years who have regular screening every two years have a 30 per cent greater chance of survival. I believe this underlines the importance of screening in the early detection of all cancers, but particularly breast cancer.

BreastScreen New South Wales is part of the national breast screen program. It is funded jointly by the New South Wales and Commonwealth governments. In the current financial year $38.3 million will be spent on breast screening, of which $20.4 million has been contributed by New South Wales. We also have an $11 million program to expand the number of stationary sites where women can undergo breast screening from the existing 43 sites and six mobile sites. That will be expanded further in the coming year. There are currently 14 mobile units that visit 179 locations. The additional capital funding from the Department of Health will allow the development of six new fixed screening and assessment sites, and will provide for greater flexibility with the establishment of an additional two mobile units.

Today I can inform the House that the Government has decided to establish a single cancer screening program and database called Screening NSW, under the auspices of the Cancer Institute of New South Wales. This will combine BreastScreen, the Pap Smear Register, and the establishment of a screening program for bowel cancer and prostate cancer. In addition, an extra $3 million per year will be allocated to BreastScreen NSW to expand, extend and better target the program. Targeting the program to women in the 50 to 69 age group can always be improved upon, especially amongst women of non-English speaking backgrounds.

There are some real gains to be made in the survival of women by improving and refining our BreastScreen program. That is not to say that the existing BreastScreen program has not done a terrific job; indeed, on the contrary. The five-year survival rate of women with breast cancer has increased in the last 20 years from about 68 per cent to about 85 per cent, a huge increase. However, we can do better; we can target better. The role of the Cancer Institute is to bring together BreastScreen and the Pap Test Register, and to promote a new program for bowel cancer and prostate screening. This will greatly enhance our efforts in the war against cancer.

This initiative will come into effect on 1 July. But the strength of the Cancer Institute's initiative is more than just the transfer of BreastScreen or some additional funds. The cancer institute now has an incidence and survival rate for cancer register, as well as the Pap Test Register for women. In addition, the institute is developing a clinical services register for patients treated for cancer. With all these programs we will have a much better database from which to operate and target our screening programs throughout the State.

I believe it is a terrific initiative, one that the entire House ought to commend and one that will help better target early detection of cancer. The biggest gain in cancer survival is early detection. It is proven everywhere, where it is feasible to do so. Unfortunately, early detection is not feasible for all cancers, such as, for example, ovarian cancer and lung cancer, which are difficult cancers to detect because they are usually found in the late stages. But where we can have an appropriate screening program for early detection, it makes a huge difference. I ask the shadow Minister to be patient—

Mr Brad Hazzard: Point of order: In accordance with the standing orders and in consideration of the question asked, perhaps the Minister could explain why he has stopped women under the age of 50 and over the age of 69 being screened for breast cancer by BreastScreen NSW.

Mr FRANK SARTOR: What a pathetic point of order. Surely this is a bipartisan issue. I have not intervened to stop any screening. It appears that people driving the breast cancer control effort believe that targeting older women will yield a much greater gain. The incidence curve for breast cancer goes up very sharply when women turn 50, and that is why women over the age of 50 receive free screening. We should be targeting women in the highest risk category, which is women over 50, and all the professionals will confirm that. The honourable member for Wakehurst should stop trying to score a cheap political point on what is a critically important health issue.

Questions without notice concluded.

LAPSTONE FREIGHT TRAIN DERAILMENT

Ministerial Statement

Mr JOHN WATKINS (Ryde—Minister for Transport) [3.24 p.m.]: RailCorp advises me that there has been a derailment of a freight train, carrying coal, on the Blue Mountains line this afternoon. The freight train derailed between Lapstone and Emu Plains. RailCorp operations staff advise me that the Blue Mountains line is temporarily closed in both directions. Train services have been suspended between Penrith and Springwood, and buses are currently being ordered to operate in lieu. It is unclear how long this measure will be necessary. Passengers may experience delays on the Blue Mountains line this afternoon. I ask them for patience as RailCorp works to restore full services. I have asked for regular updates on the situation.

BUSINESS OF THE HOUSE

Routine of Business: Suspension of Standing and Sessional Orders

Mr CARL SCULLY (Smithfield—Minister for Police) [3.25 p.m.]: I move:

That standing and sessional orders be suspended to provide for:

(1) the notice for urgent consideration of the Leader of the Opposition to be considered at this sitting as a matter of public importance before private members' statements;

(2) the following speaking time limits to apply:

(a)	Leader of the Opposition	10 minutes;
(b)	Member next speaking	10 minutes;
(c)	Member for Macquarie Fields	5 minutes;
(d)	One other member	5 minutes; and
(e)	Member in reply	5 minutes

Clearly, the urgent motion of which the Leader of the Opposition has given notice is in breach of the standing orders in that it does not seek an opinion of the House. In fact, the Leader of the Opposition, who has been a member of this place for several years, should be aware that a member who moves an urgent motion seeks a decision of the House, and in that sense it is different from a matter of public importance.

The Leader of the Opposition has given notice of the motion as a matter of public importance. I believe it is appropriate that the matter be debated. I look forward to hearing what the Leader of the Opposition has to say on the matter, as he would be looking forward to hearing what I have to say, and I welcome that debate. To protect the forms of the House, I believe it is appropriate to allow debate on the matter to proceed. However, the Leader of the Opposition has not given notice of the motion in the proper form. Mr Speaker, rather than allowing you to simply rule the motion out of order and not allow the debate to ensue, I have facilitated the Opposition by allowing the House to debate the matter.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [3.26 p.m.]: This is an elaborate attempt by the Government not to vote against the Macquarie Fields motion that I put forward today. The reality is that the Government is embarrassed about this, and it knows that the motion that is more urgent is the Opposition's motion—not the union hack motion from the member for Drummoyne. But the Government does not want to debate that motion. What we want to debate are the words of the Premier today. The Premier said today in this House that he takes advice from operational police on the seat of Macquarie Fields. What do those operational police say? Let me quote from Superintendent Les Wales—

Mr Carl Scully: Point of order: The Government would like to hear why the Leader of the Opposition believes that the motion for the suspension of standing orders should or should not proceed. If he wishes to put these matters on the record, he will have 10 minutes to do so.

Mr SPEAKER: Order! When the Leader of the Opposition gave notice of what he referred to as a motion for urgent consideration, I was concerned that it sought to do nothing other than make a statement. The procedures of this House provide that if a member wants to address a particular matter, he or she can raise it as a matter of public importance. I did not rule the notice out of order because I wanted to seek further advice about it, and the whole of question time was available in which to do that. Under the standing orders and the precedents of the House, the notice of motion clearly would have been out of order. As I understand it, the Leader of the House is now seeking to allow this matter to be discussed pursuant to the procedures of the House. The Leader of the Opposition may continue his presentation, and I ask him to note the comments I have made.

Mr JOHN BROGDEN: Mr Speaker, the fact of the matter is that you, Minister Scully and the absent Premier did not want this issue to be forced to a vote. You did not want the Labor Party to have to vote against this important matter of public importance in favour of the union hack motion of the member for Drummoyne. Direct from Sussex Street we get a motion about union matters that are not a matter of urgency before this State. The reason why this matter is urgent, and the reason why this Government is embarrassed about it, is that the Government has been caught out.

Police lives have been put at risk because of the failure to put in place an arrest on Saturday when a suspect presented himself to the police station. This matter should be discussed now. All the Government wants to do is allow the failing career of the member for Macquarie Fields to be given a little bit of a chance by giving him a chance at a vote today. If the Government wants to debate the matter then it should vote for urgency, instead of restricting the operation of this House in a manner that is out of the ordinary.

The very simple choice that the House has is to put this matter to the vote, and by putting it to the vote we will find out what the Labor Party wants to do. But the Labor Party wants to have it both ways because it is very embarrassed about this issue; it is embarrassed about the fact that Sydney has been subjected to riots for the past four nights in a row because of a cover-up orchestrated by the Minister for Police and others. Rather than have the debate in prime time the Government wants to push it back to another time. We will debate this at any time and in any form.

Motion agreed to.

CONSIDERATION OF URGENT MOTIONS

Penalty Rates

Ms ANGELA D'AMORE (Drummoyne) [3.31 p.m.]: This motion is urgent due to the attempt by the employer association Employers First—

Mr Andrew Humpherson: Point of order: I understand that there is one motion of urgency for which notice has been given, which is valid. So therefore, by default, that becomes the motion of urgency. I am just seeking guidance from the Chair. Is the member for Drummoyne debating urgency, or is she speaking to the substance of the motion?

Mr SPEAKER: Order! I am aware that there is only one valid notice of urgent motion before the House, but the honourable member for Drummoyne is still required to tell the House why her motion is urgent.

Ms ANGELA D'AMORE: This motion is urgent due to the attempt by the employer association Employers First to reduce and remove penalty rates for employees in a number of industries. This motion is

urgent as this House must express support for the successful and co-operative New South Wales industrial relations system that is based on the ability of employers and employees to negotiate rates of pay, including penalty rates—

Mr Barry O'Farrell: Point of order: I am loath to raise this point of order, which members on the other side take from time to time, but the member for Drummoyne has been here, and away from the union office, long enough to know that the point of this debate is to establish why this is a matter for urgent consideration, not to go through a rehearsal of the arguments that she will no doubt put when this motion is moved and debated. I would urge you to bring the member—the union hack—back to the leave of this part of the debate, to bring her to the standing orders, to the notice of motion and to the rulings of previous Chairs, about what this part of the debate is for: it is not about restating the arguments she will put for final consideration of this matter.

Mr SPEAKER: Order! I will hear the honourable member for Drummoyne further before I rule on the matter.

Ms ANGELA D'AMORE: This motion is urgent because penalty rates and shift loadings for work in ordinary time during weekends and outside the span of hours are intended to compensate for the inconveniences associated with working unsociable hours. This matter is urgent due to the manner in which the Federal Government is moving to largely eradicate the New South Wales State industrial relations system. This matter is urgent as any attempt by Employers First to reduce rates of pay by cutting weekend penalties will disadvantage thousands of women and part-time workers in the work force. This matter is urgent, particularly in the current climate of rising interest rates and high mortgage repayments.

Mr Barry O'Farrell: Point of order: Successive Speakers have ruled that just because a member says at the start of each sentence, "This matter is urgent", does not actually make it urgent. I again make the point that decisions on interest rates will not be announced until tomorrow. The Federal Government does not have control in the Senate until 1 July. None of the issues that the member for Drummoyne is arguing demonstrates any sort of urgency of this motion. I say again that this debate previously has been restricted to why this matter should have urgent consideration. The member is simply rehearsing in a rote fashion—the sort of fashion she learnt in the union office—arguments designed to deceive the public, and she is not taking account of the processes of this House.

I say again, we have rulings from the Chair and we have standing orders that do not allow the member for Drummoyne to make the sort of speech she is making. I simply say, would you please put us out of our misery, draw her back to the leave of this motion and get on with the proceedings.

Mr SPEAKER: Order! The Deputy Leader of the Opposition has raised some relevant points.

Mr Andrew Fraser: Point of order: I draw your attention to paragraphs (3) and (4) (a) of Standing Order 120. Paragraph 3 provides:

> (3) The notices shall be set down for consideration immediately after Questions without Notice with precedence of all other business.

If more than one notice is given, paragraph (4) (a) provides:

> (4) (a) The Members giving the notices shall each be permitted to make statements of up to 5 minutes so the House may establish the priority of such matters.

If there is only one motion—you have ruled the other one out of order—there is no reason to establish priority; the debate should continue. If you are going to rule that the member for Drummoyne may continue, you must therefore give the Leader of the Opposition the opportunity to argue his motion that was notified as an urgent motion prior to question time. The standing order specifically states that we are arguing priority, not urgency. Therefore, if you are ruling there is only one motion, there is no need to argue priority, so the member for Drummoyne should not have the tolerance of the House.

Mr SPEAKER: Order! The honourable member for Coffs Harbour clearly misunderstands the standing orders. I have ruled the notice of motion given by the Leader of the Opposition out of order, but the honourable member for Drummoyne is still required to show that the motion of which she had given notice is urgent. In any event, the honourable member's speaking time has expired.

Question—That the motion for urgent consideration of the honourable member for Drummoyne be proceeded with—agreed to.

PENALTY RATES

Urgent Motion

Ms ANGELA D'AMORE (Drummoyne) [3.36 p.m.]: I move:

That this House:

(1) expresses its concern about a call by Employers First to cut weekend penalty rates for a number of sectors:

(2) notes the Leader of the Opposition's refusal to state a position; and

(3) calls on the Leader of the Opposition to express his support for the successful and co-operative New South Wales industrial relations system.

In the months since the last Federal election we have witnessed the Federal Coalition Government position itself to take over the co-operative, stable and efficient State industrial relations system. One of these, of course, is New South Wales; a system that has consistently and even-handedly responded to the needs of employers and employees over 100 years. We have seen the Federal Government move to replace the New South Wales system with one that encourages unfair, unscrutinised individual contracts, a reduction in long- held worker entitlements, and, perhaps most importantly, the erosion of job security.

The Federal Government wants to cut wages and conditions and remove job security in the name of flexibility—for "flexibility" read low wages, no penalty rates and a job that can be terminated whenever the employer wishes. I wonder what the Opposition's view is on this. It is on the public record that a range of employer bodies, among them the Business Council of Australia and the Australian Chamber of Commerce and Industry, has lobbied the Federal Government with views on what the industrial landscape should look like in the next part of this century.

These views amount to an environment where employers have all the power at the bargaining table and where employees are offered jobs on a take it or leave it basis. Employees will work harder and harder over longer hours, they will be subject to unsociable work rosters, and they cannot complain for fear of instant dismissal. Employees who work for a business with less than 20 employees can be sacked without even knowing why they are being sacked. Employees will simply have nowhere to go. In the context of this sustained attack on the Australian tradition of a fair go for all, the Leader of the Opposition has been silent. He has refused to indicate to the people of New South Wales whether he supports throwing the vast majority of this State's employees into a Federal system, a system where employees cannot get a fair go; where if they complain they can get the sack; where employees either accept an individual contract or they do not get the job; where families will simply be worse off.

I wonder where the Leader of the Opposition stands on these issues. We received a clue during a 20 February interview on radio 2UE. During that interview the Leader of the Opposition had a great opportunity to signal where he stands on industrial relations. He had the opportunity to give the New South Wales public a clear indication of whether he supports wage cuts to the many thousands of employees who would be affected by the Employers First application to reduce penalty rates for those who work outside the normal working hours. Let us look at why we have penalty rates.

Shift loadings and penalty rates for work in ordinary time on weekends and work outside the normal span of hours are intended to compensate for the inconvenience associated with working unsociable hours. Work after 5.30 p.m. is generally regarded as being in unsociable hours, and has a negative impact on both personal and family wellbeing. With a higher female participation in the work force, the pressures on family interaction are now greater. For individuals this pressure has increased with more work being performed during unsociable hours.

There has not been a significant increase in the incidence of work being performed after 6.00 p.m. by clerical workers. I refer to the Clerical and Administration Employees (State) Award, which Employers First is seeking to amend. This award covers 350,000 employees, of whom 20 per cent or 70,000 work on weekends. I give my sincerest thanks to the Australian Services Union official industrial officer, Holger Mette, who supplied me with information on this matter. The argument that minimum award conditions must be reduced to lower costs is unsustainable. The current 12-hour span of ordinary hours in the award is as broad as any other State or Federal clerical administrative award, and is the result of structural efficiency changes, which on 30 May 1987 increased from 7.30 a.m. to 5.30 p.m. to 7.30 a.m. to 6.00 p.m., and on 26 February 1991 from 7.30 a.m. to 6.00 p.m. to 6.00 a.m. to 6.00 p.m.

Employers have already made significant changes to their workplaces. Industry practice shows that most employers pay substantially above the minimum award rates and accept that Saturdays and Sundays are not normal working days. Employees are less inclined to work on Saturdays and Sundays because they are dominant days for sport, leisure, community activities and religious celebrations. Time off during the week does not compensate for time lost on Saturdays and Sundays. This is the reason workplace arrangements have always recognised and endorsed penalty rates in the form of higher hourly payments for these days. Working unsociable hours interferes with family and personal commitments and has a negative impact on family relations, family and individual wellbeing.

Overall, there has been a slight decline in the incidence of work performed on Saturdays. Where there is a statistical increase in Sunday work in the overall work force, this is not significant and is consistent with the extension of trading hours in the retail sector. Instead, the Leader of the Opposition said in his interview that he did not know whether he supported the cut in wages for those who work on weekends. He did not know whether workers deserve anything extra for missing out on their kids' sporting activities, community functions, or spending time with their families on weekends. The Leader of the Opposition did not have an opinion on whether those who work on weekends deserve a little extra pay during these hours. He has not yet bothered to turn his mind to this question.

On the day of the interview the Leader of the Opposition was looking forward to a pleasant Sunday afternoon shopping for some furniture. While he was thinking about how to spend his money, the workers who would be serving him were hard at work earning money. They had given up time with their family and their community in order to pay their mortgages, bills and school fees. All they can look forward to now is an increase in interest rates. The Leader of the Opposition was asked a very simple question by Murray Olds during the radio interview: whether he would support Employers First in its application to cut the wages of people who work on weekends and during other non-traditional working hours. He did not give an answer. The Leader of the Opposition has yet to take a policy position on whether a whole range of employees such as shop assistants, medical receptionists, and hospitality workers, to name a few, should have their wages cut.

Members on this side of the House believe the answer is simple: Stop trying to rip off workers. I note that the Australian Council of Trade Unions has been running a reasonable hours campaign. Australian workers now work the second highest number of hours in the world. Workers should be compensated for the hours they work, particularly those outside ordinary working hours. A report commissioned by the United Services Union and prepared by Graeme Russell, Phd, Associate Professor in Psychology at Macquarie University, notes that women are overrepresented in the services and retail sectors, where the expansion of unsociable hours has been the greatest.

The probability of visiting entertainment or cultural venues is five times more likely on a Sunday than on a Monday, and attending a sporting event is three times more likely on a Sunday than during the week. This is why the accepted principle is that people required to work outside what are considered ordinary hours should be paid penalty rates or shift loadings. It should be noted that not all employer associations support Employers First. Australian Business Industrial and Australian Industry Group, which represents the majority of employers, disagrees with Employers First, so we have division amongst the employer associations.

I note that the Australian Medical Association supports Employers First. Interestingly, from 1 January 2005 doctors have received from the Federal Government an extra $10 per consultation for after-hours work, yet they do not recognise that their administrative staff also deserve extra money for those extra hours. The approach by Employers First, pushed by the Federal Government, which is keen to punish employees and families, is dangerous. It pits worker against worker and seeks to weaken the role that the independent umpire plays in reviewing awards and enterprise agreements and in arbitrating industrial disputes.

As a former officer of the New South Wales Nurses Association I am horrified at the implication of this application, which could spread to other industries. Penalty rates are applied widely in the nursing industry because it provides a 24-hour service. I do not believe that this measure will stop with clerical workers; it will be imposed on other industries, making it extremely difficult for workers to be recruited for essential services. A further key Federal approach involves removing the role of the Industrial Relations Commission in reviewing and setting minimum wages. Awards and wages will be stripped back to minimum and workers will be forced into individual contracts. As well, penalty rates or benefits will be removed from workers who are prepared to work at times when many cannot or will not do so.

I remind the House that the New South Wales industrial system delivered the Sydney 2000 Olympics on time and on budget. This was possible because the system places great emphasis on bringing industrial

parties together through consultation. Efficiencies were delivered to Olympic contractors while employees were assured of fair wages and conditions. Victoria, which has the Federal system, has the highest rate of disputation and is responsible for 91 per cent of employer lockouts. As a result, it is 20 per cent to 30 per cent more expensive to produce goods in Victoria. I commend the motion to the House. It is important that the people of New South Wales and all members of this Parliament hear the views of the Leader of the Opposition on key industrial relations questions.

Mr CHRIS HARTCHER (Gosford) [3.46 p.m.]: I move:

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

"this House:

(1) condemns the failure of the Government to support increased productivity in New South Wales through an updated industrial relations system; and

(2) further condemns the failure of the Government to address industrial rorts and misbehaviour, especially in the building industry."

The contribution from the one-term member for Drummoyne is typical of the high-on-rhetoric, low-on-substance material we have come to experience in Labor's approach to industrial relations in New South Wales. There is a continued outpouring of excited rhetoric from the Premier and the Minister for Industrial Relations, the Hon. John Della Bosca, about the Federal Government's proposals but no sound constructive proposal by them for a co-operative national system. For example, if they do not like the fact that the Federal Government is taking over industrial relations, they should seek the same co-operative system between all States that is used for company law.

The New South Wales Government has options available but it is only concerned with spin, not substance. It is pleasing to see the usual array of trade union hacks participating in this debate—the honourable member for Wollongong, who was sent here by the Liquor Trades Union; the honourable member for Drummoyne, who was sent here by her brother-in-law, and other members who were sent here by their little left-wing factions. However, the honourable member for Drummoyne deserves special mention because she is typical of those who move such motions: high on rhetoric, low on substance.

Ms Angela D'Amore: Point of order: My point of order is relevance. If the honourable member for Gosford knew what he was talking about, he would speak to the substance of the debate rather than attack members opposite. He should use his brain and stick to the issues rather than attack women on the Governments benches.

Mr DEPUTY-SPEAKER: Order! The honourable member for Gosford will speak to the leave of the motion.

Mr CHRIS HARTCHER: The very last words the honourable member for Drummoyne said were, "low on substance". That is exactly what she is. She is low on substance because her total contribution to industrial relations was to undertake a simulated nursing course in order to advance her political career by becoming an industrial relations advocate.

Ms Angela D'Amore: I was an industrial relations officer.

Mr CHRIS HARTCHER: The honourable member says she was an industrial relations officer. She was put in her phoney job by her factional mates to get political advancement, and everybody knows it.

Ms Noreen Hay: Point of order: My point of order is one of relevance. I thought the honourable member for Gosford would address his amendment, rather than make personal attacks on Government members. I respectfully request that he be directed to return to talking about the substance of his amendment.

Mr DEPUTY-SPEAKER: Order! I am sure the honourable member for Gosford will return to the substance of the debate. I remind him that the standing orders provide that if he wishes to make a personal attack on another member he should do so by way of substantive motion.

Mr CHRIS HARTCHER: It was factual; it was not personal. Notwithstanding that—and it stands on the record as an accurate statement of where the honourable member for Drummoyne is coming from—let us

look at the ALP's record. The Labor Party complained about thousands of workers having to work on weekends. If that is the case, and if the Labor Party is prepared to pass special legislation every four years for the shop assistants union to make Boxing Day a public holiday, why has it not done anything about the thousands of shop assistants who must work on weekends, which we have been told is terrible?

The Labor Party should have the courage to make it clear to the community that it is opposed to shops being open on weekends and let the community decide whether it thinks shops should be open on weekends. The contribution of the honourable member for Drummoyne was high on rhetoric. She was supported by her new-found factional colleague, the honourable member for Wollongong, who started with the extreme left, then flirted with the moderate left and now finds herself on the right. I bet she is confused as to what factional meeting she should be attending on any one day.

Ms Noreen Hay: I go to all of them.

Mr CHRIS HARTCHER: The honourable member for Wollongong says she attends all of them.

Ms Angela D'Amore: Point of order: My point of order is relevance. Government members would like to hear whether the honourable member for Gosford supports penalty rates for people who work outside ordinary hours. We would also like to hear about his amendment so we can debate it. There is nothing in what he has put on the record so far for us to debate.

Mr DEPUTY-SPEAKER: Does the honourable member for Gosford intend to address his amendment?

Mr CHRIS HARTCHER: I am addressing it.

Mr DEPUTY-SPEAKER: If the honourable member dealt with the specifics of the amendment, we may be able to continue the debate.

Mr CHRIS HARTCHER: My amendment has been well addressed. I am simply responding to interjections from members opposite. I have not yet referred to the honourable member for Camden. The workers of this State need to increase productivity if the New South Wales economy is to grow. Of course, productivity is increased through an effective industrial relations system. I am surprised that paragraph (1) of the motion moved by the honourable member for Drummoyne anticipates a decision by the Industrial Relations Commission [IRC]. The commission has before it an application by Employers First. It is appropriate that trade unions and employer bodies make applications to the IRC. Yet this motion is a heavy-handed attempt by the Australian Labor Party to tell the IRC how to behave.

We have more respect for the Industrial Relations Commission and its judges than the Labor Party. We are not prepared to tell the IRC how it should find in a particular case, but that is what the ALP is doing with this motion. The ALP is trying to send a signal to the Industrial Relations Commission that it opposes an application presently before the commission. I place on record my respect for the President of the Industrial Relations Commission and the respect of a political organisation for the independence of the IRC. I condemn the Australian Labor Party for its attempt to intimidate and undermine the Industrial Relations Commission and the industrial relations system in this State.

My amendment deals with two aspects. The first is how we need an effective, updated industrial relations system if productivity is to increase. The second is the Labor Party's failure to deal with ongoing rorts in the building industry. They have been exposed in two royal commissions, the most recent being the Cole royal commission, conducted by the Federal Government, which showed widespread and blatant rorting across the building industry. Yet there has been no comment on it or response by the Australian Labor Party—nothing at all about a royal commission that followed the royal commission established by the Greiner Government back in the early 1990s. When Labor took office in 1995 all it did about the royal commission into rorts in the building industry was to dissolve the building industry task force. That was Labor's contribution to an industry that a royal commission found to be full of rorts, corruption and incompetence. I am glad to debate the motion moved by the honourable member for Drummoyne. [*Time expired.*]

Mr GEOFF CORRIGAN (Camden) [3.56 p.m.]: The amendment moved by the honourable member for Gosford is completely unacceptable. I am surprised he had the gall to move it, because it is far removed from reality. Over the past 10 years New South Wales workers have increased productivity substantially. I do not

intend to deal with the honourable member's amendment; I would rather deal with the motion moved by the honourable member for Drummoyne, which I support. Honourable members may be aware that Employers First has applied to the New South Wales Industrial Relations Commission to vary the Clerical and Administrative Employees (State) Award to expand the ordinary working hours of clerical and administrative workers.

The employer's application seeks to expand the span of ordinary hours from 6.00 a.m. until 7.00 p.m. from Monday to Sunday, and to reduce penalty and shiftwork rates for work performed on Saturdays and Sundays. The clerical award is a common rule award that prescribes conditions of employment for administrative and clerical employees in a broad range of industries, such as real estate, medical centres and hospitality. The grade 1 weekly adult wage rate is just over $500 per week. The majority of employees engaged under this award are women, many of whom have family responsibilities. If this application were successful it would lead to many employers pressuring employees to work on weekends as part of their ordinary working week for less pay. This would have a detrimental impact on family arrangements and even the ability of low-paid employees to maintain second jobs. The New South Wales Government does not support the employer application. As the Premier said last week:

> Profits are running high and employers should not be trying to claw benefits off workers. Some workers are doing it tough and I support their right through weekend penalties to improve or maintain their position.

I strongly agree with the Premier. Family and community life will be disrupted as never before. Weekends are often the only time that working people have to spend time with their kids and to undertake community and sporting activities. Families are already paying the price for the steady erosion of the traditional weekend. The New South Wales Government believes that workers who work unsociable hours, either by necessity or by choice, should continue to be compensated with a penalty loading. This case highlights one of the strengths of the New South Wales industrial relations system: employers and unions can bring matters relating to conditions of employment before the independent umpire to be heard and determined on the merits of the arguments, not because of the respective bargaining power of the parties.

Compare our system with the sort of unitary industrial relations system that powerful employers through the Business Council of Australia are lobbying the Howard Government to introduce: a system whereby awards are stripped back to only six allowable matters, including a system whereby there are no protections for employees about when hours will be worked or when penalty, overtime and shiftwork rates will apply; a system whereby employment conditions will only be determined only by the bargaining power of workers and not by the independent umpire, the Industrial Relations Commission; a system that will further reduce the quality of life for working families.

The agenda that the Howard Government and some employers have in mind for workers and their families clearly illustrates why the New South Wales Government is committed to defending our industrial relations system against attack by the Commonwealth. Now, more than ever before, it is imperative that the Opposition's policy on these matters is heard. Do those opposite support a Canberra-based system? Do they support wage cuts? Do they support job insecurity? The honourable member for Gosford did not touch on any of these issues in his somewhat rambling speech, in which he tried to support his proposed amendment.

I can only deduce from the silence of those on the other side of the Chamber that they have nothing to say about industrial relations and nothing to contribute to the important debate about the working lives of the people of New South Wales. It can only be assumed that the Opposition has no industrial relations policy, no contribution to make, and no idea about the reality that working men and women face. The Leader of the Opposition made that clear in his interview a couple of Sundays ago, when he was looking forward to shopping, on a day when many were hard at work worrying about whether their wages would be slashed. I call on the Opposition to say something—anything—about industrial relations and, most importantly, to reveal its true colours to the people of New South Wales. I commend the motion to the House.

Mr STEVE CANSDELL (Clarence) [4.01 p.m.]: A good, fair industrial relations policy leads to more profitable businesses and more jobs. There are many small and large employers on the Clarence. New South Wales Sugar Milling Co-op has more than 300 employees. Ramsay Meats has 150 employees. Six years ago it was Gilbertson's Meats, a good union-run establishment with all of the rorts that come with unions. The place went broke and closed. When Ramsay bought the place he reopened on his conditions—fair wages, not rorts. The place is still running well and 200 people are taking home a fair wage and are giving a fair day's work. I see very little knowledge or understanding of small business on the government benches. I see workers and union people who think that anyone who has a small business has heaps of money and can be ripped off.

Ms Angela D'Amore: Have you ever been a worker?

Mr STEVE CANSDELL: I have worked at the abattoirs and I understand the rorts that unions run. I have a small business on the North Coast. I know we get under the skin of union people. The red flag flies high and the temperature rises. There are plenty of small businesses in the Clarence, and the people who run them work hard. Many small businesses people work for $3 to $5 an hour. They work six or seven days a week, 12 hours a day, and if they want a few hours off they pay a casual $14 or $16 an hour. Members on the government benches are ignorant and have little understanding. I support the amendment, which basically calls for increased productivity while putting into perspective the industrial relations policy.

Ms Noreen Hay: Point of order: The point of order relates to relevance. Neither the amendment nor the original motion is being dealt with here, and I ask that the honourable member be requested to return to the substance of the amendment.

Mr DEPUTY-SPEAKER: I am sure the honourable member for Clarence will do that.

Mr STEVE CANSDELL: We are talking about businesses and effective industrial relations policies. I support the Federal Government's industrial relations policy, which will give people a fair chance to run their small businesses. Right now they cannot sack anyone who thieves, they cannot sack anyone who smokes dope on the job.

Ms Angela D'Amore: Of course you can.

Mr STEVE CANSDELL: Of course you can, if you want to slip them $3,000 to $10,000 to save going through the appeals process. I have seen plenty of that and many people have come to me with their concerns. Years ago I worked at a shutdown out the back of Mascot. I was given a job by a good mate of mine who was a good union man. When I walked through the door he slapped a ticket in my left hand and a boilermaker's ticket in my right hand; then I could sit on my backside and play cards and rip off the employer. I do not support the motion. I support small business having the right to hire and fire whom they want. We are not sending kids down the mines, and neither are we trying to close down small business. New South Wales would benefit from a better industrial relations policy that supported small business, not one that condemned it with regulations, costs and fines as this Government does.

Ms NOREEN HAY (Wollongong) [4.06 p.m.]: I also support the motion by the honourable member for Drummoyne. The Federal Government's attack on the wages and conditions of working people in New South Wales via its proposed hostile takeover requires a detailed response from the Leader of the Opposition. I wish us luck, because since I have been in this place I have not seen a detailed response on anything from the Leader of the Opposition. The people of New South Wales deserve to know where he stands and, after the debate today, where a number of members opposite stand.

We keep hearing from members opposite about union hacks on this side of the House. I was a small business person, and it is important to recall that Employers First is a union of employers. Business people pay fees and become members and get representation. When honourable members talk about unions, they should talk about all types of unions. As Employers First is a union of employers it is not surprising that it might apply to reduce wages. It wants to reduce the wages of some of the hardest-working employees.

We deserve to know whether the Leader of the Opposition is with workers in New South Wales—which would be a nice change—or against them. Does the Leader of the Opposition support lower wages for these employees? We are talking about loadings and penalties for people who work Saturdays and Sundays, night shifts and early mornings. Most of them are young, and the only incentive they have to do those jobs is that they get a bit of extra money. These employees are the drivers of large parts of the New South Wales economy. They drive our tourism, retail and leisure industries. They work long hours on weekends and after hours on weekdays so that customer demand can be met and company profits can be generated.

These employees are students with higher education fees to pay. They are parents with second or third jobs who are trying to meet mortgage pressures. They are people with family and carer responsibilities who are forced into working unsociable hours because of family pressures caused by Federal industrial relations policies. As the Premier has said, these people are doing it tough. They are working when many of us would choose not to and they are missing out on many weekend family and social activities that many of us take for granted.

We do not need a Leader of the Opposition who is so out of touch that he can do his Sunday shopping without any regard for what the people serving him are being paid. It is breathtaking that he has not even turned his mind to this issue. Industrial relations has not been off the front pages of any major daily newspaper for at least 12 months. The Federal system is currently subject to proposed radical changes to right of entry and unfair dismissal legislation, which would remove significant rights of unions and employees. The Federal Government wants to get rid of minimum wage reviews and allow workers to be sacked for no reason.

In response the Premier, the Minister for Industrial Relations and all other State Premiers have been on the front foot defending the State systems. In particular, the Premier and the Minister for Industrial Relations have been clearly articulating the New South Wales Government's view on industrial relations. That view is we do not want or need Federal interference in our stable and efficient industrial relations system. We do not want increased industrial disputation or employer lockouts. We do not want secret individual contracts. We do not want fairness in the workplace to be eliminated. We do not want lower wages and we certainly do not want every job to be casual or, worse, casual with no loading.

What have we heard from the Leader of the Opposition? When he has gone shopping after hours and on Sundays, he has been served by employees who receive a well-deserved bonus for working on weekends. How can we take the Leader of the Opposition seriously when he says during a *Sunday* interview that he goes shopping on a Sunday but he does not know whether the people serving him should be paid penalty rates. He is not serious about the concerns of working people and he does not understand why people work such hours. The result of the recent referendum that was held in Western Australia last weekend on extended and weekend trading shows how much families value their weekends and time together. The proposal to extend trading hours was soundly rejected by the people of Western Australia. If we expect employees to work late at night and on Saturdays and Sundays, then they should expect to be remunerated appropriately in recognition of their missing out on important social and leisure time. [*Time expired.*]

Ms ANGELA D'AMORE (Drummoyne) [4.11 p.m.], in reply: The Opposition is obsessed with the proposition that strong unions and conditions in the workplace mean inefficiency. I remind the Opposition that during the Olympic Games our State ran very efficiently and we had strong agreements with the unions and a unionised work force. It should be noted that construction work and other services cost 20 per cent to 30 per cent less in New South Wales than in other States, because we do not have a great deal of industrial disputation. The Opposition must acknowledge that a good industrial relations system that protects workers and provides them with adequate and substantial remuneration improves rather than worsens efficiency.

Further, the Opposition should note that the small business sector accounts for 97 per cent of all businesses in New South Wales and employs 1.4 million people. The strong small business sector in this State has not been damaged in any way by the New South Wales industrial relations system. We would not be able to say the same thing if we went to a Federal system. The Opposition claimed that it is too difficult to sack people in New South Wales. The Australian way is a fair go for all. One of the principles of industrial relations is procedural fairness. Employees should be told what they are doing wrong and be given the opportunity to address the problem. They should not be sacked willy-nilly. I have assisted many small businesses in my electorate in dismissal or disciplinary matters. Not one of them has been concerned about my position or about the protocols I have shown them. Rather, they have welcomed a State member of Parliament who is able to assist them and their employees.

Clearly, there is a great deal of concern amongst employees, the union movement and the New South Wales Government about the Employers First application to cut weekend penalty rates. This side of the House understands and appreciates the difficulties that many people face in meeting the competing demands of work, family and mortgages and finding time to socialise with friends and family. The second income earner in a family may have to work on weekends or in the evenings because it is not viable to have both parents away from home at the same time. The children have to be fed, bathed and put to bed. Students might work late at night and on weekends so that they can pay the increasingly high cost of their tertiary education, which has just increased to $150,00 for a degree. Inevitably, work arrangements—and there are many variations on the theme—can place pressures on families. The time available to spend with family and friends and the opportunities to attend the many sporting and community activities of their children are reduced.

Sometimes people have to face financial reality. They have to take the Sunday shift because the penalty rates make a difference to the household budget. They work at the supermarket after their partner gets home so that someone is available to look after the children. These are examples of the way many people in our society are forced to live their lives so that they can meet the household budget and improve their circumstances. I am

talking about people who are working to get ahead and who are doing it tough. They are trying to do the right thing by their families. The New South Wales Government understands the pressures on families and will resist any attempt to cut into the wages of these employees. We say loud and clear: Do not rip off our workers, protect our employees, leave their well-earned penalty rates alone and recognise the contribution they are making to the New South Wales economy, their employers' profits and their families.

It is high time that the Opposition reveals, even if it has to be via the shadow spokesman for Industrial Relations, what it thinks about the Howard Government's stance on industrial relations. Perhaps the Leader of the Opposition is too gutless to admit to the people of New South Wales that he does not give a toss about their working lives. Let me make it clear that Labor members in this Chamber will support the mothers who work on weekends and the students who work weekends and at night while undertaking their university degrees. We will move mountains to support the employees and trade unions of this State. We will support freedom of association, as endorsed by international labour laws and organisations.

We will protect industrial officers, organisers and general secretaries so that they are able to represent their union members. I request a detailed response from the Leader of the Opposition. I call on him to either reveal what he thinks, if anything, of industrial relations or to express his public support for the successful and co-operative New South Wales industrial relations system. We have the best system in the world. We are the envy of the world, and we want to remain that way. We will protect our employees, employers and small business owners. I commend the motion to the House.

Question—That the words stand—put.

The House divided.

Ayes, 47

Ms Allan	Mr Gibson	Mr Orkopoulos
Mr Amery	Mr Greene	Mrs Paluzzano
Ms Andrews	Ms Hay	Mr Pearce
Mr Barr	Mr Hickey	Mr Price
Mr Bartlett	Mr Iemma	Dr Refshauge
Ms Beamer	Ms Judge	Ms Saliba
Mr Black	Ms Keneally	Mr Sartor
Ms Burney	Mr Lynch	Mr Shearan
Miss Burton	Mr McBride	Mr Stewart
Mr Campbell	Mr McLeay	Mr Tripodi
Mr Collier	Ms Meagher	Mr Watkins
Mr Corrigan	Ms Megarrity	Mr West
Mr Crittenden	Mr Mills	Mr Whan
Ms D'Amore	Ms Moore	*Tellers,*
Mr Debus	Mr Morris	Mr Ashton
Mr Gaudry	Mr Newell	Mr Martin

Noes, 34

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

Pairs

Ms Gadiel	Mr Armstrong
Mrs Perry	Mr Brogden

Question resolved in the affirmative.

Amendment negatived.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Ms Allan	Mr Greene	Mrs Paluzzano
Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mr Price
Mr Barr	Mr Hunter	Dr Refshauge
Mr Bartlett	Mr Iemma	Ms Saliba
Ms Beamer	Ms Judge	Mr Sartor
Mr Black	Ms Keneally	Mr Shearan
Ms Burney	Mr Lynch	Mr Stewart
Miss Burton	Mr McBride	Mr Tripodi
Mr Campbell	Mr McLeay	Mr Watkins
Mr Collier	Ms Meagher	Mr West
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Ms D'Amore	Ms Moore	
Mr Debus	Mr Morris	*Tellers,*
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Mrs Hancock	Mr Pringle	
Mr Hartcher	Mr Richardson	*Tellers,*
Mr Hazzard	Mr Roberts	Mr George
Ms Hodgkinson	Ms Seaton	Mr Maguire

Pairs

Ms Gadiel	Mr Armstrong
Mrs Perry	Mr Brogden

Question resolved in the affirmative.

Motion agreed to.

UNITED ARAB EMIRATES TRADE MISSION

Matter of Public Importance

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.32 p.m.]: I ask the House to note as a matter of public importance the valuable role that trade missions and market visits play in business growth in New South Wales, particularly the forthcoming trade mission to the United Arab Emirates [UAE]. This is an important matter for our State because exporting is a proven means of business and jobs growth for companies of all sizes. It is also a contributor to the economic development of New South Wales. Research shows that, on average, exporting companies are more profitable than companies that do not export. Exporting companies also, on average, pay their staff more than non-exporters; they offer more training and career development opportunities, and tend to be more in tune with new and changing technologies. International trade improves our standard of living and accounts for around 20 per cent of Australia's gross domestic product. Significantly, one in five jobs depends on international trade. That figure is one in four in regional areas.

Trade missions and market visits are part of the New South Wales Government's strong and detailed programs to help our companies win business in international markets. Each year the New South Wales Government organises a series of trade missions and industry-specific market visits to high-potential and emerging markets. These visits, which are tailored to meet the individual objectives of participating companies, are backed up by a wide range of State government services to help companies win business in foreign markets, and retain and create jobs in New South Wales. Our trade missions and market visits have an impressive record of success. In 2003-04 a total of 179 New South Wales companies took part in the State Government's trade missions and market visits. The companies expected sales of $58 million in the following 12 months as a direct result of their participation in the visits.

This week 21 New South Wales companies are travelling to the Middle East to take part in our latest trade mission to the United Arab Emirates [UAE]. Nine of the companies will travel on to Qatar to seek further business development opportunities. The UAE imports more than 90 per cent of its total goods and services and is also expanding its role as the trading hub for the Middle East, East Africa and Central Asia. The country is undergoing phenomenal growth. The UAE Government is promoting city-within-city projects. Key developments in the area include the Westside Marina, Palm Islands, the Dubai Festival City, the Dubai Health Care City, and the Dubai International Finance Centre. A recent study reported that the UAE Government is spending $US320 billion a year on construction and infrastructure. In 2002 New South Wales exports to the UAE were valued at $A65 million and included a wide range of products and services—building and construction equipment and services, water and waste water technology, food and food processing equipment, education services, and much more.

This week's trade mission to the UAE is the sixth organised by the New South Wales Government to this important market since 1999. The products and services of the 21 companies are extremely diverse, and include custom lighting, architectural design, management consultancy, biometric security, architectural models, synthetic grass, gourmet macadamia products, decontamination equipment, audiovisual and lighting design, furniture, plastic bottles and caps, industry training, and sprouts. Taking part in this trade mission is St Leonards-based Dimension 5 Design, an innovative architectural practice that has worked on commercial and retail centres, hospitality and recreational facilities, luxury individual housing, medical facilities and educational institutions. Microlatch, from Hurstville, is a designer, manufacturer and distributor of cost-effective biometrics security, access control and identification technologies. Microlatch's main focus is on integration of state-of-the-art biometrics solutions—specifically fingerprint technology.

OPEC Systems, which is based in Frenchs Forest, provides decontamination shelters and associated equipment such as decontamination showers, all-terrain decontamination trailers, protective suits, and bio-chem isolation chambers. An Alexandria company, Di Emme Creative Solutions, specialises in the design and fabrication of custom lighting, architectural features and water features. PTW Architects, from the Sydney central business district, provides a range of professional services including architectural design, master planning and urban design, and building refurbishment. A significant part of the company's business is sports and event operational planning. Last year PTW won a major design project for the Beijing 2008 Olympic Games. PTW and its joint venture design partner, the Beijing Urban Design Institute, were appointed to undertake a complete architectural and engineering service for the Beijing 2008 Olympic Athletes Village.

I represented the New South Wales Government at the official contract signing ceremony in Beijing in November last year during our trade mission to China. Another participant in the trade mission to the UAE is

Sebel Furniture from Bankstown. As honourable members would be aware, the company provides a range of quality furniture for a wide range of uses. I expect the honourable member for East Hills will further inform the House about this highly successful company later in this debate. It is pleasing to note that two regional companies are taking part in this trade mission. Bangalow-based Ant Packaging designs and manufactures a range of plastic bottles and caps for use in the cosmetics and personal products industries and in laboratories. Brookfarm, which is also based in Bangalow, manufactures gourmet macadamia products, including muesli, macadamia oils and nuts. Last year the company won several medals at the prestigious Great Tastes Awards in London. New South Wales companies can find many excellent opportunities in the United Arab Emirates, especially in construction but also in other sectors.

This week's trade mission to the UAE is the sixth organised by the New South Wales Government since 1999. The Government has also organised one market visit to the UAE, two trips to participate in exhibitions, and six independent market visits. A total of 102 companies have taken part in these visits. They have had impressive business results. Reports indicate that a total of more than $A28 million in export sales has already been generated. A further $A2 million has gone into outward investment and the establishment of local offices in the UAE. Eight companies have taken that step. This represents a significant investment by the private sector in the UAE. At the time of their return from the visits, the participants estimated that they would generate export sales of nearly $A52 million in the next 12 months. So they are well on their way to successful outcomes. The Middle East is an important market of growing significance for New South Wales companies.

In 2003-04 New South Wales exports to the six Gulf Co-operation Council members—the United Arab Emirates [UAE], Oman, Qatar, Bahrain, Kuwait and Saudi Arabia—amounted to more than A$213 million. This week's trade mission to the UAE follows the successful exhibition visit there late last year. Seventeen New South Wales companies took part in this visit. They were part of a New South Wales contingent at the Big 5 exhibition in Dubai. The Big 5 exhibition is the Gulf region's major trade show covering building and construction, water technology and the environment, airconditioning and refrigeration, and cleaning and maintenance. Here is what two participants had to say. Anwa Khan, director of Acousta Australia Pty Limited, said:

> We are pleased that NSW (Government) has done a very good job and provided our company a helping hand in the UAE and Middle East.

And Greg Morgan from Waterman AHW had this to say:

> The mission was very well organised. Full credit to the Department of State and Regional Development and the NSW Government.

The Big 5 is attended by more than 30,000 visitors from many Middle Eastern countries, including Libya, Iran, Syria and Oman, as well as the UAE. The products and services of the 17 participating companies included architectural and engineering services, ventilation systems, specialty paints and acoustic wall and floor panels. There is clearly an opportunity for planning consultants in the UAE, and Wollongong planning consultant TCW may well be interested at looking at those opportunities. I am sure Terry Wetherall, who is in the public gallery, finds that comment particularly pleasing.

The Big 5 provided these New South Wales companies with a good understanding of the Gulf region market, and it gave them an opportunity to view the products and services of competitors and make contact with potential business partners and distributors. This was the second year the New South Wales Government has provided a New South Wales booth at this important exhibition. It has proved to be of considerable benefit to the participating companies, as preliminary reports from the companies show. To date, the companies have reported that they expect to generate more than $A17.25 million in new export sales over the next 12 months as a result of exhibiting at the Big 5.

The New South Wales Government has a busy program of trade missions and market visits, but a program that is well worth pursuing because of the benefits that exporting brings to New South Wales companies, their employees and their communities. It is very satisfying to hear reports back from participating companies about their successes. Invariably they are extremely impressed by the programs and meetings arranged for them. I wish every success to the companies taking part in the trade mission to the United Arab Emirates this week. I am sure all honourable members will look forward to hearing about their progress in winning new international business and, through that, securing more jobs for New South Wales workers and providing a secure future for those workers' families.

Ms KATRINA HODGKINSON (Burrinjuck) [4.42 p.m.]: I start my contribution by wishing the 21 companies, which will be travelling this week, all the best of luck in expanding their markets in the United Arab Emirates. I have not been there personally but certainly all that I have read about it leads me to believe that it is a fantastic part of the world. There are obviously many, many opportunities there for Australian businesses.

When the Clerk announced this matter of public importance this afternoon on behalf of the Minister, I started doing a bit of research and my mind went back to the last Federal election and the attitude of the Labor Government in relation to the free trade agreements [FTAs]. I know that there has been very, very strong opposition from Federal Labor in relation to free trade agreements. Free trade agreements are of enormous benefit to businesses in Australia. They continually open up markets for businesses, they increase employment, and they are fantastic for our own development as far as businesses are concerned.

I would like to know whether the Minister supports free trade agreements. He is the Minister for Small Business. Perhaps he would be able to enlighten the House in his reply as to how he feels about FTAs and if he agrees with Federal Labor or is opposed to what Federal Labor has been saying in relation to the Government's trade policy agenda. Our Government's trade policy agenda has a balance between multilateral negotiations and bilateral negotiations as its approach to trade liberalisation. The Labor Party federally is still stuck in the past and continues to put out its purist mantra about multilateral systems.

The United Arab Emirates is a very important destination. As I was doing research for this contribution to the debate I was reminded that in the last election campaign the Federal Government said it was going to be looking at a free trade agreement between the United Arab Emirates and Australia. I understand that there are still some negotiations taking place in relation to that at the moment. I commend the United Arab Emirates on appointing Sheikha Lubna as the first female Minister ever appointed in the UAE. She is a highly successful and very well-regarded businesswoman in her own right. I understand that the Federal Minister for Trade, Mark Vaile, recently met with her in Davis, and I am sure that she will make a very energetic and dynamic contribution to trade negotiations on behalf of the United Arab Emirates and Australia.

As the Minister said, there is a construction boom happening in Dubai at the moment. A multibillion-dollar estate development project, the Dubai Waterfront, is currently taking place, and I know that there are many Australian companies involved in the UAE construction sector. I believe that Australian-made Toyotas are being exported to the UAE, amongst, obviously, many other exports. Dubai is positioning itself as a significant international investor and it should certainly be considered seriously by future Australian trade and investment delegations to the UAE. I am very pleased that the sixth delegation is about to depart from our shores. I wish them all the very best of luck.

I also understand that the consumption of high-value food and wine is very strong in the UAE, which is a very important factor for our own markets in New South Wales. We are a very strong producer of high-quality wines and gourmet foods. Many gourmet foods and many, many fine wines are produced in my electorate of Burrinjuck. I know that those fine wines are exported at a very reasonable export cost to the four corners of the globe. I trust that our relationship with the UAE will only enhance that export growth.

The UAE, which has four million people, is a federation of seven Emirates: Abu Dhabi, Dubai, Sarah, Raps Al Kamiah, Amman, Umm al Taiwan and Filaria. The Use's gross domestic product [GDP] is $US93.1 billion and the total global two-way trade in goods is $102 billion. It has the world's fifth-largest conventional oil reserves and the fifth-largest natural gas reserves, and there is a vibrant services sector representing 48.2 per cent of its GDP. I think that the types of exports from Australia to the UAE will be very beneficial for any future free trade agreement between Australia and the UAE. I expect that the Federal Government will continue to work to the commitment that it made during the last election campaign. I know that a commitment made by The Nationals in an election campaign is one that it will keep. I trust that the trade Minister, Mark Vaile, will make an announcement in due course about an FTA in relation to that.

The Use's rapid development and associated need for imports, together with its high levels of disposable income, means it is an attractive and expanding market for Australia. It is currently our second-largest trading partner in the Middle East and there is a lot of potential for continuing growth. Merchandise exports grew by an impressive 15 per cent between 2003 and 2004, from $1.1 billion to $1.3 billion, and services exports grew even more strongly, up 55 per cent to $472 million over the same period. Over the past decade Australia's trade with the UAE has expanded and diversified from traditional primary products and processed foods to include more complex manufactures and services exports—I mentioned previously the example of Toyota.

Like Australia, the UAE has a relatively open trading environment but exports in some key sectors continue to face barriers. A comprehensive FTA could address remaining tariff and non-tariff barriers to trade, opening up a raft of new opportunities in both countries. There is a total two-way trade in merchandise goods between Australia and the UAE worth $1.9 billion in 2003-04, with Australia recording a trade surplus of $443 million. Australia's merchandise trade with the UAE has undergone a significant transformation in recent years, away from traditional commodities to a growing emphasis on elaborate early transformed manufactures [Elms]. These have grown from 19 per cent of our total merchandise exports to the UAE in 1994 to 37 per cent in 2004.

Australia's largest export to the UAE is passenger motor vehicles, representing 18 per cent of total exports. In 2004 this was worth $235 million or 9 per cent of all Australian passenger motor vehicles sold overseas. But the important merchandise exports include alumina, telecommunications equipment, meat, dairy products, wheat, and processed foods. Australia's imports from the UAE are dominated by crude petroleum. We also import minerals and metals such as liquefied propane and butane, as well as metal structures and glassware.

Services trade with the UAE has grown significantly in recent years and is now a key element of our trading relationship. Two-way trade in services was worth almost $1.5 billion last year, with Australia recognised as a major supplier of professional services such as architectural, financial and construction services. Australia's services imports from the UAE are mainly transport and travel-related services. Some of those facts and figures speak for themselves, but certainly tourism and educational ties between Australia and the UAE are also growing at a rapid rate. I understand that the University of Wollongong actually has a campus in Dubai, which is doing very well. I believe that there is an issue about the word "Dubai" being behind the title "University of Wollongong" on the degrees, but that is being worked on.

Mr David Campbell: That is not a problem.

Ms KATRINA HODGKINSON: The Minister says that has been resolved. I understand that the campus is doing very well and is another example of New South Wales and Australia dealing with the UAE in a positive, productive and proactive manner. I understand that the Minister is not joining the delegation, but I wish every business participating in the delegation the very best of luck and future success. [*Time expired.*]

Mr ALAN ASHTON (East Hills) [4.52 p.m.]: I join with the Minister for Small Business in wishing every success to the 21 New South Wales companies that will participate in the upcoming trade mission to the United Arab Emirates [UAE]. Among the companies joining the mission will be the famous furniture maker Sebel Furniture, which I am proud to say is based in my electorate of East Hills. Sebel is a great Australian success story that has a history dating back to the late 1940s. I doubt that there is an Aussie backside that has not come into contact with a Sebel chair at some stage. I can remember years ago when my mother was very ill we needed to buy special chairs and we were able to buy the correct ones from Sebel.

Although I do not have shares in the company, I do have chairs from the company. Whenever I drive along Canterbury Road my wife often encourages me to stop at Sebel to check out its sales and displays. The chairs are comfortable, stylish and durable. I am a proud consumer of Sebel furniture and I am glad that this thriving company within my electorate will be part of the delegation to the UAE. The Sebel web site states:

> If you have ever watched your favourite team score the winning goal, screamed yourself hoarse at a rock concert, sat at a school desk for what seemed an eternity [I did that for 20-odd years] visited a loved one in hospital, enjoyed a great meal at as stylish restaurant or just lazed by the pool in a top resort, then chances are you have sat on a chair from Australia's leading furniture manufacturer—Sebel.

We have all done that. It is a matter of particular pride that a long-established company from the East Hills electorate is again taking the chance to expand its overseas markets, generate new sales and continue to provide a solid future for its employees and future employees. Sebel is a great example of an Aussie company that has a long and proud past but is not content to rest on its laurels. It is inspiring and exciting to see a company continue to build on its success, continue to develop innovative new products to meet changing markets, continue to work hard to find new buyers and secure new sales and continue to literally get bums on seats.

Sebel management recognises that the world is an ever-changing place. This is the key to ongoing business success. It was not long ago that this proud Western Sydney company won a contract to supply outdoor furniture to the UAE company responsible for building the world's largest skyscraper and shopping centre. The products were selected because they were designed to suit harsh Australian weather conditions, which, therefore, makes them ideal for the Middle East. Contracts like this $300,000 deal do not come about merely

because a business produces great products or supplies a great service. Those deals happen because a company works hard to promote its products, pushes them into new markets, something that needs government support also. This Government has always been at the forefront of promoting small business and I congratulate the Minister on the role he has played.

Buyers do not always come knocking on doors; businesses need to promote their products, and the success of Sebel is the result of smart thinking and hard work. The harder one works the more luck one seems to have. The harder one trains in sport, such as football, the luckier one will become on the football field. In the same way companies that work hard will win more contracts. Sebel has approximately 260 workers, who mostly live in the Bankstown area and are the mainstay of the company's continuing success. I congratulate them on their important role in helping Sebel grow and prosper. I am sure that if past successes are any guide, the company's regional expert or manager, Richard Howell, who leaves for the UAE on Thursday, will come back with a stack of orders.

This is the second time that Sebel Furniture has participated in a New South Wales Government trade mission to the United Arab Emirates. The UAE was the subject of our State's largest ever trade mission last year and Sebel was present. That trade mission was expected to generate more than $12 million worth of business for some 25 New South Wales companies, including the sale of ice cream, herbs, and software and security systems. It was during that trade mission that Sebel, a wholly owned subsidiary of GWA International Ltd, which includes household names like Derf and Ceroma, finalised its contract with Ear Properties, one of the Use's largest companies with an asset base of $US7.7 billion. Ear is building the world's tallest skyscraper, Bur Dubai, and the world's largest shopping centre, the Dubai mall.

They also received a follow-up order worth approximately $35,000. During the trade mission that commences later this week Sebel aims to appoint more agents in the Middle East and to promote its products in the growing education sector. I know honourable members will join with me in wishing Mr Howell and the other participants all the best for their mission. It should be noted that 30 per cent of the furniture produced at Bankstown is exported, with Sebel products going to 62 countries. I conclude by stating that Sebel exports to numerous countries, including the United States of America, the United Kingdom and Denmark. My daughter is in Denmark and she has probably sat in a Sebel chair. I have heard that even Princess Mary and Prince Frederic might be interested in purchasing some Sebel furniture. Indeed, anybody closely watching the Denton show last night would have seen them sitting on a Sebel chair. I congratulate the delegation that is attending the UAE and look forward to its great success. [*Time expired*.]

Mr DAVID CAMPBELL (Keira—Minister for Regional Development, Minister for the Illawarra, and Minister for Small Business) [4.57 p.m.], in reply: I thank the honourable member for East Hills for his contribution to the debate and note his salesman skills in trying to sell Sebel furniture to the Danish royal family. I acknowledge also the contribution of the honourable member for Burrinjuck. She spoke about her research, but if she had carried out more detailed research into the free trade agreement [FTAs], she would know that in this place, on behalf of the Government, I have talked positively about the opportunities for FTAs in building a strong local economy and for growing local jobs.

She would have been better off to have highlighted the fact that the work of the Labor Opposition in Canberra led to a better result in the American free trade agreement, particularly in the area of medicines and the Pharmaceutical Benefits Scheme, probably saving that scheme in the process. At the end of the day the Federal Parliament undertook rigorous scrutiny, thereby providing a better result. Notwithstanding that core research, I know that the honourable member for Burrinjuck effectively endorsed the strong and detailed plan that this Government has for trade missions and I thank her for encouraging exports. The honourable member for Burrinjuck also talked about the University of Wollongong. The courses that the University of Wollongong offers at its campus in Dubai are fully endorsed and accredited by the United Arab Emirates Government. That is good news for educational exports from New South Wales. I acknowledge that the University of Wollongong is on the honourable member for Burrinjuck's radar.

Mr John Brogden: It's a great university.

Mr DAVID CAMPBELL: It is a great university. Last year a good friend of mine, Dr Stephen Martin, spent a number of months in Dubai as the operational head of the University of Wollongong campus. No doubt that campus makes a significant contribution to the work of the University of Wollongong. Last year the Premier welcomed to Sydney his Highness Sheikh Hammed Bin Bayed Al Nahant from the United Arab

Emirates. Their talks focused on building business and trade links. Sheikh Hammed chairs the Abu Dhabi Economic Department and heads the Abu Dhabi General Health Authority.

The United Arab Emirates is the third largest economy in the Middle East, with a gross domestic product of $US71 billion in 2002, and one of the highest per capita incomes in the world. There are more than 4,000 Australian nationals and 70 Australian companies in the United Arab Emirates. The United Arab Emirates is a focus of the New South Wales Government's export development initiatives, but it is not only the market we are targeting. This upcoming trade mission is part of a broad, strong and detailed plan we have to assist exporters to extend their overseas markets.

As I said earlier, the Government organised a trade mission to China last year, in which 16 companies from across New South Wales took part. Those companies covered a wide range of goods and services, including wine, architectural design, energy efficient lighting, management consulting, water saving shower devices, medical and nurse training and recruitment, dairy products, event management, and construction and planning. China is another country that represents excellent export opportunities for New South Wales companies. China is the world's fastest growing economy, with an average annual growth of 8 per cent over the past six years.

This growth, combined with the introduction of many trade and business reforms, means that there are many emerging business opportunities for New South Wales exporters of goods and services. It is important to point out that export is about not only commodities and manufactured goods but also services. More and more Australian service companies are earning export dollars and, as a consequence of earning those export dollars, employing more people and providing support through that employment to more and more families in New South Wales. The results from the China trade mission were very encouraging. One participant, Kristina Friend from Orchard Hills company Eco Balance Discovery Tours, said she had identified three potential markets for her business. She said:

> The whole program was fantastic—well organised to every detail. All the business matching was "spot on". The amount of interest shown by the Chinese agents was overwhelming.

Another participant, Michael Quam from Parramatta's Triple 8 Studios, commented:

> The trip to Shanghai and Guangzhou to meet with local businesses was invaluable …

Trade will promote local jobs and, through that, security for local families. [*Time expired.*]

Discussion concluded.

MACQUARIE FIELDS RIOTS

Matter of Public Importance

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [5.03 p.m.]: It is urgent that this House debate the riots at Macquarie Fields today because of the Government's softly, softly approach to rioters in Macquarie Fields over the past four evenings. For the past four days the good residents of Macquarie Fields have been subjected to the sorts of riots that Australians should never have to see. They have been subjected to those riots by an element in that community who are undesirable and who, frankly, should feel the full force of the law. The good people who live there, whom I met yesterday, do not deserve to put up with the sort of urban violence that we have seen over the past four nights. This matter is urgent because of the Government's clear edict of a softly, softly approach at Macquarie Fields—the same edict that saw the Redfern situation get out of control.

Ms Linda Burney: What would you have?

Mr JOHN BROGDEN: I would have had a tough response from the police on day one so that these rioters understood that there is absolutely no way their sort of violence will ever be tolerated by any police officer in this State. Instead, we saw a recurrence in Macquarie Fields of what we saw in Redfern, which is police standing there and copping bricks, broken concrete and Molotov cocktails. They were subjected to unacceptable violence and their lives were put at risk. Police can wear as much protective gear as they like, but at the end of the day an angry mob who have no respect for law and order in this State have only one intention: to damage the police and harm individual police officers.

Why has the Government's softly, softly approach over the past four nights forced police to enter the riot zone night after night and put their lives at risk? These rioters should have been crushed on day one. The full force of the law should have been brought to bear on these people from day one. The Government should not have directed the police to take a softly, softly approach. The Government is more interested in media management than in restoring law and order. This is despite the outstanding work of police on the ground. I praise the local police and the local police commanders, who have put themselves in harm's way night after night in an attempt to restore some semblance of civility at Macquarie Fields. What is the Government's view? I quote the transcript of an interview between Alan Jones and the Minister for Police on 2GB on 28 February. The Minister's view was that the police response was "measured and appropriate". Mr Jones said:

> What do you mean "measured and appropriate"?

This is the mealy-mouthed stuff the public cannot cop. What is "measured and appropriate" about requiring police to stand there on four consecutive nights and cop it in the neck from violent rioters who have no interest in seeing peace restored to their community? Let me quote the transcript.

[*Interruption*]

It is highly appropriate that the Minister for Energy and Utilities has become an expert on sewage.

[*Interruption*]

The Minister can talk about standards. This morning on the ABC's *AM* program the Premier said:

> Police are not going to stand there as targets.

What have the police done for the past four nights? They have stood there as targets, unable to respond in the manner they should, which was to crush the rioters at the commencement of the riots. The presenter then said:

> John Brogden's argument is it was left overnight to make some of the arrests that could have been made earlier and all the while it was damaging the police reputation and they were going soft on the people out there.

The Premier said:

> This might come as a blinding revelation to you and the Opposition leader, the police need to have reasons to make arrests and that is they need to identify people who have been throwing bricks on video or catch them in the act of doing it. That is the way criminal law works.

The ABC presenter then said:

> But blind Freddy would have been able to see that people were throwing bricks at people. They were standing 20 feet or less away from the police. Surely they could make arrests on the spot.

If that paragon of right-wing commentary, the ABC, knows that the police can make an arrest, so do the rest of the people of New South Wales. It is clear to everyone in New South Wales that the Government is going softly, softly on these rioters. The Government is more interested in media management than anything else. The substantive issue is the police failure to arrest the likely suspect in this case, Jesse Kelly, when he presented on Saturday morning at Macquarie Fields police station. Let me inform you what Superintendent Les Wales, the commander on the ground, has said over the past day. Today's 7.30 2UE news reported:

> Superintendent Les Wales has told Mike Carlton that with the benefit of hindsight it might not have been the best decision.

It then quoted Superintendent Wales as saying:

> That decision may have been not so sound in hindsight.

What did the same man, the commander on the ground, say today on 2BL? Angela Catterns asked:

> How is a search going for the missing driver? It is reported today that he actually presented himself to police over the weekend on a separate matter. Was he not considered a person of interest at that point?

Superintendent Wales said:

> He was but that was a decision taken by the investigation team at that time in relation to investigation priority. It was an accident.

Here we have the commander on the ground indicating that the decision not to arrest Jesse Kelly when he walked into Macquarie Fields police station on Saturday morning was an accident. I ask the Government at what time on Saturday did Jesse Kelly present to Macquarie feels police station as per his bail conditions? At what time on Saturday did police have sufficient evidence to arrest and charge Jesse Kelly for his involvement in the police chase and the deaths of two passengers in the vehicle? If he was allowed to leave because of a higher priority investigation what matter is of a higher priority than dangerous driving leading to the deaths of two young men, endangering the lives of police in pursuit and the public at large?

They are legitimate questions. It is legitimate for the people of New South Wales to know why the Minister and the Premier are saying one thing but the commander on the ground is saying it was an accident that he was not arrested and that with the benefit of hindsight they would have arrested him. Who is right and who is wrong? It is reasonable for the Opposition to bring to the attention of the people of New South Wales a clear conflict between the commander on the ground, Superintendent Wales, and the Government via the Premier and the Minister for Police.

Within minutes of my arriving at Macquarie Fields yesterday the local people gave me the name of Jesse Kelly, which I then passed on to the police, as is appropriate. They also indicated that it was well known in the community who he was. Jesse Kelly has still not been arrested by the New South Wales police, but he was interviewed on Channel 10 news. Channel 10 news knows where he is but not the Carr Government. The man who was a person of interest, now the person the police are looking for, was interviewed by Channel 10 but he has not been arrested by minister's police. The people of Macquarie Fields deserve some support from the Government, and they are not getting it. The good residents of Macquarie Fields need a firm response from this Government and an end to the softly, softly approach.

Mr CARL SCULLY (Smithfield—Minister for Police) [5.13 p.m.]: That was an absolutely disgusting performance by the Leader of the Opposition. The police need support. The Leader of the Opposition spent all his time criticising them. He has been talking up hill and down dale, bagging the police performance for one purpose—to get cheap political headlines. It is laughable that this public relations consultant has the gall to tell operational police what they should or should not be doing in the field. He has absolutely no idea what he is talking about. He attempts to tell the public that the police have not performed well and did not act with measure and objectivity. I rely on the police commissioner. He believes they acted with measure and appropriateness. It is appropriate that if people break the law and throw rocks and Molotov cocktails, the police should turn up, and they will continue to turn up.

Mr John Brogden: Why weren't they arrested on the spot?

Mr CARL SCULLY: Twenty-six people were arrested. The Leader of the Opposition invented a story yesterday. He said the Government had told the cops to go soft—an absolute falsehood, a disgusting lie. I assure the House that when I spoke to the commissioner, the deputy commissioner, the regional assistant commissioner and the area commander I said to them to make sure that the safety and wellbeing of our police officers are protected, but with that proviso we want these characters arrested. I told them to take the paddy wagons and if people breach the peace to lock them up. Nineteen arrests took place last night. This concoction by these characters opposite that we told the police to go soft is a complete falsehood. The Leader of the Opposition went on and on about Superintendent Wales' comment. I rely on the commissioner and on Superintendent Wales. He did a terrific job last night. He is the local area commander at Campbelltown.

Mr Craig Knowles: I call him Les, I know him.

Mr CARL SCULLY: And he is a terrific bloke. The Leader of the Opposition has chosen not to quote Superintendent Les Wales saying that it was a good decision at that time by that investigator. The Leader of the Opposition is trying to present that police somehow deliberately let him go. I will not repeat all that the Premier said earlier, but he succinctly said that the investigation as to who was the driver has not yet been completed. If the characters opposite were in office we would have Barry O'Farrell, Minister for Police, sitting in the command and control centre making operational decisions about who should be arrested. What a joke!

I wonder about the seriousness of the Opposition's commitment to Macquarie Fields. The member for Macquarie Fields, who is a Minister, will be speaking later. I inquired about what interest members of the Opposition have shown, and what test could one perform to determine whether they are genuinely interested in Macquarie Fields. I always took the view that someone who lives in Pittwater or Vaucluse might not know where Macquarie Fields is, might not take much interest in it, and may not be aware that we have doubled police

numbers at Macquarie Fields since we came to office. The test was about a month ago when the executive of the New South Wales Liberal Party met and decided whether it would run a candidate from its party for Federal Parliament, to talk and advocate on behalf of the Macquarie Fields community. It decided not to run a candidate in the Federal seat of Werriwa.

Mr John Brogden: How is this relevant?

Mr CARL SCULLY: It is very relevant, because the first time the Leader of the Opposition went out to Macquarie Fields was when he bumbled over the honourable member for Vaucluse and the Hon. John Ryan trying to get credit. The Hon. John Ryan said, "Peter, I am here as the shadow Minister for Western Sydney." I do not mind the shadow Minister for Police having a legitimate interest in policing, but it is not appropriate for the two of them to conduct their interfactional fighting outside Macquarie Fields police station.

I strongly support the police, and this is an opportunity for the Opposition to say it supports the police too, to say that hooliganism will not be tolerated. It is intolerable for people to behave in this way. I am not going to have it said that because they are poor, because they have been denied opportunities that others take for granted, that is an excuse for lawlessness. It is not. As the commissioner said today, he came from a housing estate. I understand that the Leader of the Opposition in the other place came from a housing estate. The honourable member for Kogarah was one of the first residents in the Minto estate in the mid to late 1970s, and she spent her formative years there.

People grow up with denied opportunities. They grow up in limited financial circumstances and in areas where they do it tough. Tens of thousands of people across south-west Sydney are doing it tough but they roll up their sleeves, they clean their homes, and they feed and educate their children. They do it tough, but they do not break the law. They do not throw Molotov cocktails at police. They do not engage in hooliganism and lawlessness. There is no excuse for that type of behaviour. The vast majority of people in Macquarie Fields are law-abiding, hard-working citizens. As the local member, the Minister for Infrastructure and Planning, and Minister for Natural Resources, knows, many of them do it tough. A number of residents have told me they support the actions taken by the police. A small number of people are engaging in unacceptable activity; some of them have already been arrested. If they keep doing it, the police will keep turning up. It has been said that the police have provoked the situation by their presence. I do not apologise for the police response. If people behave in this way, they will be arrested.

There has been some rubbernecking in the area. Many people have gone to Macquarie Fields to observe the events. Some have even taken seats, treating it as a spectacle. Today I was fully briefed by Deputy Commissioner Dave Madden, who told me that the presence of these people was making the situation more difficult for police. The offenders do not stand in front of police and throw rocks at their shields. They throw rocks at police over houses, over fences and over the people who are observing the scene, and then they rush into dark alleyways. It is difficult for police to act quickly and arrest them. Where police have been able to identify the offenders in a crowd, they have pursued and arrested them.

I have spoken to a couple of police officers who were assaulted. Last night I spoke to a policewoman who had been punched four times in the face. She is a courageous and brave individual who has worked in the police force for 17 years. Following the assault she was conveyed to hospital, where it was confirmed she did not have any fractures in her face. She then went back on the police line. I met a sergeant whose wrist had been broken. He said he felt his place was back there with his colleagues trying to restore peace and order in Macquarie Fields. I have nothing but the highest regard for the courage and commitment of our police officers. We rely on our police force for safety and security in the community. They are as disgusted as I am that they have gone to work at night in this situation—unfortunately, that is their working hours and office—and yet the Opposition's public relations consultant trashes their good names and good work, trawls over every decision that is made, and criticises their commanders.

The notion of the Leader of the Opposition being an area commander is akin to the honourable member for Lane Cove launching the battle of Fallujah. Imagine it: the Leader of the Opposition, sitting in Pittwater, making decisions about the conduct of operations at the coalface of a riot. None of us can pretend to know how tough it is to be at the face of a riotous affray. It is a tough environment in which people in the field have to make decisions. I believe that the police response has been measured and appropriate. If the situation had turned out a lot worse than it has, the Opposition would have been the first to criticise. It would not matter how many people were arrested or how stern the police response was, it would not have been enough. I do not want the Opposition either criticising the police, who have done a terrific job, or inventing reasons for apologising for the behaviour of the individuals involved. Their behaviour has been nothing short of disgusting and outrageous.

I will advise the New South Wales Police Association that they should call the Opposition to account for the disgraceful way it has undermined the good name of police officers and criticised the terrific work they have been doing at Macquarie Fields. The local member, who knows many of the officers in the area, appreciates the work they have done. Members of the community have told him they welcome the police in their area. In fact, they look to the police to maintain safety and order in the streets of Macquarie Fields. The Opposition members should be ashamed of themselves.

Mr PETER DEBNAM (Vaucluse) [5.23 p.m.]: Before the Minister for Police races out of the Chamber I want to tell him that he has to do his homework. He cannot swan in here, full of rhetoric, for 10 minutes. He was a disaster as the Minister for Roads, and on the basis of his performance today and in the past couple of weeks he will be a disaster as the Minister for Police. He should come back here to learn about policing and Macquarie Fields. The Minister said there is not a "softly, softly" approach in policing in New South Wales. There has been a "softly, softly" approach for 10 years under the Carr Government. That is exactly the approach we have seen in Macquarie Fields over the past few days, the approach we see today, and the approach we will see tomorrow. If the Minister thinks it is not a disaster to have riots four nights running in a Sydney suburb, he has another think coming.

There is a problem in Macquarie Fields, and it is not the suburb. Despite the rhetoric of the Government and the portrayal of stereotypes by the media over the last four days, the problem in Macquarie Fields is the criminals and thugs, who have not been arrested by the Carr Government. Macquarie Fields needs resources on the ground to arrest those individuals, get them into court, and gaol them. We have not seen that action from the Carr Government. The members on the Government bench—the biggest shareholder in Telstra is sitting over there—have not been to Macquarie Fields to see that every day there are no police officers on the streets. The police turn up in Macquarie Fields for the nightly war for the television cameras. If Government members do not believe me, they should go out there and have a look for themselves.

The reason there are no police officers on the streets of Macquarie Fields is because the police force does not have the resources. In the past 18 months the Government has stripped police numbers from Macquarie Fields. Since the election the area has lost six officers. The local member can confirm that because the local police station is the local area command. The area is about to lose more. In the past 18 months New South Wales has lost 380 police officers, and we are about to lose another 320. We need law and order on the streets of Macquarie Fields; we need police on the streets interacting with the community. Over the past four days we have heard a great deal of rhetoric about public housing. Public housing tenants are the most vocal people in this State on law and order. I can say that 99 per cent of public housing tenants are good, decent people. But they have to put up with criminals living next door in halfway houses.

We need law and order in this State. Public housing tenants would be the first to say that the Premier has failed them. The Carr Government has not delivered adequate policing in Macquarie Fields or in many other suburbs across the State. If Government members had a look at what was happening on the streets, they would see that the police simply do not have the resources. The police commander has enough resources to roll out a line of police at night. The staffer sitting behind the Chamber is shaking her head. I do not know whether she works for the Minister for Police. She should go and have a look at Macquarie Fields, the police web site, policing in New South Wales, or the local area commands. This State is losing police left, right and centre and we get a "softly, softly" approach. Perhaps she is from the office of the Minister for Housing. The constituents who live in public housing are the most vocal people in New South Wales on law and order. They have been screaming for assistance for 10 years, but they have not got any—not from the Premier, not from the Minister for Police, and not from the Minister for Housing.

The Government must increase police numbers by 380—the number of officers it cut from the State. It must get police out on the streets of Macquarie Fields, interacting with the community, not standing in a line and taking part in nightly warfare for the television cameras. No-one wants that situation, but we have had it four nights running. The Government strategy on policing has been a total failure for Macquarie Fields and for the whole of New South Wales. Government members should get out to Macquarie Fields and see for themselves. If the honourable member for Bathurst and the honourable member for Londonderry went to Macquarie Fields and interacted with the community they would find that the community wants police on the streets. But they cannot have police on the streets because for the past 18 months the Government has cut police numbers, and it is about to cut another 320 police positions throughout the State. Rather than betray their electorates, Government members should go out into their communities and do the job they were elected to do. They should call for more police in their communities. [*Time expired.*]

Mr CRAIG KNOWLES (Macquarie Fields—Minister for Infrastructure and Planning, and Minister for Natural Resources) [5.28 p.m.]: I am pleased to record in *Hansard* that I am a very proud member for Macquarie Fields representing my community. It is a privilege I have enjoyed for 15 years. The tragic events of the past several days need to be recorded properly in this place. First, I record my great and deep sympathy for the families of the two young men who died. No matter what their sins or their circumstances, the tragic death of two young men should be respected in terms of the grieving process that their families will now have to go through. I join with the parents of those two young men in a plea for calm among their friends. I was very pleased to read in a newspaper article today that the mother of one of the boys and the father of the other were reminding people that adding the tragedy of violence to the tragedy of death assists no-one, that it only serves to demean this whole tawdry experience.

The greater tragedy, and this is where I choose to concentrate my remarks today, is the impact that the events of the past several days is going to have on the people in my community, particularly the younger members of my community, for years to come. It may have been coincidence, but last Friday night at almost exactly the same time as this incident occurred, literally about 400 yards down the road in a hall at the local high school, the police were doing what they normally do with a whole lot of young kids in Macquarie Fields: they were conducting a blue light disco for the school community. The headmaster of my local high school reported that 170 children attended the Friday night dance and not one incident was recorded. It was a typical night in my community. That is the Macquarie Fields that I know.

The behaviour of a few criminals, and a few dills who tacked on behind them thinking it was sport to hurl a few house bricks at the coppers, does them no credit. Of course the police will deal with those criminals, as will the courts. Some members of this House and some people out in the community have crawled over each other make an issue of this. But when the caravan has moved on and the anxiety and stress has settled, as it inevitably will, this event will be a problem for children next year and the year after, and the year after that. I can tell honourable members that this has happened before and it breaks my heart to know that it is about to happen again. A couple of years from now those children will be sitting opposite a potential employer and, when asked where they live, they will say they live at Glenfield. They will not able to say they live at Macquarie Fields because they know that if they do they will not get the job.

If they say they live at Macquarie Fields, they will find themselves having to explain that they were not part of a riot but were at a dance. Maybe they were at home in bed. Maybe on Monday they were at the swimming carnival at the local swimming pool, where young people were enjoying themselves. These are ordinary people getting on with their lives. Yes, many people live at Macquarie Fields in its 4,600 homes, of which about 1,500 are public housing accommodation. At the soccer field on Saturday morning people do not wear a label on their foreheads declaring "I live in public housing" or "I have a private residence." Their aspirations, like mine, are to continue to do the best they can for their families.

When young people attend Scouts they all wear the same uniform. They regard their homes as their homes, whether it is public housing accommodation or a private residence. These people might be poor in some instances—I assure honourable members that many in Macquarie Fields are not, but some might be—but they are very proud. They know that the stigma of the past few days that has been placed on them is not the fault of the police, nor the Government, nor the Opposition, nor the media; it is the fault of a very small group of people, a few criminals who should get what they deserve.

I heard on a radio broadcast today that the courts have already started to deal with these people. The greatest comfort I had was to know that when I walked into Macquarie Fields police station for a briefing the bloke who participated in the briefing was also a south-western Sydney resident who happens to be the Commissioner for Police. The greatest comfort my constituents have is in the fact that Ken Moroney is there, not only with his head but with his heart, driving the efforts to get those criminals out of our community and allow decent and ordinary people to get on with their lives. So, get off his back, let him do the job. Let us make sure the Macquarie Fields community gets a fair deal and that the young people get a chance to make a success of their lives.

Mr JOHN BROGDEN (Pittwater—Leader of the Opposition) [5.33 p.m.], in reply: Such is the commitment of the Minister, the member for Macquarie Fields, to his community that he does not even live in his own electorate. What more needs to be said of this local member than that he has such little faith in his own community that he does not live there.

Mr Craig Knowles: That is certainly not true. You know it is not true.

Mr JOHN BROGDEN: I know it is true.

Mr Craig Knowles: Don't talk about people's private circumstances. You know that's not true. You understand that it's not true. It's a lie. John, you are a liar! Cop that.

Mr JOHN BROGDEN: The Minister's defensiveness indicates quite clearly that he is concerned about his constituents finding out that he does not live with them. We have heard today from the Minister for Police that he wants the safety and wellbeing of police officers to be ensured. Well, so does the Opposition! But how in hell is it ensured by forcing them night after night to have to front up to a riot, when, if this Government had allowed them to respond in a tough manner on night one, they would not have to be back there night after night.

And, as the local member said, nor would the kids who live there, who go to school there, and who will grow up there and get jobs in that community have to be worried about the fact that not for one night or two nights, but for four nights the people of Sydney, New South Wales, Australia and indeed the world, through international vision of this event, have a view of Macquarie Fields that would have been different if the police had crunched the riot on the first night!

Mr Steven Whan: Crunched?

Mr JOHN BROGDEN: When I say "crunched", I mean crunched the riot on the first night. All that has happened is that the Government has allowed this to drag on night after night. We now have to endure the embarrassment on Channel 10 news at 5.00 p.m.—and, the Opposition understands, on news and current affairs programs on other television stations—of interviews with Jesse Kelly which the Opposition understands were filmed yesterday. Why was Jesse Kelly not arrested yesterday?

The Opposition has three questions, none of which the Minister chose to answer in the class-based diatribe we always get from the Minister for Police. The one good thing about the Minister is that he is both bad and predictable at the same time. We always get the same sort of Mark Latham diatribe. It did not work for Mark Latham and, let us face it, it does not work for the people of any part of this State when it comes to talking about people's origins, where they lived, and where they grew up. That is not relevant. It is the sort of classic claptrap we get from this class-based Labor Party, which has not worked out that New South Wales is no longer a State that cares where people went to school, what their parents did, or where they grew up.

Unlike the Labor Party the Coalition believes that people stand on their merits, not based on whether their fathers were members of Parliament—like the member for Monaro and the member for Macquarie Fields. Look at these hypocrites! Their pedigree is that daddy was a member of Parliament. That is their pedigree, both of them. God Almighty! One would think these people would wake up to themselves!

Let me make it clear that there are three questions that this Government has failed to answer. First, at what time on Saturday did Jesse Kelly present to the Macquarie Fields Police Station in accordance with his bail conditions? Second, at what time on Saturday did police have sufficient evidence to arrest and charge Jesse Kelly for his involvement in the police chase and the deaths of two passengers in the vehicle? Thirdly, if Jesse Kelly was allowed to leave because of a "higher priority investigation", what matter is of a higher priority than dangerous driving leading to the deaths of two young men, and endangering the lives of the police in pursuit and the public at large?

The people of New South Wales have a right to have answers to those questions. It may be that the answers will be sufficient to satisfy the community as to why Jesse Kelly was not arrested when he presented to Macquarie Fields Police Station, but the fact is that news organisations can contact him, but the Carr Government cannot. This is an embarrassment to the Government, an embarrassment it will not be able to slide away from as we head into another night of potential riots because of this Government's inaction.

Discussion concluded.

PRIVATE MEMBERS' STATEMENTS

PORT STEPHENS RAAF WILLIAMTOWN SUPPORT GROUP CITIZEN OF THE YEAR AWARD

Mr JOHN BARTLETT (Port Stephens) [5.39 p.m.]: The Port Stephens RAAF Williamtown Support Group was formed in 1997 primarily to support the personnel at the RAAF base at Williamtown, and also to recognise the achievements of the personnel and partners of the RAAF, who contribute greatly to many Port

Stephens community groups. One of the problems associated with citizens belonging to military establishments is that they are constantly posted to different areas around the country. To be eligible for the Port Stephens Citizen of the Year Award nominees must have spent around 40 years in the Port Stephens community. The award is aimed at people from the RAAF community who contributed greatly to Port Stephens, although not necessarily over a long period. Sponsors for this year's awards included Nelson Bay RSL Club, Kloster Ford and Port Stephens Council. Port Stephens acknowledges the contribution of the RAAF base at Williamtown. Currently there are around 2,500 members at the base. Around 1,200 homes in the Hunter are rented by RAAF personnel, and the base pays some $105 million a year in wages.

This year we asked community groups to nominate community members for the Port Stephens RAAF Williamtown Citizen of the Year Award. We wrote to the 355B committees at Port Stephens Council, the State Emergency Service, the Rural Fire Service and many other community organisations, inviting them to nominate RAAF personnel working with them at the community level. The short list of award nominees included Mrs Gill Bartlett, Sergeant Steve Westcott, Leading Aircraftman Antony Grills, and Flight Lieutenant Drew Marshall. Mrs Gill Bartlett, who is married to a service member and has two young children, has been active fundraiser in the local community. She has been involved in fundraising for the Nelson Bay Junior Cricket Club, St Michael's school, St Phillip's school and Soldiers Point Public School. She has been a major organiser for the Kirby Turnbull fundraising night. In addition, Gill has held the position of Registrar of the Tomaree Triathlon Club.

Sergeant Steve Westcott and his family have been heavily involved with the Fingal Beach Surf Life Saving Club for five years, and over that time Steve has gained a number of awards and advanced qualifications to assist in his role in the club. Steve holds the position of chairman of youth activities, vice-president of the club and the club's board and ski supervisor. He was also elected club champion and Lifesaver of the Year for 2002-03. Leading Aircraftman Antony Grills, who was not present to accept the award because he was posted to Amberley at the end of 2004, had been a member of the Birubi Point Surf Life Saving Club for three years. Antony gained a number of awards and qualifications in support of the club. Antony held the position of junior development officer for the last three seasons, organising and co-ordinating managers and looking after more than 100 nippers.

Flight Lieutenant Drew Marshall is a reservist with No. 26 Squadron. Drew has been involved with Medowie scouts for three years as an adult leader and more recently as group leader. Drew is also involved with the Medowie Primary School Council and currently holds the position of secretary. Drew takes an active interest in the progress of Medowie, including participation in the High School for Medowie Committee. These people are some of the community members nominated for the Port Stephens RAAF Williamtown Support Group Citizen of the Year Award. Mrs Gill Bartlett was selected as the winner, and the announcement was made at the Australia Day Ceremony on 26 January in front of an audience of around 200 or 300. Following the announcement Nelson Bay RSL Club, as part of its sponsorship, hosted a luncheon for the award nominees and their families—and a great luncheon it was. On behalf of the Port Stephens community I congratulate Williamtown RAAF on its dedication to the Port Stephens community.

LANE COVE TUNNEL

Ms GLADYS BEREJIKLIAN (Willoughby) [5.44 p.m.]: I wish to provide an update on the impact of the Lane Cove Tunnel project on the residents of the Willoughby electorate. I have raised the issue in this House on a number of occasions, but developments in recent months and weeks require the House's attention. Previously I spoke about the impact of the tunnel construction on residents of Walter Street, Willoughby. Commitments had previously been made in relation to the use of solid noise walls, as opposed to transparent noise walls, which would have caused Walter Street residents enormous distress. The community had expressed concern that the construction company, Thiess John Holland, was not acceding to the request of residents on that issue and a number of others.

However, I am pleased to report that after many months of stress, and many public meetings and consultations, Thiess John Holland and the Roads and Traffic Authority [RTA] have finally considered the petition from Walter Street residents, together with concerns expressed by others, opposing the use of transparent noise walls on the Gore Hill Freeway. In response the company now proposes the use of continuous solid noise walls rather than transparent walls for that section of the freeway. That is a win for the community, but it is regrettable that it has taken many months of stress for the construction company to come to this conclusion. It is an enormous project, involving construction over a number of years. I suggest that in moving forward with the project Thiess John Holland and the RTA engage in consultation immediately an issue arises, rather than allowing residents and other stakeholders to be concerned and stressed for months before a final outcome is reached.

Walter Street residents also expressed concerns about a "No Parking" zone on the southern side of their street. Some residents even highlighted to me the fact that they had received infringement notices from Willoughby City Council in relation to the "No Parking" zone. However, I am pleased to report that in the meantime Thiess John Holland has made an arrangement to ensure that residents are not penalised for parking in their own street. Walter Street residents have also expressed concerns about the number of truck movements in the street. Thiess John Holland has undertaken to ensure that it maintain safe traffic practices, which will include staff training and ensuring that trucks are escorted. The company has also advised that residents will be notified in advance on the days of maximum movements.

I received a petition from residents of other parts of Naremburn for presentation to the Minister. The petition referred to issues such as the loss of car parking spaces at the Naremburn shops; the dangerous widening of a shared pedestrian-cycleway bridge; increased traffic, parking problems and noise caused by work sites at Park Road, Chelmsford Avenue, Rhodes Avenue and east Donnelly Street; and inadequate noise barriers to cope with increased freeway traffic. I place on record, and assure the residents of the Naremburn community, that I will continue to raise their concerns in this place and elsewhere. I will raise the issues with the Minister directly tomorrow to ensure that the impact on that suburb of the tunnel construction is mitigated.

I also take this opportunity to highlight the concerns of Artarmon residents in relation to the Lane Cove tunnel construction. Artarmon residents have highlighted their concerns about air quality, and I attended a public meeting on the issue. It is a great shame that the State Government refuses to accept the Federal Government's generous contribution towards tunnel filtration for the Lane Cove Tunnel project. That has caused much angst for my constituents in the Artarmon part of the electorate. Artarmon residents are concerned about a number of traffic issues. The proposed configuration of traffic arrangements will allow heavier trucks on residential streets throughout Artarmon. The measures put in place by the State Government and Thiess John Holland in relation to monitoring air quality and providing information on the subject to residents are deficient, especially in relation to the company only being required to provide an average toxicity level for the day, as opposed to toxicity levels for peak hours. I assure my constituents that I will continue to raise the issue on their behalf. [*Time expired.*]

MR AND MRS BUI FISHING INFRINGEMENT NOTICES

Mr PAUL LYNCH (Liverpool) [5.49 p.m.]: Tonight I advise the House of the unfortunate events that have befallen two constituents of mine, Mr and Mrs Bui. These events have cost my constituents $1,000 and seem to largely flow from ministerial disinterest and bureaucratic bumbling. Mr and Mrs Bui and others went fishing on Parramatta River on Homebush Bay on the night of 5 February 2004. While they were there they were approached by two fisheries officers in a boat who identified themselves to my constituents. The officers explained that fishing was prohibited in that area. This was quite a surprise to my constituents as there was no sign in the parking area where their car was, or anywhere else between the car park and where they were fishing. Quite simply, they thought they were allowed to fish there and there were no signs to tell them not to. Certainly, all their actions were consistent with a legitimate and bona fide belief on their part that they were entitled to fish there. For example, it was at night, but they were using lights. When the fisheries officers approached them by boat my constituents did not in any way attempt to leave the area; they fully co-operated with the officers and supplied the identification that the officers requested.

Mr and Mrs Bui have had a degree of ill health and they are in receipt of sickness benefits; they use fishing as a way of relaxation to reduce stress. Being on sickness benefits they clearly have limited financial resources. Mr and Mrs Bui explained all this to the fisheries officers. In turn, the officers said that they would speak to a senior officer and request that only a warning be issued, and that they not be fined. The officers left and Mr and Mrs Bui packed up and left as well. To their shock and horror, two weeks later they received an unwelcome message through the mail: infringement notices, one each addressed to Mr and Mrs Bui. The arrival of these infringement notices was a matter of considerable disappointment. Apart from what they had told the fisheries officers and what the officers said in response, this was, after all, a first offence. As if getting an infringement notice at all was not bad enough, the size of these fines was quite significant—$500 each. For people whose income is restricted, this was an overwhelming amount. It also seems quite disproportionate to any harm measured in any objective sense.

Accordingly and sensibly, Mr and Mrs Bui came to see their local member. I made written representations to the relevant Minister on 25 February 2004. I received a reply almost two months later by way of an undated letter from a Parliamentary Secretary. That letter advised that the infringement notices should stand. As is usually the way with such letters, it obscured more than it revealed. The letter disputed none of the

substantive issues raised in my representations, but blissfully asserted that there were plenty of other signs erected elsewhere in the area prohibiting fishing. That, I must say, struck me as being monumentally beside the point. That was all fairly unsatisfactory both to Mr and Mrs Bui and to myself. The position, however, shortly became even more bizarre.

Mr and Mrs Bui had not been by themselves on that night; they had been with other people. One of those other persons also received an infringement notice arising out of the night's events for exactly the same offence. Apart from the recipient's name and the infringement number, the infringement notice was identical to those received by Mr and Mrs Bui. Their friend had made his own representations directly to the fisheries department. I have a copy of those representations. In my view, there is no substantial difference in the matters raised in those representations and those raised on behalf of Mr and Mrs Bui: it was exactly the same set of circumstances, the same infringement notices and the same representations. The only difference was that one representation was by the local member of Parliament [MP] and one was made directly by the person concerned. Yet, unbelievably, the end results were different. Mr and Mrs Bui were told they had to pay the fine; their friend received a caution instead and the fine was withdrawn. This is an outrage. People in exactly the same position are being treated differently.

One is inclined to speculate that some bureaucrat has decided to punish Mr and Mrs Bui for having the temerity to raise the issue with a local MP. Alternatively, someone has decided to placate their animus against me by punishing my constituents—or it may just be bureaucratic stupidity and bloody-mindedness. Needless to say, when I became aware of the position I made some fairly enthusiastic further representations. My letter, which was sent by facsimile, was dated 8 June 2004. I requested a response by return mail. I did not receive a substantive response for five months. The eventual response was from Minister Ian Macdonald, dated 15 November 2004 and received in my office on 17 November. There are a number of interesting features about the response. First and obviously, it was five months late. Second, the Minister simply attached a letter from the agency, the Department of Primary Industries. There was no separate assessment by the Minister's office of the issue involved. Third, the department's response comprehensively fails to confront the central issue raised in my April representations: Why were similar cases treated so differently?

Perhaps there is some massive distinction between these cases, but, if so, none of the official responses are able to identify it. More likely, it is about bureaucratic arrogance and ministerial indifference. The other interesting issue from the Minister's letter was that the Minister asserted that the fines had been paid. In fact, they have not. So apart from all the other issues, there is some real question about who is keeping records, and what is being paid and what is not. I would ask the Minister, or someone in his office, to have a proper look at this. What has happened is an absolute outrage. It is a disgrace that someone is punished because they happened to go to the local member to complain about something, and that people who do not go to the local member's office get a better result.

ROTARY INTERNATIONAL 100TH ANNIVERSARY

Mr RUSSELL TURNER (Orange) [5.54 p.m.]: It is with pleasure that I inform the House that last Saturday my wife, Diane, and I, along with some 120 Rotarians and their friends, celebrated 100 years of Rotary at the Cowra Bowling Club. Those celebrations are taking place not only all over Australia, but all over the world, as Rotary celebrates 100 years of serving the world's communities. Earlier, at a function in Europa Park, which is on the outskirts of Cowra, a plaque was unveiled to recognise the Cowra Rotary Club's commitment to developing the park as its acknowledgement of Rotary's 100 years of helping communities. In Orange the four combined Rotary clubs provided shelters and barbecues at the children's adventure playground. Whilst the day was washed out—and we did need the rain—those shelters in the playground and the barbecues will be there for many, many generations.

As a Rotarian I am proud of Rotary's history in assisting in local and overseas projects. The aim of one of those worldwide projects, Polio Plus, is the elimination of poliomyelitis. Under that project Rotary has spent some $500 million vaccinating more than two billion children against polio throughout the world. Whilst Rotary International aims to eliminate polio by 2005, which is its 100th anniversary, it concedes that there will still be some small pockets throughout the world where polio will still be a problem for children. But Rotary International is determined that it will be eliminated very shortly and it is now looking for a major project to take on after Polio Plus. It believes that project might be the elimination of malaria.

During the proceedings last Saturday evening we were entertained by Ukrainian folk singing and the playing of the unique Ukrainian musical instrument, the bandura, which I had not heard of before. It is a

delightful instrument which is basically the Ukrainian national instrument. It is a little like a lute or a banjo, and I could even detect wind chimes in the sound. It was delightful to be entertained by the Ukrainians, who took the trouble to come to Cowra to entertain us that evening. The whole evening reminded me of the magnificent role that Cowra and its citizens play in international relations. Each year representatives of a guest nation come to Cowra for the weekend; I could rattle off 20 or 30 nations whose representatives have attended Cowra and had their national flag flown there. Cowra also has the Japanese prisoner-of-war camp and the post-war migrant camp. The Ukrainian Women's Association, which is still an official women's association throughout Australia, was formed in that migrant camp in 1949. There are still descendants in Cowra from the migrant camp, which was similar to the migrant camp that was established around what was then called Emmco in Orange, which then evolved into Email and is now Electrolux.

Descendants of those post-war migrants still live in Cowra and Orange. One wonders how we can get some of the present-day migrants to those country towns, to which migrants have contributed, and continue to contribute, so much. Cowra has put an enormous effort into peace relations. One example of that is the Cowra peace bell, which is one of only 20 throughout the world. It is one of only three that are situated in towns outside a capital city. That is another acknowledgement of the wonderful contribution that Cowra has made to improving international relations. I hope that its small contribution, and the contribution of Rotary, will help to enhance international relations as there are still conflicts, hunger and famine throughout the world.

BLACKTOWN COMMUTER CAR PARK PROPOSAL

Mr PAUL GIBSON (Blacktown) [5.59 p.m.]: Tonight I speak on an issue that affects most people who live in the great city of Blacktown, namely, the most sought-after piece of real estate, a commuter car park. Over the past four or five years the price of land and homes in the area has escalated, with the price of houses increasing from $300,000 to $500,000. Blacktown has the largest a.m. station in the rail network and many thousands of commuters use the station daily. Despite the fact that the city of Blacktown has a population of approximately 280,000 people, it does not have a commuter car park and commuters have to park their cars in surrounding streets. That means that streets within a radius of one or two kilometres of the station are crammed with cars, to the extent that some residents cannot even get into their own driveways.

Our forefathers thought it was unnecessary to build a commuter car park at every railway station, and that decision was probably right at the time it was made. Instead, the decision was made to build a commuter car park at Seven Hills, which was perhaps feasible at that time but was impractical for future purposes. Car parks in the central business district of Blacktown are always full, mostly with commuters, to the annoyance of the proprietors of local shops and businesses. Seven Hills has the only multistorey car park, but it is full by 7.30 every morning. People from The Hills district also drive to Seven Hills, the better part of Western Sydney, park their cars in the commuter car park and travel to the work. As a result, the streets around Seven Hills station also are crammed with cars.

Some time ago a proposal was put to the Government that Blacktown RSL was prepared to donate land if the Government was prepared to build a multistorey car park, with the provision that one or two storeys would be reserved for RSL patrons and the remainder would be used by commuters. I am certain that the residents would welcome such a proposal. New suburbs are popping up throughout the area and although council has provided funding for car parking, it is the responsibility of the State Government to build a commuter car park. It is often suggested that people should leave their cars at home and catch buses or take taxis. However, that is not always feasible for elderly people and young mothers with children in strollers. Everyday I am bombarded with complaints about the station, and with the redistribution every station from Blacktown to Richmond will be in a Labor-held seat.

However, we need a lot of dollars spent on the Richmond to Blacktown line, which would have to be the worst in Australia. Quakers Hill railway station is a box on four stilts. When a train goes under it, one cannot sit in the place. We need big dollars, and quickly, for a commuter car park at Blacktown, which would overcome many problems. Indeed, with the benefit of hindsight, a commuter car park should have been built at Blacktown long ago. I implore the Minister to examine the issue and provide funding in the budget for a commuter car park at Blacktown.

THE HILLS ELECTORATE STORM DAMAGE

Mr MICHAEL RICHARDSON (The Hills) [6.04 p.m.]: On 2 February and again on 19 February The Hills district was devastated by storms. We suffered lightning, hail, winds of more than 100 kilometres per

hour and some of the heaviest rain I have seen since I visited Western Samoa in 1978. Thousands of houses were blacked out, some for more than 24 hours. Bush along the ridgeline through Glenorie and Forest Glen, which still had not recovered from the fiery holocaust that tore through these bushland suburbs in December 2002, suffered the full impact of the gale. Last Sunday week literally hundreds of State Emergency Service [SES], Rural Fire Service, electricity and other workers were out along Old Northern Road pulling trees off houses and powerlines and restoring things to normal. I congratulate them on their efforts.

On 21 February I visited Clegg Place Glenhaven which had been hit the previous Saturday by winds my constituents described as cyclonic. Trees had fallen across cars, through fences and roofs. Tim Strachan, whose ruined home was featured in the *Daily Telegraph*, was philosophic about his loss, even though his kitchen, family room, lounge room and dining room had all been destroyed. Everywhere people were cutting up fallen branches and carrying them to the nature strip, from which Baulkham Hills Shire Council, to its credit, had offered to collect them. I am pleased to be able to report to the House that despite the scale of destruction, there were no injuries.

I then drove a couple of kilometres north to Highett Place Glenhaven where the Fellows and Shields families live. Both have large blocks of land backing onto a bush reserve. More than half their land is declared environmental protection and cannot be built on. The storm had been equally devastating here. The Fellows' roof was patched with a tarpaulin, and a bridge at the back of their cleared area had been smashed. The wind had swept the glass top off a barbecue table on the back patio and deposited it metres away, miraculously without breaking it. But the biggest problem was the number of trees, mainly eucalypts and angophoras, that had been damaged by the storm. I estimate more than 40 trees had lost limbs, crashed to the ground or were leaning perilously against one another. But the land is so steep it is not possible to get a front-end loader or a crane round to the back of the houses to clear the debris and, of course, no insurance policy covers that sort of event.

However, given that much of the land is declared environmental protection, which is of benefit to the whole community, and that the fallen timber poses a fire hazard, help should be provided to assist these families in clearing up after the storm. Of even more concern is the case of the elderly couple living in West Pennant Hills. I will not use their name as they have asked me not to. On 2 February their house was struck by a falling tree, which destroyed the back of their house. The same tree, in a neighbour's backyard, had dropped a branch through the roof 10 years earlier, but Baulkham Hills Shire Council had refused permission for the tree to be removed.

This time the whole tree, a large gum, came down, destroying three rooms of the house. But the greatest concern was not the property damage; that can be repaired. It was the fact that their seven-month-old grand-daughter was lying in a cot in one of the rooms. Her cot was showered with broken tiles, any one of which could have killed her. Incredibly, she was not injured, although to make sure an ambulance was called. The little girl's mother found bits of broken tile in her nappy when she got her home. After he had confirmed his grand-daughter was okay, my constituent rang 000 and asked for the SES. The operator told him she would try to transfer him to the Baulkham Hills SES office and then, when that proved impossible, gave my constituent the number and told him to ring direct.

Unfortunately, the 000 operator did not hang up her phone, which put my constituent's landline out of action. He had to use a mobile to contact the SES. Forty minutes later he got through, only to be told, he says, "The SES only attends real emergencies." Honourable members should think about that situation: a house owned by an elderly couple is smashed to smithereens by an enormous gum tree, and a baby girl in a cot is showered with broken tiles—and that was not regarded as a real emergency! What does constitute a real emergency—something of the scale of September 11 or the Bali bombings?

The SES still had not got back to my constituent when his daughter rang me on 11 February. I visited the home to inspect the damage and then contacted the local SES controller, Peter Ainsworth. Mr Ainsworth told me they had no record of my constituent phoning. How can that be? He suspected it was a problem with the 000 number, which would not surprise me, given previous difficulties associated with that number. It is important for all of my constituents that we get to the bottom of this. Did the fault lie with 000 yet again or with Baulkham Hills SES? I am not going to point the finger of blame, but the problem must be fixed. My constituents need to be assured that when they have a genuine emergency, as this obviously was, they get help quickly. That is the reason we have police, emergency services and the 000 emergency number.

Another issue to be addressed relates to the trigger threshold for natural disasters. At the moment the Commonwealth criterion for small disasters stands at $240,000. Baulkham Hills Shire Council tells me that it

spent $200,000 clearing up the 2 February storm, which is just short of the threshold. But when one adds the significant damage done, to powerlines in particular, the quantum would have risen sharply. It seems to me that the trigger level for natural disasters could use some finetuning so that local communities do not have to bear the full cost of clean-ups. Another problem is the large numbers of trees that fall down, are inaccessible and are not covered by insurance, yet property owners are expected to bear the full brunt of cleaning up the debris.

COMMONWEALTH BANK SYDENHAM BRANCH CLOSURE

Ms KRISTINA KENEALLY (Heffron) [6.09 p.m.]: I draw the attention of honourable members to the Commonwealth Bank's decision to close its Sydenham branch. In January the Federal member for Grayndler, Anthony Albanese, and I met with Commonwealth Bank officials, who told us that the Sydenham branch had been closed because it had been robbed twice and, therefore, for security reasons the Commonwealth Bank had decided to close the branch. I draw the attention of honourable members to the fact that as of 14 February the Arncliffe branch of the Commonwealth Bank had also been robbed twice. Under the same logic that the Commonwealth Bank used to close the Sydenham branch last month—that is, that it had been robbed twice—I suggest that we can now expect the Commonwealth Bank to shut its doors at Arncliffe.

If the Arncliffe branch remains open everyone will know what Sydenham residents suspect—that the closure of the Sydenham branch was for financial reasons and not safety reasons. Residents in Sydenham, Tempe and St Peters have told me that they are angry, frustrated and dismayed about the Commonwealth Bank's decision to close the Sydenham branch. I have been doorknocking streets in the area for the past two weeks and I have yet to find a local resident who supports this decision. Adding insult to injury, the Commonwealth Bank announced the closure of the Sydenham branch in the same week as it ran advertisements in the local newspaper declaring that it had not closed a branch since 2002.

I doubt whether safety reasons are what justifies the Commonwealth Bank closing this branch. The fact is that closing this branch increases risk for local residents and businesses. Owners of local small businesses, such as John and Helen's takeaway shop on Unwins Bridge Road, will now have to spend time and money catching a taxi or public transport to Marrickville to deposit the day's takings. Local shop owners have told me that they used to vary the times of day that they would walk to the Sydenham branch to minimise the risk of being robbed. Now, with the constraints of time and travel to the Marrickville branch, they will not be able to do that.

Local residents are also more at risk. Sydenham is largely populated by elderly residents and migrants on low incomes. They often do not speak English and cannot use an automatic teller machine [ATM]. Face-to-face contact is essential for them to manage their finances. Now they will have to travel to Marrickville—a branch notorious in the local community for long queues—and wait. As a result, pensioners are more likely to withdraw their pension at one time, rather than in smaller amounts throughout the month, which makes them more vulnerable to theft. In fact, the only complaint I have had from local residents about safety in Sydenham is that the ATM is dangerous. It is located in a dark area, tucked away from passing foot traffic.

But the Commonwealth Bank assures local residents that it will leave the ATM there. Thanks a lot! We do not want it. What we want is a branch. The closure of the Sydenham branch will also have an impact on local business in terms of patronage. Maria Nicolaou, whose parents run John and Helen's takeaway shop, told me that a lot of passing trade comes from people who have walked to Sydenham to go to the bank. On their way home they stop at John and Helen's, Mario's or the cake shop to get a bite to eat or a soft drink. Now that custom will evaporate as those residents head to Marrickville.

Local residents might be more willing to accept the Commonwealth Bank's argument that the closure of the Sydenham branch was about security and not profit if the bank could demonstrate that it had examined ways to make the branch safer. For example, the Commonwealth Bank could not advise me or the Federal member for Grayndler whether it had looked at better lighting, better security measures, redesigning the branch, hiring a security guard or even relocating to a safer location in Sydenham, Tempe or St. Peters. Instead, it would appear that the Commonwealth Bank took the first excuse it could to shut the Sydenham branch and increase its already record profits.

If the Commonwealth Bank does not close the Arncliffe branch, which is just up the road from Sydenham and recently suffered its second robbery, that will confirm that it does not close branches for security reasons; it is just a cover for its greed and its profit margin. I welcome the news that Marrickville Council has withdrawn its accounts from the Commonwealth Bank. I highlight to the House that I am currently co-

sponsoring, with Councillor Rae Owen and the Federal member for Grayndler, Anthony Albanese, a petition calling on the Commonwealth Bank to reverse its decision to close this branch. We already have several hundred signatures. With Councillor Owen and Mr. Albanese, I will go back to the Commonwealth Bank and demand that it take heed of what the local community wants: a bank branch in their local area.

NORTH SHORE ELECTORATE PUBLIC TRANSPORT

Mrs JILLIAN SKINNER (North Shore) [6.14 p.m.]: Public transport, access to public transport and traffic congestion on the roads is the primary issue of concern to constituents across my electorate. In particular, they are concerned about the future of Sydney ferries, which have already been dramatically cut back over the past few years. The cuts have come in the form of not only reduced services but also neglected maintenance of ferry wharves and ferries. In the past few years—I counted them recently—there have been more than 35 crashes of ferries and major mishaps relating to ferries.

I point out, as I did some time ago when the Government introduced the Transport Administration Amendment (Sydney Ferries Corporation) Bill, that there were fears that this was merely an opportunity for the Government to remain at arm's length from further service cuts and fare increases. This week I have received correspondence from and been contacted by a number of constituents about a survey being undertaken on the ferry wharves, which has been in operation for the past few days. One constituent has written a letter to the editor of the *Mosman Daily*, which is my widely read and much-esteemed local paper. The letter from Ross Freeman stated:

> I am writing to express my serious concern and alarm at current surveys being undertaken by the State Government of passenger patronage of our harbour ferries.
>
> Given the appalling record of this State Government in running down our basic services and infrastructure, this can only serve as a prelude to further cutbacks in ferry services …
>
> A previous similar move by the State Government a couple of years ago was overwhelmingly condemned by a large public meeting at Mossman Town Hall and the (then) plans were put on "hold".

I was present at that public meeting, which focused on buses and proposals to amalgamate, condense and change some of the bus routes in the area. This was the final straw for commuters who use a combination of bus and ferry for their daily travel because the then proposal—I am afraid the same thing has happened now—was that without much fanfare a number of buses that connected with the ferries stopped, were delayed or at the very least were unreliable, which my constituents believe was intended to have the effect of putting people off ferry travel.

In addition, a number of services have been cut back. In some cases there are only hourly services, instead of half hourly services, and services on weekends and in the evenings have been cut dramatically. For example, for some people who wish to catch a ferry home, instead of choking already packed roads with their cars by catching a ferry, the last ferry is at seven o'clock. As honourable members know, that is no longer the end of the working day or, indeed, the end of a commuter's day. Another thing the Government has done is basically cut back all student travel; there are no concessions on any ferries.

The honourable member for Heffron talked about queues. If honourable members want to see a queue they should stand on Military Road, Neutral Bay, on any morning, and they will see queues not only on Military Road but also down the next road and around the corner. Sometimes the queues are 50 metres long. Those people are doing the right thing—catching buses and leaving their cars at home. If the Government does not make it more attractive for people to get on buses, it will have on its head the complete gridlock of Military Road. I ask the Government to please explain what the surveys are intended for and to give a guarantee that our ferry service will not be further cut.

PENRITH WHITE WATER SLALOM SERIES

Mrs KARYN PALUZZANO (Penrith) [6.19 p.m.]: Tonight I share with the House the recent success of the slalom youth team at the Penrith white water stadium. The Penrith white water stadium is situated in the Penrith Lakes scheme. We will eventually have 700 hectares of lakes. There will be recreational lakes, wetlands and the high-end rowing international regatta centre plus the white water stadium. In September the world championship will be held at the white water stadium, where the international canoe family will regather. Approximately 400 athletes representing 80 nations will descend on Penrith and New South Wales in September.

I was pleased to announce recently at the white water stadium that the New South Wales Government has contributed $500,000 in sponsorship to the International Canoe Federation Canoe Slalom World Championships. I was proud to deliver that money and I thank the Minister for Tourism and Sport and Recreation for her involvement. She recently came to the Penrith white water stadium and welcomed back the team that went to Athens. Recently Penrith held its international white water series. Eight nations were represented—the Czech Republic, Austria, the United Kingdom, Australia, the United States, Canada, Japan and Korea.

I am exceedingly proud of our youth team at the world series. Quite a few youths from the local area competed on that weekend. Some were from the Western Sydney Academy of Sport and some were from the Beyond Beijing program, a selection program of people who had never canoed before and who had never been along the slalom course. Last year 12 boys and 20 girls gained selection for the Beyond Beijing program, and on 20 February we had four medallists from that program. Two in the C2 category—Carl Hagaman and Chris Horlyck—had not canoed or used the slalom course before the middle of last year. So, they went from not being canoeists in the middle of last year to canoeists who won the gold medal at the beginning of 2005. They both attend the local Blaxland High School and had not been in the sport for more than a year. That is an outstanding result.

There were also outstanding results in the K1 category. Another fellow from Blaxland High School, Ian Borrow, who attends the talent program from the Western Sydney Academy of Sport, and Emmie Barrett, who attends McCarthy Catholic High School at Emu Plains, came third in the K1 category. In the men's junior C1 category another lad from Blaxland High School, Craig Borrow, won the gold medal. I commend the Beyond Beijing program, the Western Sydney Academy of Sport and the team at Penrith white water stadium for encouraging the youth of the area to learn a new water sport, not only for recreation but at an elite level, and encouraging those young men and women to reach their goals. As I said, two lads who had never sat in a canoe before last July were standing on the gold medal podium in February. It was inspirational. I welcome the world to Penrith in September.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [6.25 p.m.]: I congratulate the honourable member for Penrith on her efforts in securing the Canoe Slalom World Championships. I saw the course in action during the Olympics but I understand that the honourable member for Penrith has paddled it in a competition and performed exceedingly well. I also congratulate the five medallists who represented their area and Australia so well, especially the two who achieved gold yet only took up the sport recently.

URBAN PLANNING

Ms CLOVER MOORE (Bligh) [6.24 p.m.]: Recently I invited Professor Jan Gehl to speak as the first speaker for the Thought Leadership seminars hosted by the city of Sydney. I established these seminars to provide an opportunity for distinguished experts to talk about city-related issues. Professor Gehl's particularly important contribution is bringing the human dimension back into urban planning. Half the world's populations are living in urban environments, but our cities are varyingly dysfunctional, and with common social problems. The emphasis is on development rather than planning, and there is rarely the will to make and fund the changes needed to address current and future needs and to plan for quality and sustainability in urban life. In the period from World War II, accommodating the motor vehicle was a dominant feature in urban planning. So much has been sacrificed to the car, and we now have to address the increasing impacts of alienation, transport gridlock and pollution in city living.

Here in Sydney, our comprehensive tram system was dismantled in the 1950s, and successive State governments have promoted city expressways over public transport, despite urban consolidation policies increasing population densities. In a recent review of indicators of a possible western civilisation decline, American academics cited the private motor car as not only contributing to environmental deterioration but also undermining community structures. They gave the example that you can commonly drive through American suburbs and not see a living being on the streets. In his quite inspiring presentation Professor Gehl also spoke about the impact the motor vehicle has had on urban life and the urban environment. However, he named nine cities that have been reclaimed for pedestrians through strategic and careful planning. They included Barcelona, Lyons, Strasburg, Hamburg, Copenhagen, Portland and Melbourne. His work in Copenhagen over 30 years has led to its conversion to a "walking city". Since 1962 Copenhagen has increased the amount of space for pedestrians from 15,800 square metres to 100,000 square metres. Cycling has increased by 100 per cent between 1990 and 2000, and today it is a city where one-third of the people commute to work by cycling, one-third by public transport and one-third by car. Consequently the Danes are healthier and their public spaces are safer.

Professor Gehl's seminar focused on the relationship between the rise of the motor vehicle and the decline in social or lively places. Remaking city areas and returning them to the people has been one of his major contributions. With improvements in technology, people use public places less. Professor Gehl points out that we must make public places attractive to bring people back into them. He says that in most city districts pedestrians must negotiate a range of obstacles including traffic, kerbs, and sidewalk interruptions. He maintains that urban settings that are good for pedestrians are good for people generally. You find people not only walking, but sitting, having conversations or doing exercise in these places. Environments dominated by vehicles are noisy and provide little room for human interactions. Professor Gehl's comments have resonance with planners, decision makers and, most of all, the community.

Professor Gehl named Melbourne as one of the nine cities in the world "reconquered" from the vehicle. Since the time he first worked in Melbourne in 1992, there has been a tenfold increase of residents in the city and a 35 per cent increase in students. It has enjoyed a 40 per cent increase in weekday pedestrian traffic and a 200 per cent to 300 per cent increase in stationary activities such as sitting, talking, and generally watching the world go by. In partnership with the *Sydney Morning Herald* I also recently hosted the free City Talks with international experts: the former mayor of Curitiba, Brazil; the former mayor of Bogota, Colombia; and an architect and urban designer from Barcelona. They all spoke on similar themes to Professor Gehl's.

Cassio Taniguchi, a former Mayor of Curitaba, played a key role in the development of Curitiba's transportation network. Enrique Peñalosa, a former Mayor of Bogota, Columbia, promoted a city model giving priority to children and public spaces, restricting the use of private cars in the city while promoting public transport and building hundreds of kilometres of bicycle paths, pedestrian streets and parks. Penalosa said, "Bicycles and walking bring people together, cars differentiate them." In a career spanning more than 20 years, Oriol Clos has worked on projects such as the facilities and public spaces for the Olympic Games in Barcelona. He is currently involved with the city of Melbourne in developing a benchmark study of urban design and cultural activities between Melbourne and Barcelona. All these international speakers share a common commitment to humanising their cities by providing public transport, pedestrian access, open space and improvements to the public domain. Their innovations are a great inspiration for Sydney—ones I hope we will follow.

NORTHERN BEACHES HARD SURFACE NETBALL COURTS

Mr ANDREW HUMPHERSON (Davidson) [6.29 p.m.]: I wish to speak in favour of preserving Nolans and Passmore Reserves, which is a regional open space on the northern beaches. The administrator of Warringah Council has devised a plan to pave a substantial area of these two large reserves and convert it into netball courts. I hope that the administrator, who was appointed by the Carr Government, will put aside his bureaucratic views and listen to our community. The administrator responded to concerns raised by residents of North Curl Curl about netball courts located in their area by imposing their problem on another residential area at Manly Vale. In the process he has divided our community and pitted resident against resident and sport against sport.

The proposal, which is environmental vandalism of the largest open green space on the northern beaches, will cost $6 million to $8 million with no net gain in sporting space. The administrator has attacked community representatives and has characterised the critics of his proposal as gender-biased people attacking the sport of netball. I can assure the House that is not the case. No-one who is a member of the community or is elected as a representative of the community would make the comments he has made or take the approach he has taken. Netball has the support of all people across the northern beaches. The local netball body has a powerful argument for the construction of a central facility and for more resources to improve its facilities. In my view, a site at Myoora Road, Terrey Hills, is the best option. Although it will be costly, I believe it is a cost the community is prepared to bear. I call on the administrator to stop wasting our money—including the expenditure on pictorial sketches and extensive investigations—on selling his preferred option at Nolans and Passmore Reserves. He must respond to community concerns, put aside his proposal and give the Myoora Road site equal standing and fuller consideration.

About a week ago Stephen Blackadder, General Manager of Warringah Council, and his staff met with the honourable member for Wakehurst and the honourable member for Manly to examine the Myoora Road site and discuss solutions to this difficult problem. As State members we have our differences, but on this issue we are united. We want a solution that will be accepted by the community, not one that will divide us. The community does not want the administrator to leave a legacy that it will have to bear for a long time to come. Although the netball hard courts may have to be constructed in stages at Myoora Road, the site has many

advantages. There is adequate space, it is easily accessible, and traffic can be readily managed. Also, lighting and noise will not impact on nearby residential areas.

It is time the council and the administrator prove that they not only are listening to the community, but are prepared to act in response to its concerns by putting the Myoora Road site and other prospective sites back on an equal footing with the Nolans and Passmore Reserves site. Further, it is time for the netball executive to withdraw support for the Nolans and Passmore Reserves option. The sport of netball deserves a better go, but not at the expense of other sports. It should not benefit by cannibalising the assets and resources of cricket and various codes of football. The sports community in our area has worked together harmoniously for many years. The various sporting bodies have not had public contests for the access and use of sporting facilities. Such a situation is now occurring.

If the netball executive, as opposed to the individual clubs, keeps pressing ahead for the proposal put forward by the administrator, the netball association will end up being characterised as the villain. It is time the netball executives took a step backwards. We all want to give the sport of netball the recognition it deserves by providing a central location for the netball courts and by improving facilities, but not at the expense of other sports. I ask the netball executive to reconsider its position and I call on the administrator to put alternative sites—such as the Myoora Road site, which would be a more acceptable solution—back on the agenda.

TAMWORTH HOMELESS MEN'S SUPPORT GROUP

Mr PETER DRAPER (Tamworth) [6.34 p.m.]: Today I inform the House about a pending crisis in emergency housing for homeless men in the Tamworth district. On 11 March a landmark accommodation facility in Tamworth, known as the Rex Guesthouse, will be auctioned. The owner can no longer meet the considerable demands of providing a home to the 25 or so homeless people, mostly men, who rely upon the facility for bed, breakfast and dinner. The Rex Guesthouse, which was built in the 1930s, has been a home to those residents in the true sense of the word. Due exclusively to the dedication of its proprietor for the past 17 years, Marg Ryan, and her late husband, John, Tamworth has been fortunate to have the services of one of the last boarding houses of this kind in New South Wales. It is a place where people down on their luck can find low-cost accommodation and somebody who genuinely cares about their welfare.

Over the 17 years that the Ryans have operated the Rex as a bed and breakfast, agencies, including the police, church and charity groups, have relied upon the boarding house to cater for people in need of overnight care until alternative accommodation arrangements could be made. Unfortunately, a developer will probably snap up the site, as it sits on a large piece of prime east Tamworth real estate. Being the last of its kind in Tamworth, this guesthouse-style accommodation has become a service of the past. It is a virtual certainty that the Ryans' legacy will not continue. The Department of Housing in Tamworth has indicated it will monitor the situation and attempt to fill the breach. However, due to the already high demand for public housing and a long waiting list, I do not believe the people displaced from the guesthouse will find their unique needs fulfilled through those channels.

For homeless men, an alternative to the Rex can be found through the Tamworth Homeless Men's Support Group, which provides crisis accommodation and support within the Tamworth district. The Minister for Housing, who met with group members during his recent visit to Tamworth, was understandably impressed by the group's program, its networks and the way in which it effectively meets community needs. The Minister expressed interest in exploring the group's program as a potential model for other communities. Since its establishment in 1991, the support group has assisted a vast number of men, women and children. The group has grown from a small volunteer-run service to three full-time workers. With its focus now on accommodating men and their dependent children, the group is constantly looking to the future and acting to meet this growing need. Understandably, it is anxiously awaiting the outcome of the Rex's sale. With its own accommodation facility filled to capacity, it has real fears there will be individuals with no accommodation options beyond the banks of the Peel River.

Services for people who are homeless and in crisis receive money for staff and administration costs from the Supported Accommodation Assistance Program [SAAP], which is jointly funded by the Commonwealth Department of Family and Community Services and the New South Wales Department of Community Services. Last year the Tamworth Homeless Men's Support Group supplied a record 8,578 bed nights of accommodation, having received some 650 applications for assistance. Unfortunately, 176 men were turned away due to a shortage of beds. Leaving aside the closure of the Rex, there is clearly a growing need for this service. The Tamworth Homeless Men's Support Group needs to acquire more accommodation units, which

will require more staff to supervise them. Its main priority is to secure funding to pay additional staff. Without additional staff, the support, which is the key to the group's success, cannot be delivered and sustained.

The group is unable to handle more clients until it has more welfare workers. In addition, the group has identified a disturbing trend over the past 18 months. Alarmingly, the average age of clients is gradually dropping and the majority of men now going through this facility are aged 18 to 25 years. Also, their needs are becoming more complex, and staff are increasingly having to source alcohol, drug, mental health and counselling services. It is no secret that a proportion of the Rex's residents face similar issues. Mrs Ryan's ability to stand up to inebriated, unmotivated, unemployed, volatile or dishonest guests is as effective as her capacity to care for those incapable of looking after themselves.

People like Marg Ryan who provide such services deserve support and recognition, and, although it is Tamworth's loss, her moving on in the wake of her husband's passing is understandable. It is now imperative that services in Tamworth pull together to accommodate these residents. It is critical for both the Minister for Housing and the Minister the Community Services to examine what they can do to meet this need, and to meet the growing demand to accommodate homeless men in Tamworth. Minister Tripodi has experienced the situation at first hand and Minister Meagher will follow suit when she visits Tamworth next week. Failing to address this crisis would mean there is indeed nowhere for these homeless men to go and that the Government simply does not care. I note that Parliamentary Secretary West is at the table and is taking an interest in this issue. I know he has a personal, passionate interest in homelessness in Campbelltown. I am sure I can rely on him to emphasise the importance of this issue and to take a very strong message to the relevant Ministers.

Mr GRAHAM WEST (Campbelltown—Parliamentary Secretary) [6.39 p.m.]: I congratulate the honourable member on his contribution and on bringing the important issue of the plight of homelessness to the attention of the House. I undertake to ensure that his comments are brought to the attention of the relevant Ministers. I support his forthright fight for this service.

Private members' statements noted.

PARLIAMENTARY ETHICS ADVISER

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

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that having considered the Assembly's message, dated 23 February 2005, regarding the appointment of the Parliamentary Ethics Adviser, it has this day agreed to the following resolution:

(1) The appointment of Mr Ian Dickson as Parliamentary Ethics Adviser, which expired on 22 February 2005, be extended on a month by month basis until superseded by a further resolution of the House; and

(2) That any extension be for a maximum of 12 months.

Legislative Council
1 March 2005

MEREDITH BURGMANN
President

POLICE INTEGRITY COMMISSION AMENDMENT BILL

STATE RECORDS AMENDMENT BILL

Messages received from the Legislative Council returning the bills without amendment.

[*Mr Deputy-Speaker left the chair at 6.41 p.m. The House resumed at 7.30 p.m.*]

INDEPENDENT COMMISSION AGAINST CORRUPTION AMENDMENT BILL

Second Reading

Debate resumed from 23 February.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [7.30 p.m.]: I lead for the Opposition on the Independent Commission Against Corruption Amendment Bill. The Independent Commission Against Corruption [ICAC] is an important institution in this State. It is one of those institutions

charged with ensuring that we have corruption-free government. The ICAC owes its origin to corruption at the highest levels in the State of New South Wales; indeed, it owes much of the impetus for its creation by the Greiner Government to corruption involving the activities of a former Minister of the Crown, a former Labor Party Minister, and activities that ultimately saw that person go to gaol. The ICAC is an institution that members of Parliament should rightly fear, and there is no doubt that there is still that fear. There is also no doubt that the ICAC has few friends amongst members of this place, and that it is from that basis that the legislation has sprung.

A review of the Independent Commission Against Corruption some 15 years after it was first established was brought about following a request from the Committee on the Independent Commission Against Corruption, the joint parliamentary committee that oversights the ICAC. As a member of that committee, I think it is appropriate that whilst I should not comment publicly outside the Parliament on its dealings, I have no difficulty commenting within the Parliament on proceedings to do with legislation that directly flowed from a decision of that committee.

I do not believe that that was a self-initiating reference but, rather, an orchestrated reference that, not surprisingly, found succour, comfort, support and enthusiasm from the Premier, who very swiftly established a review, started by Jerrold Cripps, QC, a person who, mid review, became the ICAC commissioner, and subsequently completed by Mr McClintock, SC. It is from the McClintock review recommendations that this legislation has flowed.

I do not think it is any secret that some members of Parliament would like to see the ICAC's teeth pulled. Given the number of appearances that members opposite have made at the commission over the past 10 years, I do not think it is any secret that there are supporters on that side of the House for pulling the ICAC's teeth. It is important that that be understood in the context of this debate. I should say at the outset that the Premier, after concern was expressed, indicated that of all Mr McClintock's recommendations, the only one that would not be accepted was the one that sought to remove from the scope of the ICAC what Mr McClintock deemed to be minor matters affecting members of Parliament which he suggested should be dealt with by either a parliamentary investigator or parliamentary committee. The Opposition supports the Premier's rejection of that motion.

On the day the Government's response to the ICAC's report was given to the Sunday newspapers by the Premier's Stasi, the question that the Leader of the Opposition and I faced at a press conference we attended in relation to State Government funding desperately needed for Lifeline was why the Opposition had not made a submission to the inquiry. I want to say upfront that I am concerned that a letter that represented the views of the Opposition, which was sent to the review on 27 September, is not acknowledged in appendix B of Mr McClintock's review.

Written submissions from the honourable member for Cronulla, from you, Mr Acting Speaker, as the honourable member for Wallsend, and from the chairman of the parliamentary committee, the honourable member for Granville, were acknowledged, as were the submissions of upper House members Peter Breen, Peter Primrose and Lee Rhiannon. It concerns me that the Opposition's submission was not acknowledged. That submission clearly stated that we continue to be unfettered supporters of the ICAC and that we are not supportive of changes that would seek to remove from the ambit of the ICAC matters relating to members of Parliament.

The basis for that is clear. Different standards apply to us as members of Parliament: when complaints or charges are laid against us, whether it be regarding drink-driving or taxation issues, we suffer a double penalty. We suffer the penalty through trial by media and we suffer the penalty that ultimately applies to those charges, as would any other citizen. But the reality is that as members of Parliament we are meant to, among other things, raise standards. All of us become members of this place voluntarily, and if we are not happy with the rules we ought to get out, rather than seek to draw the teeth of institutions such as the ICAC that are set above us to ensure we abide by the rules.

Mr McClintock made some 36 recommendations covering a vast number of matters. I think it is fair to say that the parliamentary committee, in its work when the honourable member for Cronulla was its Chair, sought to strengthen the ICAC's operation. This is not a reflection on the current chair; indeed, he has not held the office for long enough to determine what body of work he will leave behind him. I believe that the record of the past two chairmen of the committee has been woeful; it has not sought to continue the constructive work carried out by the honourable member for Cronulla. Indeed, the woeful record of the immediate past chairman

of the committee is that, for the first time in the committee's history, one year the committee did not meet with the commissioner to discuss her annual report, something that is clearly part of the committee's accountability mechanism.

The Opposition recognises that among the key recommendations of Mr McClintock that have been accepted by the Government and given effect to by this legislation is the establishment of an independent inspectorate, a measure we support. I acknowledge that in Committee an amendment is to be moved to the provisions relating to the inspectorate, and it will enjoy our support because it overcomes one of the issues that has irked successive parliamentary committees: that the parliamentary committee is not permitted to delve into the details of particular matters. I can understand why that is appropriate. If one is looking at the operation of the ICAC, or any organisation for that matter, it is difficult to determine whether it is operating effectively if there is a restriction on doing so. The establishment of an independent inspectorate will provide an additional accountability mechanism.

I wish to address three further issues, relating to the definition of "corrupt conduct". I accept that the purpose of the review, and what is sought to be reflected in this legislation, was to bring the Act into line with what has been the ICAC's practice for a number of years, through both habit and, at times, challenge and legal action. One argument says that fiddling with the definition of "corruption" can be regarded as a diminution of the ICAC's existing scope and powers. It is something about which we would be concerned and it is something about which we are currently seeking advice. We will make a final decision about it in the other place. We have difficulty with, and will seek to divide on, two issues. The first relates to proposed changes to criminal prosecutions. As the shadow Attorney General, the honourable member for Epping, will indicate we have difficulty with a body that is both investigator and prosecutor. That is not the way in which the Police Integrity Commission [PIC] operates, and we do not believe that principle ought to apply to the ICAC.

Mr Kim Yeadon: It's not. That recommendation has been rejected by the Government, you silly fellow. It's not in the legislation.

Mr BARRY O'FARRELL: I suggest to the Chairman of the ICAC Committee that he read the explanatory memorandum and the second reading speech of the Minister for Energy and Utilities, who, for some reason, introduced the bill. If the Attorney General is able to convince us that that is not the case, we are happy to concede on that point. But it is not what is specified in either the explanatory memorandum or the Minister's second reading speech. The second issue relates to attempts by the Government to repeal section 98H, which prohibits any conduct in relation to contempt law that would amount to contempt of a court of law. Nothing is worse than a Premier scorned. The reality is that last year in the midst of an ICAC inquiry into one of his Ministers the Premier intervened and made a comment that was neither factually correct nor accurate.

Clearly, under the existing law it was a contempt. It was only by the skin of his teeth that he was not referred to the Supreme Court to answer charges. When this was going on the ICAC was in the process of finding a new commissioner. The attack by the Premier signalled to those who wanted to be ICAC commissioner that they cross the Premier at their own peril and that the Premier is not interested in an ICAC commissioner who may seek to exercise the independence of that office. Once again the Premier was seeking to draw the teeth of a watchdog on a matter that, last year, caused him considerable political and personal pain. On that basis we do not believe those provisions ought to be supported.

The argument put forward by Mr McClintock that matters before the ICAC are not determined by juries does not apply because, as I am sure more learned legal colleagues in the Chamber could confirm, the current provision of the Act that relates to contempt of the ICAC being similar to contempt of court apply also to courts in which cases are heard by judges sitting alone. I do not see the distinction, nor am I convinced this is anything other than the Premier seeking to tame the creature that last year demonstrated his fallibility. The reality is that from time to time it suits the Premier and the Premier's technique of managing the State's media arrangements to say black is white and night is day. At times it may suit the media to believe some of those things or to report some of those things, but when it comes to corruption before the Independent Commission Against Corruption we do not believe that sort of behaviour should be permitted.

Many in this Chamber will have concerns about the way in which the ICAC has operated. I would submit that many of those concerns perhaps relate more to the individuals who have been given the commissionership rather than the way in which the Act has been drafted or operated. We have now had a variety of commissioners. We have seen commissioners who, some may argue, had personal foibles but who, nevertheless, ensured that the commission acted in the vigorous and independent way in which it was intended.

We have seen others who seemed more interested in doing administrative or paper reviews, or who seemed more content to act reactively. I stand in this Chamber as a supporter of the ICAC. I stand in this Chamber as someone who believes that members of the Parliament ought to be fearful of the institution. If we are not fearful of it, it is not doing its job. Subject to the Attorney General's submission on criminal prosecutions we will seek to divide on both of those elements at the third reading stage. Otherwise we will not oppose the legislation.

Mr PAUL LYNCH (Liverpool) [7.44 p.m.]: The amendments to the Independent Commission Against Corruption Amendment Bill are the result of a process that included a review of the ICAC legislation commenced by then Justice Cripps, who subsequently became the ICAC commissioner, and completed and presented by Bruce McClintock, a learned, distinguished and generally well-regarded Senior Counsel. He certainly was an appropriate person to complete the review even though the parliamentary committee had requested a judicial review. In the interests of full disclosure, I should add that I regard McClintock quite highly.

A number of years ago he appeared for me in a Supreme Court case, which was known as *Lynch v Loosely and ors*, the others being New South Wales ALP office holders and members of the administrative committee. The case arose out of the 1989 ALP Liverpool preselection ballots, which also involved Mark Latham and a bloke called Casey Conway. Thus it comes as no surprise that I supported broadly the recommendations of McClintock. I want to deal particularly with issues in the legislation that concern, or relate to, the Police Integrity Commission [PIC], the PIC inspector and the ICAC inspector. My particular interest in this aspect of the legislation arose from my position as Chair of the Committee on the Ombudsman and the Police Integrity Commission.

The most significant part of the legislation is the institution of the position of ICAC inspector. It is a wholly welcome addition, modelled on the role of the PIC inspector, although, as I will argue later, the two inspector positions have significant differences. The proposal for an ICAC Inspector has been around for some time. As I understand it, the ICAC parliamentary committee of the previous Parliament recommended its introduction in a report in 2000. Although the ICAC was quite happy with the proposal at the time, it did not result in any legislative change. The provisions relating to the ICAC inspector are to be found in new part 5A and schedule 1A to the bill. The legislation provides that the principal functions of the inspector are to audit the operations of the ICAC for the purpose of monitoring compliance with the law of the State; to deal with complaints of abuse of power, impropriety and other forms of misconduct by the ICAC or ICAC officers; to deal with complaints concerning maladministration, such as delay and unreasonable invasions of privacy by the ICAC; and to assess the effectiveness and appropriateness of the ICAC's procedures concerning the legality and propriety of its activities.

The parliamentary committee will have a veto over the appointment of a person to the position of inspector. Also it will be able to monitor and review the exercise by the inspector of the functions of the position. There are other consequential alterations as well. The Act provides quite broad and wide-ranging powers for the inspector, as it ought. The inspector will have full access to the records of the ICAC and all the powers of a royal commission, as well as the power to compel ICAC officers to supply information or documents and to answer questions. This is the PIC inspector model, which works very well. Obviously the role and powers of inspector are far greater than the Operations Review Committee [ORC], which presently exists and is not removed by the legislation. The ORC has been criticised as an accountability mechanism for the ICAC. Granted its powers, structure and design the ORC has done as much as it is able. It was really an advisory body and not an accountability body. The introduction of inspector with specified powers is the way to deal with those complaints. It is a significant increase in the accountability of the ICAC.

The parliamentary committee existed prior to the legislation, and it fulfils a role in the accountability of the ICAC. However, it has restrictions on its powers that clearly and properly do not apply to the position of inspector. The prohibition on the committee's inquiry into particular matters and decisions provides a barrier to the parliamentary committee being involved in operational matters, which is entirely proper. Occasionally one hears various mad ideas sponsored by those who have self-evident intellectual inadequacies wanting members of Parliament to have more detailed involvement in the operations of the ICAC or the PIC. Those ideas are wrong in principle and probably would be catastrophic in practice. The second reading speech refers to the limited scope of the jurisdiction of the parliamentary committee, and justifies it on the basis that committee members fall within the investigative jurisdiction of the ICAC.

Although that is undoubtedly correct the argument is broader than that. Arguments based upon the doctrine of separation of powers would suggest that members of Parliament should not be involved at all in operational issues. At a commonsense level not many members of Parliament in this House would have the

requisite and relevant skills to be able to contribute usefully to such matters. At a practical level I shudder to think what some people in this place would do with secret or confidential information. When such material leaked out, regardless of who caused it, parliamentarians inevitably would be blamed. Of course, the institution of an office of an inspector creates the best of both worlds. Matters that might concern the parliamentary committee, but into which they are prohibited from conducting an inquiry, are able to be referred to an inspector who can then, if that person sees fit, conduct an inquiry without restrictions using royal commission-type powers.

> In the PIC's case, inquiries were conducted by the inspector into, among other things, the broadcast of material from Operation Florida on the *4 Corners* program, Operation Malta and Operation Tower. These were matters that I know at various times agitated various members of the PIC committee, but which the committee had restrictions on pursuing. The inspector is not simply an important provision of accountability; it can also be a useful tool for the parliamentary committee. During the review, as Chair of the PIC committee, I met with Justice Cripps. One of my reasons for doing so was to ensure as far as possible that no unintended consequences flowed for the PIC out of any changes to the ICAC legislation. The PIC legislation was, to a significant extent, modelled on the ICAC legislation and, thus, unintended consequences were a concern. Those concerns were put in writing to the Premier. In response, the committee received a letter dated 16 August 2004 from the Premier from which I inferred a general reluctance to allow this legislation to interfere with the PIC. In this regard, I quote the following from the Premier's letter:
>
> I have noted your concern that any changes suggested to the ICAC Act may impact on the terms of the PIC Act. Acting Justice Cripps is not charged with suggesting amendments to the PIC Act and I agree with your concern that there may be a need to consider issues such as the specific nature of police corruption before concluding that any amendments to the ICAC Act should also be made to the PIC Act.

As it has eventuated, there are two provisions in this legislation that alter the PIC legislation. The first of these allows the PIC jurisdiction over the civilian—or unsworn—officers employed by the NSW Police. That is, PIC can now investigate corruption allegations against almost all members of the NSW Police, which it presently cannot do. This position was supported by McClintock, although not recommended by him, because obviously it was outside his terms of reference. This is a thoroughly sensible proposition and it should be warmly welcomed. It is supported not just by the ICAC and the PIC, but also by the parliamentary committee on the PIC. Indeed, my committee has been on record as supporting this provision for some time. The first time the committee declared its support for it was in the middle of 2002 when a report was tabled in this place. As I say, it is a welcome change, even if it is somewhat overdue.

The second change that is proposed to the PIC is in schedule 2.8 [2] of the bill. It is considerably more problematic, although I understand the Government amendment that will be moved in Committee will resolve this problem. This change removes the provision that to be eligible to be appointed as the PIC inspector a person has to have special legal qualifications. That means that at present the person is qualified to be appointed as a judge of the Supreme Court of New South Wales or of any other State or Territory, a judge of the Federal Court of Australia, a justice of the High Court of Australia, is a former judge of any court of the State or elsewhere in Australia or a former justice of the High Court. In practical terms, the office of the PIC inspector has been held by two individuals—both former Supreme Court judges: Justices Finlay and Ireland. This bill removes that provision. I note that there was no reference to this in the second reading speech. The position of ICAC inspector is created without the requirement for the special legal qualifications. The removal of the requirement for the PIC inspector to have these qualifications would have created consistency on that issue.

Frankly, I do not see the need for such consistency. The PIC and the ICAC are not identical, and I thus do not see the positions of PIC inspector and ICAC inspector as having to be identical. I think there are a number of reasons to retain the requirement for special legal qualifications for the PIC inspector. First, and obviously, there has been no demonstrated need to change the provisions. The position of PIC inspector has, in my view, worked well and effectively to date. There is no demonstrated or obvious need to change it. Second, the status attached to the position is enhanced by the need for special legal qualifications. This arguably increases the capacity and credibility of the PIC Inspector in performing the functions of the office. As I understand it, that is certainly a view held by many at the PIC at the moment. A related and relevant argument is that it strengthens the independence of the position. Third, by its very nature, the role of the PIC inspector is profoundly legalistic, or at least continuously involved in legalistic matters.

The three examples I mentioned earlier involving reports concerning Operations Florida, Malta and Tower simply could not have been carried out by someone without an extensive legal knowledge and practice. By definition PIC and PIC inspectors are about police corruption. Police enforce the law. It follows that one cannot be PIC inspector without extensive legal skills. The PIC investigates the abuse of law enforcement powers and responsibilities. It flows inevitably that the PIC inspector should have special legal qualifications. In this regard, I think the ICAC and the PIC are different. I do not believe that one necessarily needs quite the same degree of legal expertise to fulfil the functions of the ICAC inspector as one needs to fulfil the functions of the PIC inspector.

I think there is a good argument to retain the special legal qualifications for the PIC inspector and a credible argument that the same qualifications are not necessary for the ICAC inspector. Of course, that argument is quite a blow to anyone who wants to have the same person fulfilling the positions of both ICAC inspector and PIC inspector. There is nothing in this legislation that requires that the same person hold both positions. I would energetically oppose any proposal that one person hold both positions. I say that because I would regard one person holding both positions as being a significant reduction in practice of the position of PIC inspector. My suspicion is that the ICAC inspector is likely to be inundated by complaints.

I suspect that the number of aggrieved complainants who complain to the ICAC inspector will be substantial. The requirement to give reasons by complainants from the ICAC is likely to increase the level of complaints rather than reduce them. I think it is a positive thing to do but I think one of the consequences is likely to be more aggrieved complainants. My fear is that if one person was both inspectors the preponderance of work would inevitably lead to less attention by the inspector on the PIC. That might perhaps be welcomed by those who want the PIC to avoid scrutiny, but it would be a reduction in the level of accountability of the PIC. I should add that the veto provisions concerning the PIC inspector are not altered by this legislation. That is, the parliamentary committee that I chair has the right to veto the nominee proposed for the position of PIC inspector.

Whilst any nominee would obviously have to be considered on his or her merits and whilst, equally obviously, I cannot at this stage speak on behalf of the committee, it must be a real possibility, granted the fear I expressed above, that any nominee for the position of PIC inspector who was submitted to the PIC parliamentary committee and who had been appointed or was proposed to be appointed as ICAC inspector would be running a risk of being vetoed by the PIC committee as PIC inspector. I hope that everyone who is involved in these issues listened carefully to what I just said, especially those who are making decisions about who might hold positions of various inspectors in the future. I note with regret that this legislation is yet another lost opportunity to resolve the issue of the PIC inspector's jurisdiction.

That jurisdiction ought really be extended to cover alleged misconduct by non-PIC officers where the conduct of a PIC officer is involved, or there is a connection between the alleged misconduct and the PIC's activities, or the legality or propriety of the PIC's activities is called into question. In practical terms this probably means extending the PIC inspector's jurisdiction in particular cases to crime commission officers. There is no prize for working out who is opposed to this perfectly sensible proposition. The substantive arguments against it are quite ludicrous. By not extending the PIC inspector's jurisdiction to include PIC's investigative partners, and relying upon co-operation from the ICAC, you could quite conceivably have police investigating police—which is precisely the situation that the PIC was set up to avoid.

I would recommend that those opposite, especially the honourable member for Wakehurst, read this bill. His interjections indicate that he clearly has not got the slightest idea about the significance of this bill for the PIC and the PIC inspector. It would help if he actually had a look at the bill. It might also help if the Opposition had a look at the bill. A quite extraordinary proposition was put up a moment ago that somehow or other this bill is wrong in principle because of the prosecution provisions and that we cannot have one body making the decision and then launching a prosecution. That is really quite interesting because at the moment that is what the ICAC can do. The proposed legislation makes it harder for the ICAC to prosecute people, and this gives greater statutory force to barriers to the ICAC prosecuting than currently exists. It would help if people on the other side of the House, who get up and carry on, read the bill and had a passing acquaintance with the material in front of them. They have not only completely missed the point about the ICAC, but they have also missed the point about the prosecution.

Mr Brad Hazzard: No prosecutions have been commenced.

Mr PAUL LYNCH: They clearly have prosecuted them. I have acted for people who have been prosecuted by ICAC officers as informants.

Mr Brad Hazzard: There have been none at all—and they wouldn't because they are a commission of inquiry. They would have to be totally stupid to do it.

Mr PAUL LYNCH: The honourable member for Wakehurst has just demonstrated his comprehensive ignorance of this topic. Clearly, the ICAC already prosecutes. I have acted for people who have been prosecuted, and the objection that the honourable member has to this issue is based upon the false and absurd proposition that the ICAC is a court of law rather than an investigative agency. It is not a royal commission; it is

an investigative agency with royal commission powers. That is a fundamental conceptual problem that the Opposition has clearly not come to terms with. I commend the bill to the House.

Mr JOHN TURNER (Myall Lakes) [7.59 p.m.]: I will make a brief contribution to the Independent Commission Against Corruption Amendment Bill. The Deputy Leader of the Opposition led on behalf of the Opposition and outlined a number of our concerns in relation to the bill. I served on the original parliamentary committee on the ICAC for, I think, six or seven years. I then had a break for six or seven years. I have been a member of that committee again for a couple of years. It was time for an independent review of the ICAC, and that review was duly carried out. There were discussions as to whether the review should be carried out by the parliamentary committee or independently. As it turned out, it was carried out independently. We all know that it was started by Cripps, QC, and finished by McClintock, SC.

The Deputy Leader of the Opposition has mentioned a number of concerns in relation to this bill, and I will not deal with those in detail. I support the appointment of an independent Inspector of the Independent Commission Against Corruption [ICAC] because the creation of the position is well and truly warranted. I believe the Operations Review Committee [ORC] has run its course, whereas the role of the inspector will strengthen the accountability of the ICAC. Without casting aspersions on any members of the ORC, in my opinion the creation of the position of inspector will remove a grey area and replace it with a position that will be readily identified with oversight of the role of the ICAC and its operations. The need for unequivocal accountability of the ICAC is quite clear. I note that Mr McClintock stated in his report:

> Given the role of ICAC in securing the integrity of public administration, it is important that ICAC is itself accountable for the exercise of its official functions.

Mr McClintock made that statement in the context of his comparison of the role of the Inspector of ICAC with the role of the Inspector of the Police Integrity Commission. If the bill is passed, the most important factor will be that the ICAC inspector will report to the Parliament.

Mr McClintock referred to the role of the parliamentary committee, of which I am a member, and concluded that the strengths of the inspector model are the independence of the inspector, the security of confidential information, the ability to access operational material without compromising investigations, the proactive auditing powers of the role, and its complaints handling role. However, the parliamentary committee expressed doubts about the continuing role of the Operations Review Committee, and I agree with its observation. When this bill is enacted the ICAC will make findings of corrupt conduct only when actual corruption has occurred rather than making findings on the mere possibility that corruption has occurred. The former Premier who introduced the Independent Commission Against Corruption Act stated in his second reading speech:

> ... the commission will be required to make definite findings about persons directly and substantially involved. The commission will not be able to simply allow such persons' reputations to be impugned publicly by allegations without coming to some definite conclusion...

I am sure that all honourable members recall the zealousness of the original ICAC commissioner and assistant commissioner in going well beyond the purport of the former Premier's second reading speech with findings that some members created a climate conducive to corrupt conduct. There is no doubt that those findings went well past the original intention of the Independent Commission Against Corruption Act. It is interesting to note that after some considerable time, the corruption of the original intention of the Act will be brought into line. I note the declaration of the High Court, which concluded:

> The Commission is primarily an investigative body whose investigations are intended to facilitate the actions of others in combating corrupt conduct. It is not a law enforcement agency and it exercises no judicial or quasi-judicial functions.

Earlier the Attorney General said that the bill will start the ball rolling and that the ICAC will have some prosecutorial role, which the Opposition opposes, but Mr McClintock's report states that the ICAC does not have a prosecutorial role. I prefer a decision of the High Court to an opinion expressed by the Attorney General.

I oppose strongly any view that with or without the consent of the Director of Public Prosecutions, prosecutions may emanate from the ICAC. I believe that conferring a prosecutorial role on the ICAC would be a retrograde and dangerous step. New South Wales does not need another prosecutorial body, particularly when it is quite clear that prosecution is not, and should not be, the role of the ICAC. Having said that, I conclude by endorsing what has been said by the Deputy Leader of the Opposition and indicate that the Opposition will move amendments to this bill at the Committee stage.

Mr KIM YEADON (Granville) [8.04 p.m.]: I congratulate the Government on the introduction of this bill, which is based on the McClintock report. The McClintock report arose out of an independent review of the Independent Commission Against Corruption Act that was proposed midway through last year by the parliamentary Committee on the Independent Commission Against Corruption, which I chair, and that proposal was of course recommended to the Premier. I thank Mr McClintock and his predecessor, the Hon. Jerrold Cripps, who is now the ICAC commissioner, for the opportunities they provided for consultation to members, professional organisations, community groups and individuals in the course of the review.

It is fair to say that the Government's objectives in introducing this bill—to improve the operation and accountability of the Independent Commission Against Corruption—generally have the backing of the ICAC committee. One of the key features of the bill is the establishment of an Inspector of the Independent Commission Against Corruption. The inspector's principal functions are to audit compliance by the commission with the law of the State and to deal with complaints of abuse of power, or other forms of misconduct, on the part of the commission. The creation of an Inspector of the Independent Commission Against Corruption was the subject of an earlier recommendation by the ICAC committee, and it is pleasing to note that it is a principal feature of this legislation.

Mr McClintock's report contemplated that, with the appointment of an inspector, the Operations Review Committee [ORC] would no longer be necessary or needed. I support the fact that the Government has not included this recommendation from the report in the legislation. It needs to be understood that the inspector is not intended to replace the ORC or to perform the ORC's current review functions. The Operations Review Committee and the inspector have quite different roles. While the ICAC committee has had some concerns with how the ORC performs its functions, the ORC has the role of checking off, if you like, all potential and actual operational matters that come before the ICAC. In that sense, the Operations Review Committee works at the quantitative level. It examines each matter that comes before the Independent Commission Against Corruption and assesses the commission's determinations to proceed with an investigation, or to not proceed, or to terminate an investigation. The ORC provides an initial, or threshold, internal control over the commission.

In contrast to that, I regard the work of the inspector as more qualitative in nature in assessing how the Independent Commission Against Corruption deals with the public sector and people within the community generally. I believe that this work will involve detailed examination and reporting on a range of individual matters and complaints that may be made against the commission. The bill provides a strong basis for a capacity to improve the operation and accountability of the Independent Commission Against Corruption. In other provisions under this bill, the Independent Commission Against Corruption will be required to direct its attention as far as practicable to serious and systemic corruption. I do not think anyone will find fault with that requirement, which Mr McClintock said had received widespread support in the submissions made to him.

The bill also expressly requires the Independent Commission Against Corruption to provide reasons to complainants about its decisions. It should be acknowledged that the Independent Commission Against Corruption is already following this practice, but it would seem that, following strong representations received by Mr McClintock, the commission itself should examine how it may better satisfy this statutory requirement. It is certainly the case that many of the complaints about the commission that are received by my committee relate to a complainant's perception that their matter has not been dealt with by the commission in a satisfactory or well-documented manner.

The bill also adopts Mr McClintock's proposal to rename private hearings as private examinations, and public hearings as public inquiries, to avoid confusion by the public with hearings conducted by a court of law. This is a good change that may go some way toward addressing media portrayals of the work of the Independent Commission Against Corruption as some form of judicial body, rather than as an investigative body. The bill does not make any substantial amendment to the definition of corrupt conduct. On this point my committee differed from Mr McClintock. My committee, in common with some legal commentators, was concerned that the definition was too wide and complex. In Mr McClintock's report, he did not agree that the definition was overly broad or had been applied unfairly.

The bill expands the Independent Commission Against Corruption's powers to make an application to a court for the disposal of property. My committee previously recommended a similar provision. In his report Mr McClintock recommended that consideration be given to permitting the Independent Commission Against Corruption to commence criminal proceedings without first seeking the advice of the Director of Public Prosecutions. The Government has not adopted that recommendation. My committee's view is that it has always emphasised that the commission should not be engaged in a prosecutorial role and that the Director of Public

Prosecutions should retain his independence in deciding whether a prosecution should be instituted. The Government adopted that approach when the Independent Commission Against Corruption legislation was introduced in 1988, and it accords with most of the submissions made to the McClintock review.

I have mentioned this matter because the object of Mr McClintock's recommendation was to help overcome prolonged and unacceptable delays by the Office of the Director of Public Prosecutions in dealing with the recommendations by the Independent Commission Against Corruption. The Committee on the Independent Commission Against Corruption has raised this issue several times with the Independent Commission Against Corruption but no substantive study has been made of procedures within the Office of the Director of Public Prosecutions to identify the reasons for the delays and any options to address them. In the past the commission has undertaken to look into the matter but that has not led to any fruitful clarification of the problem. My committee proposes to continue to address this matter into the future.

Although the Deputy Leader of the Opposition was gratuitous in his assessment of previous chairmen of the committee and their level of work, his comments about undertaking prosecutions are a scathing indictment of him and clearly indicate that he has not read the legislation. If he had he would be aware that the Government had not adopted Mr McClintock's recommendations. Indeed, the existing Independent Commission Against Corruption legislation does not include an explicit provision for the ICAC to undertake prosecutions, except under the common law. The provisions contained in this bill make it clear that the ICAC cannot proceed to prosecution without the approval of the Director of Public Prosecutions.

Mr Brad Hazzard: Did they ever prosecute?

Mr KIM YEADON: As I understand it, no, it has never undertaken a prosecution, but the ability existed under the common law. That ability no longer exists without the approval of the Director of Public Prosecutions. The Deputy Leader of the Opposition, who was so gratuitous in his criticisms of past chairmen of the committee, is a member of the committee and led for the Opposition but clearly he has not even read the provisions of the bill. Mr McClintock recommended that the findings of the Independent Commission Against Corruption should not be subject to a merits review. In its submissions to the inquiry the Committee on the Independent Commission Against Corruption supported the case for a merits review. Currently, no mechanism is in place for an appeal against any decision or a general review of the merits of commission findings.

In 1993 the Committee on the Independent Commission Against Corruption considered an examination of various appeal mechanisms. At the time the committee concluded that it was not in a position to make an informed decision about the issue and recommended that advice from the Law Reform Commission be sought. That advice was not subsequently requested, yet 12 years on that course of action would still be useful and informative. In his report Mr McClintock proposed various reforms, with the object of removing unnecessary restrictions on publications about the Independent Commission Against Corruption without compromising the integrity of the commission's operations. The Government has adopted those recommendations. The principal function of the bill is to clarify the procedure for dealing with contempt of the Independent Commission Against Corruption, and the committee supports that objective. Over the coming months my committee, in the exercise of its functions, will carefully observe the operations of the provisions of this bill and, where necessary, report to Parliament upon them. Again, I take this opportunity to commend the Government for introducing this legislation.

Mr MALCOLM KERR (Cronulla) [8.14 p.m.]: A number of issues arise from the speeches made by Government members. First, the honourable member for Liverpool outlined what he regarded as a danger, namely, that the Inspector of the Police Integrity Commission could undertake the role of Inspector of the Independent Commission Against Corruption. The honourable member for Liverpool is correct in saying that this would constitute a substantial workload for the inspector. Indeed, it would be totally inappropriate for one person to undertake both roles and I ask the Attorney General to address that matter in reply. I ask him also to give an undertaking that that will not happen and to decide whether legislation is necessary to ensure it does not happen in future.

The honourable member for Granville, the Chairman of the Committee on the Independent Commission Against Corruption, referred to whether the ICAC could prosecute and stated that, in his view, it would be undesirable for the ICAC to commence a prosecution. He stated further that the principal bill that set up the Independent Commission Against Corruption did not contain an explicit provision to that effect, although the ICAC could prosecute under the common law. The Attorney General agrees with that view. I understand that the ICAC has not commenced any prosecutions using its common law power, so perhaps the Attorney General could clarify that matter also.

Mr Bob Debus: I will.

Mr MALCOLM KERR: The Attorney says he will. The honourable member for Liverpool said that he had, in fact, acted for people whom the ICAC had prosecuted, but the honourable member for Liverpool is a bit of a tease.

Ms Pam Allan: I wouldn't take your word for that.

Mr MALCOLM KERR: The honourable member for Wentworthville does not have to take my word for that. It is not a matter of personal experience; it is a matter of record. I am glad you drew attention to that because the honourable member for Liverpool referred to unnamed parties. The honourable member for Liverpool did not nominate the various parties wanting to restrict the power of the Inspector of the Police Integrity Commission. He is also a tease because, having said that he represented a number of people who were prosecuted by the ICAC, he gave no evidence of his appearance. We really need further and better particulars in relation to the cause of the action, the outcome, and whether people were being unjustly prosecuted. The debate would be far more informative had the honourable member for Liverpool addressed those issues.

I promised the honourable member for Wentworthville that I would visit Auburn, and I am very pleased to do that. The former member for Auburn, Mr Peter Nagle, as one would expect, was a great source of legal knowledge and experience. He played a very constructive role when I was chairman of the ICAC parliamentary committee. As members of the House would be aware, the former member for Auburn had a great sense of the rule of law and was very keen to ensure that the rule of law was upheld in the community. In the 1993 report of the committee, which has been mentioned in this debate, a significant section dealt with the appeal mechanism against decisions of the ICAC. The report posed a number of questions in relation to primary evidence and its meaning. I agree with the current chairman of the ICAC committee that 12 years later it would be of great assistance if the questions posed by my committee were answered. I hope that he will pursue that issue. He is in a position to get the answers. As he said, the appeals provision needs to be addressed.

Turning to the provisions of the bill, I agree with the chairman of the ICAC committee that the Operations Review Committee should still exist. It is a very important body and it has a significant role. The committee exists to advise the commissioner as to whether complaints should be investigated and to advise on such other matters as the commissioner refers to it. When I chaired the ICAC parliamentary committee we presented a report on the Operations Review Committee. I am glad to see—the current chairman of the ICAC committee stated this—that the Government has not accepted the recommendation for the abolition of the Operations Review Committee. Public inquiries were also the subject of a report by my committee, which examined the role of public hearings. We were assisted by such eminent people as the Hon. Athol Moffitt, a former President of the Court of Appeal—

Mr Anthony Roberts: A fantastic gentleman.

Mr MALCOLM KERR: Yes. I think that is a bipartisan comment from both sides of the House.

Mr Bob Debus: It is, yes.

Mr MALCOLM KERR: Mr Costigan also gave evidence before my committee, as did the Hon. Peter McClellan, who is now Chief Justice of the Land and Environment Court. He was a former Assistant Commissioner of the ICAC.

Mr Barry O'Farrell: Who has not been before the committee?

Mr MALCOLM KERR: I have to say that in terms of legal eminence there are not too many people who did not make an appearance before my committee. All the recommendations by my committee were adopted unanimously.

Mr Barry O'Farrell: It shows great chairmanship skills.

Mr MALCOLM KERR: I was not prepared to say that but I will acknowledge the interjection. While a number of issues that need to be addressed have been raised, in particular by the honourable member for Liverpool, I want to raise the matter mentioned by the Deputy Leader of the Opposition. That is the fact that while my submission was acknowledged by Mr McClintock there was not an acknowledgement of the submission by the Leader of the Opposition. It is a matter of record that he did make a submission. It should appear.

Mr Bob Debus: It is appendix B on page 196.

Mr MALCOLM KERR: That may come as news to the Premier, who said at a press conference that the Opposition had not made a submission.

Mr Barry O'Farrell: It is not in my copy.

Mr MALCOLM KERR: Is it not there?

Mr Barry O'Farrell: Not in my copy.

Mr MALCOLM KERR: That might be addressed by the Attorney General. I just hope that there has not been a late scratching. It is important that the public record is accurate in relation to the submissions that were made to this inquiry.

Mr Bob Debus: It is on the page beside it. You are holding up this page; I have got this page.

Mr Barry O'Farrell: They speak for themselves.

Mr MALCOLM KERR: Mr Acting-Speaker, might I be allowed to interrupt or make a speech in the course of these interjections?

Mr ACTING-SPEAKER (Mr John Mills): It has never stopped you before.

Mr MALCOLM KERR: There is much in this bill that is not opposed by the Opposition but there is much that needs to be clarified when the Attorney General addresses the House in reply.

Mr ALAN ASHTON (East Hills) [8.26 p.m.]: I shall make some brief comments about the Independent Commission Against Corruption Amendment Bill. I want to highlight a couple of points and thank Mr Bruce McClintock for completing the investigations begun by the Hon. Justice Jerrold Cripps. My observations are on the basis of years of observing the role of the ICAC when I was on Bankstown council and since being elected to Parliament. Everyone in Parliament or local government would have taken an interest in the ICAC. I will highlight a couple of points that I think are important. There is a public assumption that people referred to the ICAC must be guilty of something. In improving the supervision of the ICAC legislation, through this Parliament and other measures contained in the Act, we should ensure that people are perceived to get a fair go at ICAC hearings.

If they are found to be corrupt or to have acted corruptly, that can be determined and later they can be prosecuted in a court. The bill requires the ICAC to focus on serious or systemic corruption. When the ICAC was set up in 1988—it was a Coalition promise and the Labor opposition supported it—it was an attempt to root out serious, systemic corruption in government and in local government. When I served on Bankstown council a former councillor, on any occasion he could, would refer a matter to the ICAC.

Mr Brad Hazzard: You can still do it.

Mr ALAN ASHTON: Of course you can. But there will be a greater assessment of what is being referred. In the late 1980s or early 1990s a matter referred was whether a councillor had purchased a packet of cigarettes in the Northern Territory with council funds or his own funds. After that application was lodged with the ICAC the fellow, who had previously been a Bankstown councillor but had been beaten, kept referring to the member of the council concerned as having been referred to the ICAC. The local papers were only too happy to keep saying that matters concerning this councillor had been referred to the ICAC. A packet of cigarettes does not involve systemic or serious corruption. The ICAC declined to investigate the matter as it was of such a minor nature. It said, "Forget the whole thing."

Mr Brad Hazzard: Did it actually say that or did it—

Mr ALAN ASHTON: It did say that.

Mr Brad Hazzard: Generally it does not bother.

Mr ALAN ASHTON: It did. But the point was that the person who made the application—he had no income, no money and no house so no action could be taken against him—would continually throw up the accusation, "You have been referred to the ICAC." He referred them, and nothing was found. That created great

division and disharmony in Bankstown council at the time. I remember an instruction by Barry O'Keefe. Who was the first Commissioner of the Independent Commission Against Corruption—the bloke from Western Australia?

Mr Brad Hazzard: Ian Temby, QC.

Mr ALAN ASHTON: Ian Temby. Barry O'Keefe issued an instruction.

[*Interruption*]

I am not a member of the ICAC committee; I am referring to personal incidents I am aware of. Mr O'Keefe wrote to local government, to mayors and general managers at the time, and said that it was against the spirit of the ICAC Act to use a reference to the ICAC for political purposes. In other words, people should not allege or report that someone has been reported to the ICAC and put that in a political pamphlet or the like. Most people of good standing chose to say that that is reasonable, especially when such matters are so trivial, as they were in those days. But that did not stop this guy. He simply went on his merry way and kept saying it. When I was on Bankstown council we constantly raised this matter with both sides of politics. How can people simply ignore the ruling by the commissioner of the ICAC on that?

Mr Barry O'Farrell: Point of order: I am fascinated by the speech of the honourable member for East Hills. At the commencement of this debate the Attorney General implored honourable members to stick to the leave of the bill and not range across issues that are irrelevant to the bill. I have yet to hear the honourable member for East Hills say what provision of the Act will prevent the abuse he has outlined, which I accept. I simply ask that the honourable member for East Hills adhere to the Attorney General's invocation that we stick to the leave of the bill. The honourable member for East Hills is one of those who would like to see the end of the ICAC, but we should debate the bill, which does not, thankfully, end the ICAC.

Mr DEPUTY-SPEAKER: I understand the point of order. I am sure the honourable member for East Hills has taken note of the comments of the Deputy Leader of the Opposition.

Mr ALAN ASHTON: To the point of order: I was pointing out that the bill's provisions will require the ICAC to focus on serious or systemic corruption, not issues such as whether someone bought a packet of cigarettes. If the Deputy Leader of the Opposition had not attended a function and then returned to this debate he would have heard me say that. I have not said anything that is outside the leave of the bill. The Deputy Leader of the Opposition said that I oppose this bill. That is absolutely outrageous. I am giving examples of why the Government needed to make amendments to the ICAC Act.

Mr Barry O'Farrell: Further to the point of order: Nothing that the honourable member for East Hills has said about his friend and the packet of cigarettes will be done away with by the provisions in this bill. Nothing! The reputation of members of Parliament will still be traduced in the media by people sending letters to the ICAC and then reporting on those publicly. Nothing will stop that. The ICAC will deign not to investigate them.

Mr DEPUTY-SPEAKER: Order! The Deputy Leader of the Opposition will resume his seat. If the honourable member for East Hills is developing an argument, that is permissible.

Mr ALAN ASHTON: I was intending to speak for only two or three minutes. Now I will use my full allocation of time and members opposite can wait. The reason the ICAC legislation needs to be reviewed after 17 years of operation is exactly why the Deputy Leader of the Opposition wants to take points of order on me. He implied that I want to abolish the ICAC.

Mr DEPUTY-SPEAKER: Order! The honourable member for East Hills will return to the leave of the bill.

Mr ALAN ASHTON: That is part of the debate. The Deputy Leader of the Opposition is about as relevant—I will not explain that. Everyone knows the role of the ICAC. The honourable member had to attend a function and now he is back. My point is that we will re-establish—

Mr Barry O'Farrell: Point of order: It is on the record that I was here at 7.30 p.m. to commence this debate. I have listened to every minute of it. I do not know what the dope opposite has been taking or drinking, but I have been in this Chamber since 7.30 p.m.

Mr DEPUTY-SPEAKER: Order! That is not a point of order. The Deputy Leader of the Opposition will resume his seat. The honourable member for East Hills has the call.

Mr ALAN ASHTON: The Deputy Leader of the Opposition wants to attack me, but he cannot take it. Members opposite are soft. I am saying that if someone refers an allegation to the ICAC the person named in the allegation will receive a letter describing what the allegation is. That is my point. The allegation years ago about a packet of cigarettes was never presented to the person who was accused; the allegation was hung out for months and months as though it was a major incident that people were talking about. It never was. The bill will require the ICAC to provide reasons to a complainant for not investigating a complaint. It will also require the ICAC to inform a person required to attend a compulsory examination or public inquiry of the nature of the allegation that is being investigated.

The point is that under this bill people will be told why they are being investigated. If members opposite cannot understand the relevance of that, it is no wonder Opposition members will move amendments in the upper House, where they might find some joy. Another point is that the legislation will require the ICAC to be satisfied that it is in the public interest to hold a public inquiry, having regard to the benefit of exposing corrupt conduct, the seriousness of the allegation, any risk of undue prejudice to a person's reputation, and whether the benefit in exposing the corruption outweighs privacy infringements. The Deputy Leader of the Opposition said that I would be happy for the ICAC to be abolished. I have never said or thought that. I totally deny it. What the Deputy Leader of the Opposition has done tonight is proof of what can happen at the ICAC, that is, someone can lob a letter into the ICAC and say, "Alan Ashton, member for East Hills, wants to abolish it." The honourable member has returned from the function he had to attend, and that is what he said. I thought the honourable member for Vaucluse would have gone to the function instead of the Deputy Leader of the Opposition.

Mr Russell Turner: Point of order—

Mr Barry O'Farrell: The honourable member for East Hills has taken the fact that I have been to an Israeli function—

Mr DEPUTY-SPEAKER: Order! The honourable member for Orange has the call.

Mr ALAN ASHTON: So you did go to a function.

Mr Barry O'Farrell: I went to a function in the dinner break.

Mr ALAN ASHTON: You said you watched this whole debate. It is on the record.

Mr Barry O'Farrell: I went to a function in the dinner break, and I was back at 7.30 p.m. The honourable member for East Hills' problem is that it was an Israeli function. The Premier was at that function, and he is not anti-Semitic.

Mr DEPUTY-SPEAKER: Order! Honourable members will resume their seats. I call the honourable member for Orange on a point of order. I hope that sort of conduct does not continue for the remainder of this debate.

Mr Russell Turner: As an Acting Whip this evening, I granted the Deputy Leader of the Opposition permission to go into the dining room to have a bowl of soup. As far as I am concerned he was excused.

Mr DEPUTY-SPEAKER: Order! That is not a point of order. The honourable member for Orange will resume his seat.

Mr Russell Turner: The honourable member for East Hills is misleading the House.

Mr DEPUTY-SPEAKER: Order! That has nothing to do with the point of order. The honourable member for East Hills has the call.

Mr ALAN ASHTON: I will continue with my speech in support of this important bill, which establishes reasons for a complaint. If the ICAC decides not to investigate a complaint the accused person will receive written correspondence stating why the complaint was not acted upon. As I have just established, not

every allegation sent to the ICAC deserves to occupy the time of the ICAC unless it perceives or discovers that it might be a serious or systemic act of corruption. The bill clarifies that the ICAC may decline to make a finding of corrupt conduct, as it did back in 1988 or 1989 when the allegation about the purchase of a packet of cigarettes was made. Opposition members have indicated that they will not say much about the bill in this place; they will work with the Greens or another group in the upper House and try to play around with the bill and do various things before it is sent back here.

The bottom line is that the parliamentary committee on the ICAC has largely endorsed this bill. The chairman of that committee, the honourable member for Granville, has spoken on it before and said that he accepts it. I do not accept the suggestion that members of Parliament would somehow be excised out of the purview of the Independent Commission Against Corruption [ICAC]. As we would all be under scrutiny I cannot see how there could be any great opposition to that proposal. Finally I refer to a matter that should be of concern to all members of Parliament. We live in a society where what we say is reasonably privileged, and that is what is at the heart of debate tonight. Members of the media can make all sorts of comments about what members of Parliament say and about what is said and alleged at the ICAC. It is not free for us to make comments about what is said and alleged at the ICAC; if we did we would be taken before the Supreme Court and charged with contempt.

> It is inappropriate for members of Parliament and others to be judged in a different manner from the way in which someone who writes for one of the daily papers is judged. Members of the media can make all sorts of allegations and their stories appear on the front pages of the newspapers. When it is established that there is nothing of a corrupt nature and that no-one will be held to account the story is printed on page 57 of the newspaper. However, anyone reading a report of the ICAC would know that someone had been referred to the ICAC. If we throw enough mud it will finally stick. We can only be held in contempt of the ICAC if we make those sorts of statements in front of the ICAC commissioner. I fully support the bill. I am surprised at the heat and innuendo that emanated from the Deputy Leader of the Opposition.

Mr ANTHONY ROBERTS (Lane Cove) [8.41 p.m.]: It gives me great pleasure to contribute in this debate after the Deputy Leader of the Opposition, the honourable member for Myall Lakes and the honourable member for Cronulla. The Deputy Leader of the Opposition and the Coalition strongly support the Australian-Jewish community in Israel—something for which the Deputy Leader of the Opposition should be commended. Last year this State Government announced a review of the Independent Commission Against Corruption [ICAC]. That review was initially undertaken by Jerrold Cripps, QC, who was appointed the ICAC commissioner to replace former Commissioner Irene Moss.

Irene Moss is a wonderful individual and she was a wonderful commissioner. We are proud of her and she is someone for whom we should all be grateful. Bruce McClintock, Senior Counsel, completed that review. There were 36 recommendations covering areas such as the objectives, functions and jurisdiction of the Independent Commission Against Corruption Act through to accountability and contempt. The Government accepted Mr McClintock's report, except for his recommendations that a parliamentary investigator or committee be empowered to investigate minor matters involving members of Parliament.

Major changes include the establishment of an independent Inspector of the Independent Commission Against Corruption, modelled on the Police Integrity Commission inspector, to strengthen the ICAC's accountability. The Joint Committee on the Independent Commission Against Corruption will oversee the inspectorate. I refer to the provision for the appointment of Inspector of the ICAC. That provision is similar to the provision in the Police Integrity Commission Act 1996 relating to the inspector of the Police Integrity Commission. Proposed section 57B provides:

> (1) The principal functions of Inspector are:
>
> (a) to audit the operations of the Commission for the purpose of monitoring compliance with the law of the State, and
>
> (b) to deal with (by reports and recommendations) complaints of abuse of power, impropriety and other forms of misconduct on the part of the Commission or officers of the Commission, and
>
> (c) to deal with (by reports and recommendations) conduct amounting to maladministration... by the Commission or officers of the Commission, and
>
> (d) to assess the effectiveness and appropriateness of the procedures of the Commission relating to the legality or propriety of its activities.

Another key change relates to contempt law. I have some difficulties with that provision. The explanatory note to the bill states:

Schedule 1 [45]-[47] will amend section 98 of the Principal Act to restrict ICAC's power to refer contempts of ICAC to contempts in the face or hearing of the ICAC (so removing its power to refer contempts by publication to the Supreme Court). ICAC will retain its powers to make orders restricting publication of various matters under section 112 of the Principal Act and it will continue to be an offence to contravene such a direction.

Schedule 1 [48]-[53] amends sections 99 and 100 of the Principal Act to clarify the procedure for certifying and referring an alleged contempt to the Supreme Court. Provision is also made to ensure that a person who is alleged to have committed a contempt is advised of the details of the alleged contempt.

I know where that provision came from and it is an issue to which I will refer later. The bill refers also to corrupt conduct and states that definitional changes have been made to bring the Independent Commission Against Corruption Act into line with the ICAC's practice. The honourable member for Cronulla said earlier there are many things that are good about this independent report but there are many things with which we have difficulties. I support some of those changes. Those changes will be implemented as a result of the independent review of the ICAC. It is a shame that this is the first independent review that has occurred since 1989.

The Deputy Leader of the Opposition, the honourable member for Wakehurst and other Opposition members would know that the ICAC was a Liberal-National initiative, one of which we are very proud. We are proud of this anti-corruption body. The ICAC is an integral and important part of any government. These changes, which we welcome, will generally improve the transparency and accountability of the ICAC. As usual, this Government has slipped a couple of things into the legislation. It is not forgiving when it comes to being held accountable for certain things. Because of the Premier's legal problems last year there is a little bit of a payback in this legislation. These contempt changes have been directly crafted and slipped into the legislation to pay back the ICAC for daring to hold the Premier to account.

Members of the Coalition and I have some major issues about supporting such changes. Other honourable members have said that the ICAC, like the Police Integrity Commission, should leave criminal prosecutions to the Director of Public Prosecutions [DPP]. I do not believe—I have never believed—that an investigative body should be a prosecutor. The prosecution of any corruption should be left to the DPP. I do not oppose this bill but I have some problems with the contempt and criminal prosecution amendments. I look forward to expressing my views on those issues later.

Mr JOHN MILLS (Wallsend) [8.48 p.m.]: I am pleased to make a brief contribution in support of the Independent Commission Against Corruption Amendment Bill. I commend the Legislation Review Committee for preparing a dot point summary of the principal points in the bill. I am also a member of the Joint Committee on the Independent Commission Against Corruption—the oversight committee. Over the past 18 months or so the committee has had some interesting discussions about many of these matters. I commend those members on the committee who contributed to debate tonight. We must use the information that we obtain in that committee to assist us in this debate.

I have a number of concerns about the Independent Commission Against Corruption and the way in which it has operated. I was elected as a member of Parliament in 1988, after the Independent Commission Against Corruption Act was law, so I did not have an opportunity to contribute to the thinking in that debate. So this is a good opportunity for me, having come in all those years ago, to take part, with other members of Parliament on both sides of the House who want to see the ICAC continue, to recognise the value it has performed in New South Wales public life in exposing that corruption has taken place. I join with members in supporting the continuation of the Independent Commission Against Corruption and particularly its continuing independence.

The legislation goes a fair way towards removing some of the concerns about the old Act and also to improving the accountability of the ICAC to its public through the amendments that have been proposed. The major accountability mechanism—and it is to be found in the recommendations in section 7 of the McClintock report—concerns the inspectorate, and I do not propose canvassing that matter any more. It obviously has good support on both sides of the House.

There were other concerns about the old Act in practice—for example, that there was a low rate of convictions in court of people who had been identified as corrupt. In most societies, depending on the rule of law, corruption is a serious crime. Our communities expect that the bulk of the people said to be corrupt will be prosecuted and punished. In the five years from 1998 to 2003—and this was revealed in the ICAC committee report 1/53 of May 2004—of 69 persons who were subject to investigation and where a finding of corrupt conduct was made by the ICAC, 42 per cent were subsequently convicted of an offence and 58 per cent were not prosecuted or prosecutions were unsuccessful. In quite a number of cases, the successful prosecution was not

related to the alleged corrupt conduct but for not telling the truth to the ICAC or some offence committed before the body itself.

Where internal disciplinary action was recommended by the ICAC, 90 per cent of the actions were subject to successful disciplinary action and 10 per cent were dismissed. I suggest the low rate of convictions arose from a number of things. One is the relatively high burden of proof. Some members get confused about whether the ICAC is an investigative or administrative body or how much like a court of law it is or should be. In the past there has been quite a different burden of proof in the ICAC and that high burden of proof almost certainly had something to do with the low rate of convictions. I believe too many minor matters were investigated, and this is one of the reasons behind a lower rate of convictions than might seem appropriate. The public humiliation approach—going straight in and using public humiliation—had a detrimental effect on the evidence, which in many cases became inadmissible in court during subsequent proceedings.

The present amendments include requiring the ICAC to be centred on serious or systemic corruption, clarifying that the ICAC may only make a finding of corrupt conduct where it is affirmatively satisfied that the relevant conduct has occurred, and that the ICAC may decline to make a finding of corrupt conduct, for example, where the matter is minor. A combination of those amendments will see an improvement in the elimination of the sorts of concerns I have referred to. In the submission by the committee on the ICAC to the inquiry into the Act we recommended—and the chairman mentioned this a little while ago—a change in the definition of corruption. Mr McClintock said he did not see any point in changing that.

To my mind, that definition still needs work but that is not a proposal in the amendments. That is a judgment made by the Government and it seems will be accepted by the Opposition. I think some of those definitions in section 9 of the old Act allowed the ICAC to do a certain amount of police work. Although there is nothing in the bill about that change, new section 12A focuses on serious or systemic corruption. The ICAC committee argued for a removal of the provision for findings of corrupt conduct and instead to report findings of fact. Once again, although that did not appear as a recommendation of Mr McClintock, it is countered by new section 13, emphasising that section 13 (2) does not require that a finding of corrupt conduct be made where the matter is minor. Paragraph 3.13 of report 1/53 states:

> Matters of a petty nature, including allegations of petty thefts such as paper, stamps, and ink cartridges, or matters of non-criminal maladministration, are generally referred in other jurisdictions back to either public sector management for investigation and administrative determination and penalty, or to police, or to the audit process.

Again, the emphasis on serious and systemic corruption will overcome that set of problems. The Deputy Leader of the Opposition, in leading for the Opposition, argued that the Opposition was going to reject this amendment on contempt, or part of it. It seemed to me that his argument was based on the idea that change was only recommended because the Premier was embarrassed last year. I do not think that is a particularly recommendable approach. We should be examining these recommendations and amendments on their merits. The honourable member said that contempt should be the same as it is in a court of law. I disagree with that. The Opposition needs to flesh out in its contributions in this debate what its concepts are of the ICAC. As a number of members on the Government side have said, it is an administrative inquisitorial body with royal commission powers, and is not a court of law. That alone justifies favourable consideration of the recommendations in this bill for dealing with contempt.

I was in the House when the Deputy Leader of the Opposition made a disparaging remark about the McClintock report. He pointed to the honourable member for Cronulla, who was listed as having made a submission to the review. He then noted me as Acting Speaker and as having made a submission to the review, and then said there was not even an acknowledgement that the Opposition made a submission. I emphasise that the Attorney General pointed out by way of interjection that that is on page 196 of the report. I quickly checked my report, but my report came off the Internet. On page 166 of the print out from the Internet and page 196 in the printed report, as pointed out by the Attorney General—

Mr Brad Hazzard: This report only goes to page 185.

Mr JOHN MILLS: I urge the honourable member for Wakehurst to look at the bottom of page 166. On page 196 of the printed report with the blue cover, and page 166 of the report on the Internet, it says:

> Although invited to do so, the NSW Opposition did not make a submission to the review. The Leader of the Opposition, Mr John Brogden, MP wrote to my predecessor to advise as follows:

It is worth reading the following statement. Mr Brogden wrote:

> It is not the usual practice of the NSW Opposition to make submissions to inquiries such as yours, given our ability to participate directly in any parliamentary debate that flows from such reports. However, given the importance of the institution of the ICAC to New South Wales, I place on record the continuing support of the Liberal/National Coalition for retention of the independent watchdog.

So the Opposition contribution was acknowledged and I think that correction must be made. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst) [9.00 p.m.]: The Opposition has already indicated that we will not oppose the Independent Commission Against Corruption Amendment Bill. As was said at the outset and as the honourable member for Wallsend has just confirmed, there is general support for the legislative amendments to the Independent Commission Against Corruption [ICAC] but the Opposition has some issues, which the Deputy Leader of the Opposition highlighted. I suppose I should place on record initially my concern that a review of the Independent Commission Against Corruption Act 1988 has taken so long. Clearly, along the way a host of issues raised in public forums have highlighted some of the shortcomings of the ICAC. However, the degree of concern attaching to those issues has depended largely upon the capacity of the ICAC commissioner—the person at the head of the organisation.

I particularly welcome the appointment of an Inspector of the Independent Commission Against Corruption. This appointment will hopefully facilitate some care regarding the commission's performance of its duties. While the past three commissioners—including the current commissioner—have done a good job, there was cause for concern some years ago when Commissioner Temby was in charge of the ICAC. At least one issue might have had a different outcome if the Independent Commission Against Corruption had had an inspector at that time.

There is a book in the Parliamentary Library about the events surrounding the sad removal of Premier Greiner and Minister Moore. The book reveals that then Commissioner Temby telephoned the then Independent members of Parliament—Clover Moore, John Hatton and Peter Macdonald—at a particularly difficult time. Commissioner Temby was apparently concerned enough to pick up the telephone—despite the fact that he was supposed to be an independent commissioner—and speak to the Independents about what they would do in regard to a particular vote in Parliament. John Hatton allegedly responded by saying, "Don't worry, Ian, the cavalry is coming."

That story highlights that, even at the absolute top of the Independent Commission Against Corruption, there can be a lack of judiciousness and care in the way in which the commission conducts its operations. If that can happen at the top of the commission, it can obviously happen through other levels of its bureaucracy. So, to that extent I welcome the bill establishing the position of Inspector of the Independent Commission Against Corruption. I will not detail the functions and powers set out in new sections 57B and 57C, but it is clear that they should go some way towards ensuring that the ICAC staff, from the commissioner down, use great care and caution in exercising the extensive powers that were unprecedented when the body was established.

I remind the House that the ICAC was an unusual body for its time in that the rules of evidence established over 600 years of common law were ignored and not required to be considered in its proceedings. That remains true today. I am interested that Mr McClintock appears not to have made any recommendations on that issue and that its inquisitorial-type function will continue without the safeguards provided by the rules of evidence. There seems to be a little confusion—which I admit to sharing, so I look forward to clarification from the Attorney General when he responds to the debate—about the criminal prosecution aspect of new section 116A. As I understand it, there was no specific power under the 1988 Act for the commission to bring prosecutions.

In response to the debate of the past hour and a half the honourable member for Granville, the Chair of the Committee on the Independent Commission Against Corruption, indicated that the source of power for the ICAC prosecutions was the common law. I understood from his remarks that prosecutions had been undertaken on the basis of common law. However, I also understood the Attorney General to say there had been no such prosecutions. Nevertheless, the bill gives the commission the power to bring prosecutions, albeit subject to the approval of the Director of Public Prosecutions. The honourable member for Myall Lakes earlier cited page 58 of Bruce McClintock's report, which I shall repeat now. It states:

> The Commission is primarily an investigative body whose investigations are intended to facilitate the actions of others in combating corrupt conduct. It is not a law enforcement agency and it exercises no judicial or quasi-judicial functions. Its investigative powers carry with them no implication, having regard to the manner in which it is required to carry out its functions, that it should be able to make findings against individuals of corrupt or criminal behaviour.

The first part of the quote confirms what I hope we all understand—that the ICAC is an investigative body. In my view, it is not and should not be incumbent on an investigative body to also bring prosecutions. It seems an injudicious conflict of interest for a body that is principally an investigative body to bring the charges that flow from its investigations.

I acknowledge that the amendment in this bill qualifies the capacity of the ICAC insofar as it must seek approval from the DPP. That in itself highlights that even the Government, and the person who formulated this report, has concerns about the ICAC bringing those charges in the first place. I support the very strong view of the Deputy Leader of the Opposition that the amendment, which allows the ICAC to bring about prosecutions, albeit with the filter of the approval of the DPP, is inappropriate, unnecessary and unwise. I oppose it and hope the Attorney General will reconsider the amendment before it reaches the upper House.

The Deputy Leader of the Opposition has foreshadowed the Opposition will move an amendment in this House. Although our amendment will not be accepted in this House, we will make clear our opposition to this provision in the bill. Perhaps in the Legislative Council, where the numbers are different and with the good sense of the crossbench supporting the Coalition, the amendment will be accepted and the offending provision removed. The DPP should be able to make an informed decision based on investigations of the ICAC as to whether the DPP brings about those charges. The DPP has made some comments, which are contained in the McClintock submission, that indicate that the usual course is for the DPP to continue with the criminal charges. I say it should be considered ab initio and continued to its conclusion by the DPP.

Previous speakers have referred to the contempt provisions in the bill. They probably would not attract as much attention were it not for the Premier's intervention last year in the Orange Grove inquiry. I suspect that if the Premier had not sought to peremptorily vindicate the Minister for Infrastructure and Planning by indicating—in relation to an earlier inquiry into hospital issues and the lodging of complaints by nurses against Minister Knowles in his capacity as the Minister for Health—that the ICAC had found there was no inappropriate conduct by the Minister, the issue would not have been highlighted in the way it has.

The Deputy Leader of the Opposition has indicated that the Opposition is not satisfied with the contempt provisions amendment in the bill. If accepted, this amendment will allow an individual to be dealt with for contempt only in the face of the commission itself—in other words, only if the person is appearing before the commission and does something that allegedly may be an active contempt. Clearly, that is not in the interests of the community. If we are to have an ICAC and it is to play a public role—even though that role is more limited under this bill—clearly the commissioner should be entitled to deal with a person for contempt, particularly if that person has the stature to influence the deliberations and considerations of the commission, such as the Premier of New South Wales.

The honourable member for Wallsend referred to the Coalition's motives, saying they arose out of the Premier's interference, which I have just referred to, last year. This report is dated January 2005. Possibly the report has been constructed to reflect concerns about a person outside the commission making a comment. I am sure the Premier has made his position clear to Mr McClintock. If he has not, it would have been made clear through the actions that occurred last year. Mr McClintock would have been as well aware as everyone else in New South Wales that the Premier was at risk of being dealt with for contempt. Overall, the bill is a step in the right direction. Although I believe that the community still has concerns with many issues with the ICAC, subject to the foreshadowed amendments the Opposition will not oppose the bill.

Mr ANDREW TINK (Epping) [9.15 p.m.]: I want to refer to one aspect of the bill relating to the Director of Public Prosecutions [DPP] not being involved in prosecutions under the Act. It is a most unfortunate development. Mr McClintock makes clear in chapter 3 of his report that he also is not pleased with this provision. The situation has effectively arisen by default. At page 36 of his report Mr McClintock says:

> While the framers of the legislation intended that the Director of Public Prosecutions would have responsibility for determining whether to prosecute a matter and to conduct the prosecution, the situation in actual fact is a little different. The DPP does not institute criminal prosecutions arising from ICAC investigations. That is ultimately a matter for ICAC.

I understand from that paragraph that whilst Parliament intended that the DPP would conduct investigations, the DPP's failure and refusal to conduct those investigations has meant that by default the Independent Commission Against Corruption [ICAC] conducts them. That is a most regrettable situation. There are good reasons in principle and policy for the investigative function to be separate from the prosecuting function. There is no question that many ICAC commissioners and assistant commissioners have been actively involved in the management of investigations before them. I do not believe there is anything wrong with that. It is part of their

royal commission-type powers. They are to be vigorously and actively involved with assisting counsel. Indeed, the ICAC sets the terms of reference in many matters, virtually all of them, that are not referred by Parliament or are commenced by the ICAC itself.

I am concerned that people exercising such powers are involved in the prosecuting stage. Indeed, it is not difficult to imagine an inquiry fashioned or conducted in such a way as to achieve certain results to obtain more evidence for a prosecution. If the investigating function is separate from the prosecuting function, I do not see a problem with the exercise of these powers where the investigators are active and rigorous. But where they also undertake the prosecuting function, it seems to me there is a real conflict. The perception, and probably the reality, will be that one will feed the other, whereas they need to be distinct and separate. At paragraph 3.4.12 on page 37, Mr McClintock suggests this is a real issue. He says:

> I have given consideration to amendments to the Act to reflect the original intention that ICAC should not have the power to initiate or conduct prosecutions. However, in the absence of any change in position by the DPP, there is no suitable alternative person or body to make the decision as to prosecution and I do not think such amendments are practicable.

I understand Mr McClintock to be saying there that because the DPP refuses to act or to carry out the intention of Parliament as expressed in the original Independent Commission Against Corruption Act, by default or neglect, Mr McClintock has no option but to recommend that the ICAC undertake its own prosecutions. That is putting the cart before the horse. The DPP is governed by legislation of this Parliament. It ought to be within the competence, capacity and power of this Parliament—on behalf of the people of New South Wales—to say that there will be an ICAC with investigative powers and that there will be a DPP, separate from the ICAC exercising those investigative powers, that will conduct prosecutions at arm's length. That is the expressed will of the Parliament. It is not within the province of a subordinate officer of this Parliament—that is, the DPP—to ignore it and to go on strike, as it were.

It is not for the DPP to simply fold his arms and say, "I am not going to do it." I have a lot of respect for Mr McClintock. Because the DPP is on strike in the exercise of the powers given to him by Parliament, by default Mr McClintock was forced into a position where he had no option but to say to Parliament, "Sorry, the person in this State who is supposed to exercise these powers continues to refuse to exercise them. Therefore, you are going to have to repeal the provision that says the ICAC should not be investigating at all, and by default give it back to the ICAC."

That is utterly and completely wrong. The DPP is failing to act. He is sitting on his hands and going on strike in the exercise of this power. He is denying the public, through the will of Parliament, the process of having prosecutions separate from investigations. The proper approach is to construct things in such a way that the DPP can and will prosecute, where appropriate, and make those decisions and get involved in the prosecutions in the way Parliament originally intended. In that way the DPP will fulfil Parliament's role rather than thwart it. The Opposition will have another go and attempt to get the DPP to carry out his duty in this matter.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [9.22 p.m.], in reply: I thank honourable members for their contributions to the debate. I especially acknowledge the contribution of the honourable member for Granville, the chair of the Committee on the Independent Commission Against Corruption, and the honourable member for Liverpool, the chair of the Committee on the Office of the Ombudsman and the Police Integrity Commission. The Independent Commission Against Corruption is an important institution in New South Wales for its capacity to promote honesty and integrity in public administration. I often think that citizens, even members of Parliament, in New South Wales underestimate the high levels of honesty and integrity that exist in this State compared to most other places.

In any event, the ICAC makes a significant contribution to that atmosphere and its capacity and willingness to independently investigate allegations of corruption contributes to its high standing within the community. That does not mean that this Parliament is not entitled—indeed, does not have a duty from time to time—to look at the circumstance in which the ICAC is operating and to address those circumstances in the same way, in a general sense, that it would address the circumstances of any other institution at work in this State. By improving the accountability of the ICAC without, of course, compromising its independence, this bill will serve to enhance the performance of the ICAC and the public's confidence in that institution in consequence.

I refer to several observations made by the Deputy Leader of the Opposition, who led for the Opposition in this debate. He implied that there were enemies of the ICAC on this side of the House: people

who were intent, for one reason or other, on taking revenge upon the ICAC for whatever it has been seen to do by way of causing damage of a political nature to the Government. However, I believe that the debate sufficiently demonstrated the entirely spurious nature of those allegations. It is not always that we see such a thoughtful and careful, if occasionally critical, debate as the one we have on this bill. In any event, the Deputy Leader of the Opposition has clearly suffered a quite serious memory loss, as he failed to acknowledge that when it comes down to a count of the number of people who have at one time or other been members of this House and who have at the same time suffered some kind of difficulty with the ICAC, even leading to their resignation from government, the Australian Labor Party and the present Government still have a fair way to go before they catch up to those from the other side who have suffered, as it were, at the hands of the ICAC.

Mr Brad Hazzard: We are not particularly happy about that.

Mr BOB DEBUS: Of course I am happy. I cannot help being happy about that. After all, given what I have said about the ICAC, it is an appropriate reflection of the levels of propriety that may be seen on each side of this House. I move on to address two matters that have been raised by the Opposition during the course of the debate and about which I anticipate that the Opposition will move amendments in Committee. I refer to the role of the ICAC in prosecutions and the alterations to the circumstances affecting contempt by publication as it affects, or will affect, the ICAC in the future as contained in this bill. In relation to prosecutions of the ICAC, I should explain how the current procedures work. Currently the ICAC seeks the advice of the Director of Public Prosecutions [DPP] as to whether a prosecution should be commenced. I am sure the honourable member for Wakehurst is interested because he has genuinely sought a further explanation of what occurs. Once the ICAC receives the advice of the DPP, the ICAC decides whether to institute criminal proceedings. If the ICAC decides to institute criminal proceedings, an officer from the ICAC attends a Local Court to file a court attendance notice and the court attendance notice commences the prosecution. The DPP takes over the prosecution on the first court date. McClintock refers in his report to the procedure that currently occurs.

Mr Brad Hazzard: So they lay the information?

Mr BOB DEBUS: The ICAC commences the prosecution by lodging a court attendance notice and then the DPP takes over. It is easy to become confused, as a number of honourable members have been, about how the prosecutions proceed and who is responsible.

Mr Barry O'Farrell: Who lays the charges?

Mr BOB DEBUS: I just explained that. There is a co-operative approach that involves the ICAC formally beginning the process and the DPP taking over.

Mr Brad Hazzard: On a common law or legislative basis?

Mr BOB DEBUS: The basis on which it commences criminal proceedings, as I think the honourable member indicated during the debate, is a common law power. Indeed, almost anyone can lay a criminal charge. In practice, almost nobody does except the Director of Public Prosecutions [DPP] or the police, but under the common law almost anyone can, and the ICAC presently relies on the common law. McClintock has suggested—and the Government has accepted this suggestion and I believe the Opposition should agree also to accept it—that the Government, through the bill, should restrict the ICAC's power to commence prosecutions; in other words, to move in the direction being suggested by several members opposite. Under the bill the ICAC will not be able to commence a criminal prosecution unless the DPP agrees.

It is a tightening of the ICAC's present power and it goes further than the recommendation that McClintock made. It is anticipated that the DPP would, of course, still take over prosecutions at the first court date. I will repeat that. Presently the ICAC has the power to institute criminal proceedings without obtaining the advice of the DPP. Although I do not think it has ever done so, what we are now doing is removing the power to institute criminal proceedings without the advice of the DPP and saying that the prosecution cannot proceed unless the DPP agrees. That is what the bill provides.

I should say that I do not think any of us should get too excited about this matter. We are proposing a modest change, which will clarify and somewhat constrain existing circumstance. It is a matter of clarification. The essential circumstance in which the DPP and the ICAC, at the beginning, co-operate to establish the prosecution will remain. The Opposition's foreshadowed amendment, by the way, would actually leave the ICAC less fettered. It would remove the Government's changes to the question of the prosecution and leave the ICAC less fettered than the Government proposes that it should be.

I move then to contempt. The use of contempt by publication to protect investigative tribunals has been resoundingly criticised by the courts, by law reform commissions and by many senior lawyers. It has been said that the law of contempt unfairly stifles public debate where it prohibits publications that do not pose a threat to particular proceedings. It is inappropriate and impractical to transpose to an administrative investigative body—I confirm that the ICAC is an administrative investigative body and not a judicial body—a provision designed to prevent interference with the administration of justice by the courts. The ICAC is not a court; it is an investigative body.

ICAC inquiries are not conducted in the way that court proceedings are conducted. ICAC inquiries are conducted by professionally trained eminent members of the legal profession, who nobody could reasonably imagine would be susceptible to the odd report in the media—even, indeed, by the odd comment of a Premier. The ICAC has extensive powers to protect the integrity of the evidence of a witness by holding its investigation, or part of it, in private and by making non-publication orders. We are not talking about the integrity of witnesses; we are talking about a circumstance in which we are making a judgment about whether the ICAC will really be affected by somebody talking about it.

Courts, of course, are generally required to conduct all of their business in public. The ICAC, as I have said, is not. Public interest in, and discussion of the subject matter of, a public inquiry conducted by the ICAC is more likely, the Government believes, to enhance the ICAC's investigation than the opposite. That is particularly so where an investigation conducted by the ICAC is considering whether laws need to be changed or whether methods of work and practices and procedures facilitate the occurrence of corrupt conduct in any particular circumstance.

The ICAC has a far greater capacity than the courts to itself enter the public domain. I suggest that the Deputy Leader of the Opposition contemplate this particular argument, that the ICAC has a far greater capacity than any court to itself enter the public domain to rebut misrepresentations, inaccuracies and prejudicial comment. There are alternative methods for protecting the ICAC that do not curtail the freedom of speech. The ICAC, through its robust statements and directions, has the power to protect witnesses and the integrity of its investigations. After the passage of this bill, of course, it will have an inspector, who will be able to pay attention to the question of the robustness of any particular public statement.

In addition, parts 9 and 11 of the Act contain numerous criminal offences that can be relied upon by the ICAC to protect its witnesses and its investigations. The bill extends the protection given to witnesses by amending section 93 of the Act to make it a criminal offence to threaten to cause detriment to a person on account of that person's evidence or assistance to the ICAC. I will conclude with this, I believe persuasive, supporting evidence. The reforms that we are speaking about here with respect to contempt were proposed by Mr McClintock in his report and they are actually supported by the ICAC itself. If honourable members read Mr McClintock's report they will see that the present head of the Independent Commission against Corruption himself agrees that the contempt by publication provisions that presently exist should be abandoned. The existing head of the ICAC says it does not need them.

At the same time, the Australian Law Reform Commission recommended changes exactly like this when it made a comprehensive examination of the laws of contempt in relation to Commonwealth commissions and tribunals. In other words, the Deputy Leader of the Opposition, in arguing for the amendments that he has foreshadowed with respect to contempt by publication, will be arguing not only against the McClintock report or against the Government; he will be arguing against the head of the ICAC and against the recommendations of the Australian Law Reform Commission. He is, of course, at liberty to do that but he will no doubt find it not altogether surprising that I will be treating those authorities that I have mentioned as being superior in this particular respect to the observations that he will make. I have great pleasure in commending the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 4 agreed to.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [9.38 p.m.]: I move Opposition amendment No. 1:

No. 1 Page 16, schedule 1 (47), lines 29 and 30. Omit all words on those lines.

I listened with interest to the comments of the Attorney General but I believe it is important that the House hears the comments of Justice John Clarke, who was presiding over the inquiry at the time the Premier made his

comments. When the Premier's comments to the effect that evidence before the ICAC ongoing inquiry had vindicated his Minister were reported to the commission, retired Supreme Court Justice John Clarke, who was the assistant commissioner presiding, said:

> What the Premier said is capable of being understood as conveying the message that the evidence vindicates the Minister. In this context I wish to make it plain that in my opinion those observations should not have been made publicly by any person, much less than by the Premier of the State. The evil in what he has said is twofold. First in representing a prejudgment by a senior public figure of a continuing investigation and, secondly, and most importantly, in that it is capable of being perceived by members of the public as a means of putting pressure on the Independent Commission Against Corruption and for that reason on me to make findings that accord with the Premier's expressed views.

The Attorney General is entitled to rely upon what authority he would like to rely upon. I simply rely upon the authority of the man who at the time was undertaking the inquiry—an inquiry, which the Premier, contrary to all his previous practice, had deigned to adversely comment upon, in fact lie about. As Anne Davies of the *Sydney Morning Herald* pointed out in one of her submissions on the matter, the Premier did this deliberately as a diversion from an ongoing blue he had in relation to Orange Grove. Once again, it was a deliberate tactic by the Stasi to shift ground. In the process, the Premier did not care that he was traducing the principles and integrity of the ICAC. For that reason, the Opposition is concerned that the amendment proposed by the bill is an attempt by the Premier to draw the teeth of the ICAC in relation to this matter.

The Attorney General's arguments about whether the ICAC is an investigative body or a court of law are irrelevant. What retired Supreme Court Justice John Clarke said is clear evidence of the damage that the Premier's comments did. That ought not be permitted to occur again. The passage of this legislation would allow the Premier to traduce the reputation of the ICAC at any time he chose. Despite what was said by the Attorney General, if we were to go through, chapter and verse, the numbers and names of honourable members from each side of this Chamber who have appeared before the ICAC, Labor would win hands down. In fact, the Government has just appointed as Minister a member who on his own has set something of a record: the first Minister to appear before the ICAC before he became a Minister. The Opposition will continue to argue for its amendment because it upholds an important principle. We do not believe the Premier of this State ought to be out in the public arena bagging an institution that not only is important in ensuring transparency and accountability in New South Wales but is an ongoing watchdog in relation to corruption.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [9.42 p.m.]: The Government does not support the Opposition amendment. I mention only that Assistant Commissioner Clarke did make some recommendations of a procedural nature, and those have been taken up by McClintock and in this bill. As to the rest, the point is that John Clarke, then Assistant Commissioner John Clarke, had plenty to say in public about what the Premier said, and a robust debate took place. I believe his capacity to say what he did, with the force that did, is itself perfect proof of the propositions that I have been making about the lack of need to have contempt power of the sort that is about to be abolished.

Mr BRAD HAZZARD (Wakehurst) [9.43 p.m.]: The Attorney General's argument is spurious. What kept the Premier quiet in the ensuing week was the threat of contempt. The only thing that would keep this Premier quiet is the threat of contempt of a body like the ICAC.

Question—That the words stand—put.

The Committee divided.

Ayes, 45

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

Noes, 36

Mr Aplin	Ms Hodgkinson	Mrs Skinner
Mr Armstrong	Mrs Hopwood	Mr Slack-Smith
Mr Barr	Mr Humpherson	Mr Souris
Ms Berejiklian	Mr Kerr	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
Mrs Fardell	Mr Piccoli	
Mr Fraser	Mr Pringle	*Tellers,*
Mrs Hancock	Mr Richardson	Mr George
Mr Hartcher	Mr Roberts	Mr Maguire
Mr Hazzard	Ms Seaton	

Pair

Ms Gadiel	Mr Brogden

Question resolved in the affirmative.

Amendment negatived.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [9.53 p.m.]: I move Opposition amendment No. 2:

No. 2 Page 19, schedule 1 (64). Lines 9 to 17. Omit all words on those lines.

I would not have thought the Minister for Housing would open his mouth on an ICAC matter. Indeed, I would have thought he would declare an interest, because, as I said, he sets a new record for the Carr Government, being the first Minister to appear before the ICAC prior to becoming a Minister. His appearance this Chamber today demonstrates the thickness of his hide. I welcome to the gallery the members of the Hawkesbury Rotary Club, represented by a good member of this House who, like all members on this side of the House, is prepared to stand up for the ICAC and not roll over to allow this Government to draw the ICAC's teeth.

Mr Milton Orkopoulos: Greiner was declared corrupt by the ICAC.

The CHAIRMAN (Mr John Mills): Order! The honourable member for Swansea will cease interjecting.

Mr BARRY O'FARRELL: Given the comment by the honourable member for Swansea, I will continue the long speech. There are only 1,850 to go. The honourable member for Swansea just confirms my view that there are those in this Chamber who would like to see the back of the ICAC. There are those in this Chamber who feel uncomfortable about the fact that the ICAC looks over their shoulder as they go about their public activities. Notwithstanding the fact that members of a government associated with the Liberal and National parties have had adverse findings made about them—findings that were overturned by the Supreme Court but, regrettably, not before our Independent friends in this place had hanged and tried them—

[*Interruption*]

The honourable member for Bligh continues to rabbit on. But the reality is that you and your colleagues at that time hung Nick Greiner before due process was concluded. Notwithstanding that, we on this side of the House think that the ICAC is an important body, while those who have their hands on the housing portfolio continue with their branch-stacking activities.

[*Interruption*]

For as long as the clown who is the member for Bathurst continues to interject, I will continue to speak. The drafters of the ICAC legislation had a clear and simple role: to ensure that the investigative body should not also be the prosecutorial body. No matter what the Attorney General says about the current practice, the reality

is that the legislative framework will now allow for the investigative body, the ICAC, to also lay criminal charges. We do not believe that was the original intention of those who drafted the ICAC legislation, and nor should it be the practice. Nor is it the practice of the other bodies that exist to provide some oversight of the State, such as the Police Integrity Commission.

[*Interruption*]

I have finally convinced the honourable member for Vaucluse. The honourable member for Epping has made an obvious point in relation to this matter. Members on this side of the House continue to stand as defenders of the ICAC as an important body, and I commend the amendment to the Committee.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [9.57 p.m.]: I have already explained that the effect of Opposition amendment No. 2 is the exact opposite of that which the Deputy Leader of the Opposition believes or proposes. However, for the sake of consistency the Government will not support the amendment.

Question—That the words stand—put.

The Committee divided.

Ayes, 48

Ms Allan	Mr Gibson	Mrs Perry
Mr Amery	Mr Greene	Mr Price
Ms Andrews	Ms Hay	Ms Saliba
Mr Barr	Mr Hickey	Mr Sartor
Mr Bartlett	Mr Hunter	Mr Scully
Ms Beamer	Ms Judge	Mr Shearan
Mr Black	Ms Keneally	Mr Stewart
Ms Burney	Mr Lynch	Mr Tripodi
Miss Burton	Mr McBride	Mr Watkins
Mr Campbell	Mr McLeay	Mr West
Mr Collier	Ms Megarrity	Mr Whan
Mr Corrigan	Ms Moore	Mr Yeadon
Mr Crittenden	Mr Morris	
Ms D'Amore	Mr Newell	*Tellers,*
Mr Debus	Mr Orkopoulos	Mr Ashton
Mrs Fardell	Mrs Paluzzano	Mr Martin
Mr Gaudry	Mr Pearce	

Noes, 33

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

Pair

Ms Gadiel	Mr Brogden

Question resolved in the affirmative.

Amendment negatived.

Schedule 1 agreed to.

Mr BOB DEBUS (Blue Mountains—Attorney General, and Minister for the Environment) [10.01 p.m.]: I move the Government amendment as circulated:

Page 27, schedule 2.8 [2], lines 8 and 9. Omit all words on those lines.

The amendment restores the requirement for the Inspector of the Police Integrity Commission to hold special legal qualifications. During the drafting of the bill the requirement for the Inspector of the Police Integrity Commission to hold special qualifications was removed. Following tabling of the bill the Inspector of the Police Integrity Commission expressed concern about the removal of this requirement. After further consideration and in light of views he expressed, the Government has agreed that the requirement for the inspector to hold special legal qualifications should remain.

Mr BARRY O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [10.02 p.m.]: The Opposition supports the amendment on the basis of further evidence of the Government's fallibility.

Mr PAUL LYNCH (Liverpool) [10.02 p.m.]: The amendment deals substantially with the comments I made during the second reading debate. I welcome the amendment.

Amendment agreed to.

Schedule 2 as amended agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

SPECIAL ADJOURNMENT

Motion by Mr Carl Scully agreed to:

That the House at its rising this day do adjourn until Wednesday 2 March 2005 at 10.00 a.m.

The House adjourned at 10.05 p.m. until Wednesday 2 March 2005 at 10.00 a.m.