

# LEGISLATIVE ASSEMBLY

Thursday 15 December 2005

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**The House met pursuant to Standing Order 53.**

**Mr Speaker (The Hon. John Joseph Aquilina)** took the chair at 10.30 a.m.

**Mr Speaker** offered the Prayer.

**Mr SPEAKER:** I acknowledge the Gadigal clan of the Eora nation and its elders and thank them for their custodianship of this land.

## ELECTORAL DISTRICT OF PITTWATER

### Return of Writ: Election of Alexander John McTaggart

**Mr SPEAKER:** I have to inform the House that my writ issued on 31 October 2005 in accordance with section 70 of the Parliamentary Electorates and Elections Act 1912 for the election of a member to serve in the Legislative Assembly for the electoral district of Pittwater in the room of John Gilbert Brogden, resigned, has been returned with a certificate endorsed by the returning officer advising of the election of Alexander John McTaggart to serve as member for the electoral district of Pittwater.

## AFFIRMATION OF ALLEGIANCE

Mr McTaggart took and subscribed the affirmation of allegiance and signed the roll.

## BUSINESS OF THE HOUSE

### Bill: Suspension of Standing and Sessional Orders

#### Motion by Mr Carl Scully agreed to:

That standing and sessional orders be suspended to permit the introduction and passage through all stages of the Law Enforcement Legislation Amendment (Public Safety) Bill, with the second reading debate to proceed in the following order:

Premier	unlimited
Leader of the Opposition	10 minutes
Minister for Police	10 minutes
Member for Epping	10 minutes
Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)	5 minutes
Leader of The Nationals	10 minutes
Member for Maroubra	5 minutes
Member for Cronulla	5 minutes
Member for Miranda	5 minutes
Minister in reply	5 minutes

Upon the second reading of the bill being agreed to, a motion be put forthwith for the bill to be read a third time, without amendment or debate.

## LAW ENFORCEMENT LEGISLATION AMENDMENT (PUBLIC SAFETY) BILL

**Bill introduced and read a first time.**

### Second Reading

**Mr MORRIS IEMMA** (Lakemba—Premier, Treasurer, and Minister for Citizenship) [10.39 a.m.]: I move:

That this bill be now read a second time.

I thank all honourable members for gathering today to show our united resolve in the face of thuggery, intimidation and violence. I have recalled Parliament for one simple reason: new powers to uphold public order. We are here to make sure that the police get the powers they need. Louts and criminals have effectively declared war on our society and we are not going to let them undermine our way of life. They will face tough new powers, which I will now detail to the House.

Schedule 1 amends the Law Enforcement (Powers and Responsibilities) Act 2002. Firstly, the bill inserts a new part 6A into the Law Enforcement (Powers and Responsibilities) Act 2002 to create a range of new powers to prevent or defuse a large-scale public disorder. These powers are not intended to be used in respect of peaceful protests, union demonstrations and the like. One of the most central parts of this bill is the lockdown powers. These will enable police to declare an area on the basis that a large-scale public disorder is occurring or threatens to occur and then employ roadblocks and stop and search powers in or around that area. The disorder need not be constituted by one big incident, but can be constituted by several smaller incidents in different locations. This gives police freedom to nip a developing situation in the bud.

Under proposed section 87D the Commissioner, Deputy Commissioner of Police or Assistant Commissioner will be able to authorise a lockdown. The lockdown can last for up to 48 hours or longer if extended by the Supreme Court. Proposed section 87E provides that the target area for a lockdown can be either the place where the riot is actually occurring or a road that may be used by people travelling to participate in the riot or both. Obviously, we cannot define in legislation the maximum size for a lockdown area. The senior police who authorise a lockdown will exercise commonsense in keeping the lockdown area as small as necessary to do the job.

The powers available to police in a locked-down area are the following: proposed section 87I, the power to set up a cordon or roadblock; proposed section 87J, the power to stop and search vehicles without warrant; proposed section 87K, the power to stop and search persons without warrant and anything in the person's possession; proposed section 87L, the power to request that persons identify themselves—it is an offence to refuse to do so or to supply a false identity; proposed section 87M, the power to seize and detain for up to seven days any vehicle, mobile phone or similar device if this would substantially assist in preventing or controlling the public disorder; and, finally, proposed section 87N, which allows any police officer to stop a vehicle on a road without an authorisation being in force providing the officer has reasonable grounds to believe a large-scale public disorder is occurring or threatening to occur in the near future and that the use of the powers is reasonably necessary for preventing or controlling the disorder. Proposed section 87N is there as a back-up power for urgent circumstances. It is a prudent measure allowing front-line police to deal with a brewing riot while formal authorisation is sought.

Another important element of the bill is the oversight powers. Proposed section 87O provides for monitoring and reporting on the powers by the Ombudsman. The Ombudsman is to keep the use of the powers under scrutiny for two years and to report after 18 months to the Attorney General and the Minister for Police. The Attorney will then table the report in the Parliament. Proposed section 87P places a two-year sunset clause on these powers, with the Government then able to review, in light of the Ombudsman's report, whether the powers need to be continued in the same or another form, or at all.

The final set of amendments to the Law Enforcement (Powers and Responsibilities) Act 2002 gives police more powers in relation to the criminal use of motor vehicles. Items [2] to [7] of schedule 1 ensure that all occupants of a vehicle stopped in connection with the commission of an indictable offence may be identified. This addresses a current loophole by which people who may have been involved in certain indictable offences could avoid being identified. Occupants will now be required to identify other occupants in the vehicle at the time of being stopped by police or identify those who may have left the vehicle shortly before being stopped. Items [8] and [9] of schedule 1 make it clear that police have powers to direct a vehicle to stop in certain circumstances. These provisions convey a strong message that failing to stop a vehicle after a direction is made is unacceptable and that non-compliance will have serious consequences. This power will apply where a police officer has reasonable grounds to suspect that the vehicle or its occupants had been involved in the commission of an offence.

Proposed sections 87B and 87C relate to liquor restrictions. These provisions give police of the rank of superintendent or above the authority to close licensed premises where he or she has reasonable grounds for believing a large-scale public disorder is occurring or is threatened in the vicinity of the licensed premises and the closure would reasonably assist in preventing or controlling the disorder. The closure of licensed premises cannot exceed 48 hours unless the closure is extended by the Licensing Court or by an order of an authorised

officer under the Liquor Act. A breach of this provision will incur a maximum fine of \$5,500 or 12 months gaol. In addition, a senior police officer of the rank of superintendent or above will be able to declare an emergency alcohol-free zone for a period of 48 hours or less. Police can warn people possessing or drinking alcohol that drinking in the zone is prohibited and that any liquor in their possession may be confiscated. If the warning is ignored, penalties of up to \$2,200 may be applied.

Schedule 2 amends the Crimes Act 1900. Proposed section 59A creates a new offence of assault during a public disorder with a higher penalty than that for general assault. Assault during a public disorder that does not cause actual bodily harm will now have a penalty of five years gaol. Where the assault does cause actual bodily harm the sentence will be seven years. Actual bodily harm includes any hurt or injury that interferes with the health or comfort of a victim. Proposed sections 93B and 93C increase the penalty for riot from 10 years to 15 years and from 5 years to 10 years for affray. These tough new sentences send a clear message to would-be thugs and hooligans: If you tear up the fabric of our society, you will pay the price—a price that as of today just got a whole lot heavier.

The final measure I want to address is changes to the Bail Act 1978. Twenty-three rioters charged over Sunday's riots have been granted bail, one of whom had been granted bail days earlier for assault and destroying property. It is unacceptable that such thugs and morons are automatically granted bail, just to be given the chance to wreak further havoc. This bill will help shut that revolving door by creating a presumption against bail for riot and for any other offence that is punishable by imprisonment for two years or more, where that offence is committed in the course of the person participating in a large-scale public disorder, or in connection with the exercise of police powers to prevent or control such a disorder or the threat of such a disorder. That way the police can do their jobs knowing that they will be backed up.

That is an important point—backing the police. The police can be assured that they have our full support to use these new laws to rid our streets of the violence, the thugs, the hooligans and the criminals who have been responsible for the actions we have seen. Front-line police should not need to look over their shoulder wondering if sound policing decisions will be second-guessed. They will not be. Police will be free to use these powers as intended by this Parliament. Good, firm, effective policing will be rewarded, not questioned. Ideally, these new laws will not need to be used often. It would be great if they were never used at all. But as long as thugs, hooligans, hotheads and criminals disrespect the law and as long as they refuse to show respect and responsibility, these powers will be used to the fullest extent. Order will be upheld. Our streets and suburbs will be kept safe. Our police will be backed to the hilt. This House can play its part by giving these laws speedy and unanimous consent. Law enforcement is the first and biggest step but it is only a beginning.

Hardworking, responsible Australians of every background have been appalled at what has happened. It is not the Australia that we want our kids to see and it is not the way we want the world to see us. That is why, once law and order is firmly re-established, we must look to the next step. We must ensure that the best of Australia comes through, that we continue to be a society based on respect, responsibility and a fair go for all. That means there must be no first-class or second-class citizens—just Australians united by common values, united by the responsibilities of citizenship and united in their respect for the law, the police and one another. Together we can build a peaceful and prosperous Australia. If those goals seemed far away this week it is only because a small minority of thugs, hooligans, hoons and criminals have lost track of what it means to be Australian. The vast silent, law-abiding majority have not. Their hopes and aspirations are what we are here to protect. In their name I commend the bill to the House.

*[Debate interrupted.]*

## **DISTINGUISHED VISITORS**

**Mr SPEAKER:** I acknowledge the presence in the Speaker's Gallery of Monsieur Laurent Delahousse, Consul Generale de Republique Française.

## **LAW ENFORCEMENT LEGISLATION AMENDMENT (PUBLIC SAFETY) BILL**

### **Second Reading**

*[Debate resumed.]*

**Mr PETER DEBNAM** (Vaucluse—Leader of the Opposition) [10.53 p.m.]: I join the Premier in endorsing the rushing through the New South Wales Parliament of the Law Enforcement Legislation Amendment (Public Safety) Bill. Over the past 24 hours we have had discussions with the Government. We

indicated to the Government yesterday that if the bill that was to be presented to us this morning largely followed the outline we had been given over the past 24 hours we would support rushing it through both Houses of Parliament. We envisage that that will occur in the next 60 minutes, that it will go through the upper House by mid-afternoon, and that later this afternoon it will be signed by the Governor.

The Opposition supports rushing the bill through the House, but there are some difficulties about it. Opposition members do not oppose the passage of the bill but we wish to highlight a number of concerns with it. The bill simply is not strong enough in almost all its provisions. Yesterday afternoon we outlined those concerns to the Government. Today we saw the first draft of the bill at 9.31 a.m. and we saw the final draft of the bill at 10.25 a.m. I did not have a chance to read through the final draft of the bill before coming into the House this morning. I state at the outset that we congratulate front-line police on the way in which they handled an extraordinary crisis over the past 24 hours.

**Mr SPEAKER:** Order! The Leader of the Opposition has the call.

**Mr PETER DEBNAM:** Minister Tripodi might disagree but we think front-line police have done a great job under enormous pressure. We are pleased that the Government responded to our suggestion to recall Parliament. We are pleased that the Government responded to our suggestion to give police more powers—powers that the Labor Party progressively took away from police over the past three decades, including the Summary Offences Act. We are pleased that in the past 48 hours the Government responded, moved beyond denial, and dramatically increased the number of police on our streets.

**Mr SPEAKER:** Order! The Minister for Local Government will come to order.

**Mr PETER DEBNAM:** The Government totally underestimated this problem in the same way it totally ignored law and order problems over the past 10 years that led to the rioting this week. Within a few hours the Government also took on board the suggestion I made to bring in reinforcements from interstate. I congratulate the Government on picking up all those suggestions, but it was too late to prevent a lot of harm occurring to many people in a number of suburbs across Sydney.

Going back a few years, I congratulate the Government on setting up Task Force Gain. That occurred after former Minister Watkins refused to do so for four months, after I had highlighted gun warfare between ethnic crime gangs in south-west Sydney. The Government finally set up Task Force Gain but now has run it down. In 1996 it supported my initiative to impound cars. In 1996 the Government was forced by public opinion to move beyond denial and agree with me that the cars of hoons had to be impounded when they were being used to terrorise the community. Over the past 72 hours we have seen more urban terrorists terrorising the community.

The bill is inadequate. We will support it and rush it through both Houses of Parliament but I assure all honourable members that after the election it will be strengthened. The Government included a sunset clause that will get it past the next election. That is the way it thinks. Government members are not here to support the community; they are here simply to play whatever game they have to play to get them past the next election. The past 72 hours have been an absolute disgrace, including internationally. Blame should be sheeted home to the Labor Party of New South Wales for denying these problems for 10 years.

Day after day members of the Labor Party have ignored the ethnic crime that has been endemic throughout south-west Sydney. The bill does not confiscate cars; it borrows them for seven days. There is no punishment in this bill; it is all about inconvenience. The Government finally closed the loophole relating to bail but one of the first people to be arrested who re-offended was given bail 48 hours ago. It is completely unreasonable for the people of New South Wales to have to put up with the violence and intimidation they have seen across this State and across south-west Sydney for years.

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

**Mr PETER DEBNAM:** Referring to alcohol-related matters, once again the Government is condemning pubs and clubs, just as it slammed them recently.

**Mr SPEAKER:** Order! The Minister for Aboriginal Affairs will come to order.

**Mr PETER DEBNAM:** Senior police will confirm that the Government has had absolute co-operation from all liquor outlets at Cronulla, not only in the week before the riot but also on Sunday and in the time following. Yesterday I warned the Government that if it did not congratulate those outlets on co-operating with the Government I would do so. The Government did not do so. As I said, maximum sentences are meaningless. Nobody in New South Wales gets a maximum sentence. Government members know that this is all about whether people are given minimum sentences. Rioters, whether they have criminal records or they are just plain thugs, get a minimum sentence. The Government should be ashamed of that.

What are the underlying causes of the problems that have surfaced during the past 72 hours? The Government admitted in the past 24 hours that the budget crisis has meant a reduction in police numbers in this State by 674 over the past two years. The Government has continually denied that, but last month its web site noted that 674 police positions were slashed over the past two years. This Government's softly-softly strategy on ethnic crime is a disgrace and a betrayal of the New South Wales community. Yesterday I travelled around Auburn and I saw a church that had been burned down and church windows that had been smashed. On Monday night St Josephs Primary School was sprayed with bullets.

**Mr SPEAKER:** Order! The Minister for Aboriginal Affairs will come to order.

**Mr PETER DEBNAM:** The problem is that the Government has had a softly-softly strategy for 10 years. Why? Because the Government is indebted to some ethnic groups. That is the problem. The Government needs to boost police resources. It needs to take on ethnic gangs, and take them on seriously.

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

**Mr PETER DEBNAM:** The Government needs to put in place strategies that re-empower parents, teachers and police. It needs to raise the public standards of decency in everything it does.

**Mr Milton Orkopoulos:** Point of order: I ask the Leader of the Opposition to withdraw that outrageous remark, which besmirched all Government members and all ethnic communities in Sydney.

**Mr SPEAKER:** I take it the Minister for Aboriginal Affairs is offended by that remark. I ask the Leader of the Opposition to withdraw.

**Mr PETER DEBNAM:** If the Minister for Aboriginal Affairs—

**Mr SPEAKER:** Order! I ask the Leader of the Opposition to withdraw the offensive remark.

**Mr PETER DEBNAM:** If the Minister for Aboriginal Affairs is offended by that remark I withdraw it. I suggest that the Labor Party look back at the branch stacking undertaken in 1997 and 1998 and see who was involved in it. Unfortunately, one of the members involved is now the Premier and another is the Parliamentary Secretary to the Minister for Police. Members opposite should go back and look at the causes of the problem in south-west Sydney. For the past eight years members opposite have betrayed the people of those suburbs, and they should be ashamed. They should be looking at everything they have done over the past eight years and rethinking every strategy and policy. The Parliament needs to re-empower parents, teachers and police, and ensure that ethnic crime gangs are locked up.

Many ethnic crime gangs are behind the violence and intimidation we have seen in the past 72 hours. As the Government finally put 450 police on the streets to lock down suburbs between Lakemba, Cronulla and Maroubra, ethnic gangs broke out in other directions, and people at Castle Hill and North Ryde were bashed. The smash-and-grab gangs went on the rampage again. The Government needs to forget about media-driven policing and put in place real policing strategies that will ensure that these gangs are locked up. If the Government continues to deny the problem for the next 15 months, members opposite will be thrown out on their ears.

**Mr SPEAKER:** Order! I call members of the Government to order.

**Mr CARL SCULLY** (Smithfield—Minister for Police, and Minister for Utilities) [11.03 a.m.]: What an extraordinary performance!

**Mr Ian Armstrong:** Point of order: I ask you to keep law and order in this place, particularly on the Government benches, so the Minister can be heard. The behaviour of members opposite during the previous speech was unparliamentary and did not contribute to the debate.

**Mr SPEAKER:** Order!

**Mr CARL SCULLY:** I had what I thought was a productive meeting with the Leader of the Opposition and his team yesterday. I thought this was an opportunity, in a bipartisan way, for the Parliament to express to the community its disgust at the characters who have been lawless and riotous and terrorising the streets of Sydney. I thought we had an understanding. Indeed, the Leader of the Opposition indicated to me that the measures I put before him on the table, if replicated in the bill, would receive his support. I appreciate that he will support the bill. However, to come in here and say, "By the way, I don't support what the Government has done. It hasn't gone far enough" and, "I haven't read the bill" is a bit rich. The Leader of the Opposition cannot bag the cops up hill and down dale. He has criticised the Commissioner of Police. I will not have the Leader of the Opposition criticise the commander at Campsie, John Richardson. What a great field commander! He is out there doing a terrific job.

**Mr Andrew Stoner:** He's got a hopeless Minister.

**Mr CARL SCULLY:** He has not. He is a very good commander. He has great connections with the ethnic community. He is out there late at night and early in the morning doing his best in that area of operations. How dare the Leader of the Opposition criticise what John Richardson is doing and the operational command decisions! How on earth would the Leader of the Opposition know how to be a police officer? He gets on the radio and bags the cops, pretending that he is constable plod. He said the bill is inadequate. When asked this morning by a member of the crossbench whether the bill met his needs, the commissioner said, "The bill does." He further said, "The bill is based on advice from my front-line officers."

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

**Mr CARL SCULLY:** The commissioner said, "The bill is based on what we need as the sworn men and women of NSW Police to get the job done." It deeply saddens me that the people of New South Wales, Australia and abroad have been witness to the violence and sluggish behaviour of rioters at Cronulla and Maroubra beaches in recent days. The laid-back beach lifestyle that we hold in such high esteem has been marred by these brutes and bullies whose violent actions have led to significant injury and property damage. Once peaceful beachfronts have become battlefields. By taking the extraordinary measure of recalling Parliament, the Government is sending a strong message that actions such as those witnessed recently will not be tolerated now or in the future.

The bill empowers police to respond rapidly to the thugs who threaten our way of life. The bill will ensure that police have all necessary powers to ensure the continuing safety of the community and the protection of property. If a large-scale civil disturbance is occurring, or it is believed one may occur, senior police will be authorised to invoke special powers to prevent or control that unrest. By locking down an area, police will be able to clamp down on the contributing factors, such as drunkenness, and prevent an influx of troublemakers from surrounding areas and other parts of Sydney.

Whilst I make absolutely no excuse for the loutish conduct of the hooligans we saw last Sunday at Cronulla, their behaviour was certainly exacerbated by intoxication. The bill provides senior police with the power to order the immediate closure of licensed premises or the cessation of trade in or around the vicinity of public unrest. This will restrict rioters' access to alcohol. The bill will also enable police to declare emergency alcohol-free zones. Once warned, if people possess alcohol in that area they will face a hefty fine. These measures will minimise the risk that alcohol will aggravate riotous and sluggish behaviour. Rioters will also be asked to identify themselves and provide proof of that identity, if required. Be warned: If you fail to do so you will be committing an offence.

Riot roadblocks will be used to prevent ring-ins and would-be accomplices from entering or leaving a lockdown area. Not only will police stop people in their tracks; they will take away any tools that people may use to feed this unrest. Police will search people, seize their weapons, impound their vehicles and remove their means of communication. That is, at a riot roadblock, police will be able to conduct a search and not only seize offensive implements but confiscate the car, mobile phones and communication devices. Future offenders will face the full force of the law. They will not be let straight back on to the streets. There will be a presumption against bail for a whole range of offences, particularly in relation to assault during a public disorder, riot and affray. Additionally, the penalties for riot and affray offences will be increased.

Recent events demand these additional powers. We will take every step to prevent or control the violent and sluggish behaviour of these rioters. As both a resident of Sydney and as the Minister for Police, I am disgusted and ashamed by the behaviour of these cowards. Our vibrant and diverse culture is something we should celebrate, and we will not sit idly by and let these criminals destroy it. These are onerous and what some would call draconian measures. They are emergency measures in emergency times. We do not lightly empower the police with significant powers of search, seizure and confiscation in the absence of very difficult circumstances. We have seen racist violence. We have seen mobs pursuing people for no reason other than that they do not look like we do. We have seen people assaulted in restaurants because they are white caucasians. We have seen people of Middle Eastern descent bashed and assaulted because they are not caucasians. This disgusts all of us. We have seen in response to the mob rule in Cronulla what can only be called the use of mobile assault vehicles, which descended on suburbs and caused havoc.

The community expects the Government to respond, and we have responded. Given the extraordinary powers that we are giving the police, I think it is appropriate to have oversight by the Ombudsman and a sunset period. These laws must be reviewed when they are put in operation. To ensure that the powers are used appropriately I insisted during the drafting of the bill that a minimum number of police officers be authorised to put those powers in place. In some circumstances authorisation will go to officers of the rank of superintendent and above, which means about 130 police officers from 14,700. As to the more draconian measures, authority will be given to officers of the rank of assistant commissioner and above. That means that about 12 officers from 14,700 will be authorised to put these measures in place.

I say to those members of the community who are concerned about the bill's impact on civil liberties that these are tough times and it is always difficult to strike the correct balance between civil liberties and the need to protect and reassure the community. I think we have got the balance right in terms of how these powers will be used and the seniority of the officers who will be authorised to enforce them. I have asked the Commissioner of Police to operate on the assumption that Parliament will pass these laws and to start preparing operating protocols governing their use by the police. I have indicated that the police should be ready this evening to confiscate cars, seize communications devices and, if necessary, set up roadblocks. We are all aware of some of the offensive text messages that have been circulating calling on people to take up arms against caucasian Australians and Middle Eastern Australians. They claim that there will be battles in various parts of this State.

I have told the police to prepare to enforce, particularly on the weekend, the lockdown powers, the alcohol prevention zones, the banning of liquor sales, the riot roadblocks and the confiscation of vehicles and communications devices. We are making these powers available to the police because we expect the police to use them. If the people who are conducting themselves in a lawless manner do not get the message with the passage of this legislation, they will get the message when they are rounded up and locked up with no presumption of bail and when they have their cars and mobile devices taken from them.

**Mr ANDREW TINK** (Epping) [11.12 a.m.]: As the Leader of the Opposition indicated, the Opposition does not oppose the Law Enforcement Legislation Amendment (Public Safety) Bill. However, I would like to comment on a couple of matters in the bill. The first is in relation to the issuing of warnings to people who have been drinking in alcohol-free zones. I am concerned that police must specifically warn individuals or groups of individuals before deeming them to have committed an offence by drinking in a particular place. I issue this plea to the Minister for Police: There must be some way that a general warning can be given for a particular area once, and once only, so that thereafter the police can deal with anyone who is drinking in the vicinity. Otherwise it will become a justiciable issue and lawyers will be able to argue about whether a particular individual found drinking in a restricted zone was given a warning. We should be able to avoid that problem. The concept of a general warning should be introduced after which the police will have absolute power to deal with anybody who is found drinking in a particular area. I hope that will not be a problem. That is the first thing that must be changed in the bill.

The second issue is the disclosure of identity. If the situation is so dire that an area, through the authority of the Commissioner of Police or deputy commissioner, is declared to be a special zone, as far as I am concerned, anybody in that area should be required to reveal his or her identity. Reasonable excuses or reasons for not doing so are not the issue. That is something else for the lawyers to argue about. Police patrolling such a zone should be able to say, "Who are you? I need to know. Tell me or you're in trouble," and no further tests should have to be met. I do not mean to be overly critical but I do not understand the point of proposed section 87L (3) (a). How can a person have a reasonable excuse for giving an identity that is false in a material particular? It states:

A person must not, without reasonable excuse, in response to any such request:

- (a) give a name that is false in a material particular ...

What possible excuse could a person have for giving a false name? I urge the Government to consider that matter before the bill clears the lower House. We must fix that provision before the bill goes to the upper House. The third issue is the 48-hour limitation on the declaration of special areas by senior police. If police declare a place a special area tonight, that declaration will expire before Sunday, when the general consensus seems to be that there will be trouble. Renewal of the declaration must be effected in the Supreme Court, where the matter will become a justiciable issue. Is 48 hours a reasonable period? Is 48 hours the correct period? Should the matter be pitched into court at the expiration of 48 hours, when there will be all sorts of other legal issues to argue about? I think the Government should consider that time limitation very seriously. These powers are exercised under proposed section 87D. A number of hurdles must be cleared before a senior police officer can declare a place a special area. All these issues are arguable, and will be argued, in court. Is 48 hours enough time before senior police end up in court, arguing their case in another jurisdiction? I urge the Government to reconsider the matter and determine whether a longer period is appropriate.

My next point relates to riot and affray. Like every honourable member, I am pleased to see that the penalties for riot and affray have been increased. However, I am puzzled—and I mentioned this matter to the Leader of the House during a conference yesterday—that the bill introduces no standard non-parole period for the offence of riot and affray. I think there should be a standard non-parole period for riot and affray. Look at the Crimes (Sentencing Procedure) Act, for example. Section 7 of the Firearms Act says that the unauthorised possession of a firearm requires a standard minimum sentence of three years imprisonment. Why is there no standard minimum sentence of imprisonment for the offence of riot and affray? That is another matter that the Government must consider.

I believe the courts of New South Wales have lost sight of the question of leadership of gangs. That is a vital ingredient in this problem and we must have laws that target the leadership of gangs. Many aggravating factors must be taken into account in sentencing. They include that the crime was committed in company or that the offence was part of a planned or organised criminal activity. But there is no mention of somebody being the leader of a gang. That ought to be an aggravating factor that is taken account of in any sentencing hearing, and the Crimes (Sentencing Procedure) Act should be amended to state that fact.

As I have said before, I was most disturbed by the Court of Criminal Appeal decision in the matter of Skaf, the gang rapist. The Court of Criminal Appeal, in its wisdom, said that, while there was evidence upon which it was open to a judge to find that the applicant—in this case, Skaf—had adopted a leadership role, nevertheless his crimes could not be individually or collectively regarded as the worst case of aggravated sexual assault. Parliament must do more to ensure that leadership is identified as an aggravating factor and so, with great respect, must the courts.

The Attorney General has very belatedly done one thing with which I agree—we pushed him to do it. He sought special leave personally, when the Director of Public Prosecutions [DPP] refused to do so, to appeal the Skaf decision to the High Court. If the High Court will not deal with the issue of leadership—I hope it will—the matter has to be brought back to Parliament and the issue of leadership has to be legislated upon. This is an important issue in the light of what has been going on in Sydney in the past few days. As some of my country and regional colleagues have reminded me, these problems are not limited to city areas; they also happen outside Sydney, which Sydney-centric members tend to forget.

I refer to the use of mobile phones. It strikes me that the use of mobile phones, the information in the mobile phones, where it is going to and from whom it came is strong *prima facie* evidence of leadership of the worst type. Every attempt has to be made to get beyond seizure and possession, which I strongly agree with, to ensure that there is no impediment to using these messages to lock up people who are playing a leadership role. We discussed this issue with the Minister for Police yesterday.

I was going to say this at some time and I think today is an appropriate day: With great respect to the courts, I cannot understand why the Chief Justice did not sit on the case of Bilal Skaf. I cannot understand why the head of the common law division did not sit on that appeal. I cannot understand why the next most senior common law judge did not sit on that case. Just as Parliament has responsibilities, so too does the judiciary. I am not suggesting that there is an incompetent judge on the Supreme Court. I am saying that some judges are more senior and more experienced than others, and they must be the people who hear and determine these vital cases. In my opinion, the best bench should have heard the Skaf case. The Chief Justice should have been on it as well

as the chief judge at common law and the next most senior judge. If that is not going to happen in these important cases, we have to look at the issue of appeal benches in the Court of Criminal Appeal and maybe go to the family law arrangement where judges sit on those cases in seniority.

We have to do something about offensive language and offensive conduct. The Pat O'Shane decision on offensive language must not stand. I understand the Minister for Police is appealing that matter. I trust the DPP is giving aid and comfort to that appeal, as he should in my opinion. If he is not, or if the courts are not prepared to come to grips with offensive behaviour and offensive language, Parliament must do it. If we have to set out in a bill what words are offensive for some people on the bench to get the message, let us do it. As far as I am concerned, the people who were involved in this activity are criminals. Many innocent people have been caught up by association. I refer, in particular, to the Maronite Christian community in my electorate, in the electorate of Hornsby and in the electorate of Ku-ring-gai. I want everyone to understand that they are outstanding people; they are not in any way involved in this. Finally, I ask the Minister for Police to not target publicans individually but to make the police work co-operatively with them— [*Time expired.*]

**Mr FRANK SARTOR** (Rockdale—Minister for Planning, Minister for Redfern Waterloo, Minister for Science and Medical Research, and Minister Assisting the Minister for Health (Cancer)) [11.23 a.m.]: Brighton-le-Sands in my electorate includes the beaches of Botany Bay. It is at the crossroads of Bay Street and Grand Parade, but, more importantly, it is at the crossroads of many cultures—Anglo-Australian, Greek, Macedonian, Chinese, Lebanese and Italian. It deserves better than to be the stomping ground of stupid hooligans. When I was elected to Parliament one of my first initiatives was a new task force to tackle hoons in Brighton-le-Sands and Dolls Point. Almost three years later their antisocial behaviour has all but been stamped out. This has been achieved through a range of measures: special police operations, traffic-calming measures, closed-circuit television cameras and hefty fines for car defects. Residents of these suburbs should be able to go about their business without the threat of violence and vandalism.

Yet the criminal behaviour seen at Cronulla last weekend has spilled over into Brighton. At midnight last Monday night I inspected the damage caused in a whirlwind attack earlier that evening. A gang of up to 100 youths descended on Grand Parade and Bay Street conducting what has unfortunately come to be known as a smash and bash raid. These thugs even desecrated the Australian flag at the Brighton-le-Sands RSL club. I was by the Premier's side yesterday as he presented a new flag to the RSL and to the proud patrons of my electorate, who should not be subjected to such disgraceful behaviour.

The fake patriotism shown over recent days by a small number of people wrapped up in the Australian flag is disgusting to all proud Australians. The racist violence of these ugly mobs is gross stupidity, whatever their background. I do not care which side of the ethnic divide one comes from. In this dispute there is only one side to be on: the side of law and order. The only way through the current situation is for the community to back the police to the hilt and not take matters into their own hands. Our police men and women are working around the clock to combat these senseless acts. The crackdown will persist until we are rid of this organised misbehaviour.

Almost as disturbing as the events of recent days is the response of the so-called Leader of the Opposition. The Premier, the police and even the Prime Minister are calling for calm, but the Leader of the Opposition has been down in the gutter trying to score political points from these serious incidents. His electorate may be just eight kilometres from another trouble spot at Maroubra, but it is a world away from the reality of this issue. Most galling are his repeated attacks on the Commissioner of Police and his officers. Is it any wonder that young people do not respect police when political figures like him make a habit of running down our police? If he calls himself a leader, he needs to stand up and support the police and the entire community of law-abiding citizens.

On 2GB on Monday morning he said, "We need to get rid of the softly-softly multicultural strategy." This morning we heard him again make some outrageous slurs on members of the community and Parliament. What does he mean by the comment "getting rid of multiculturalism"? Does he want to end multiculturalism, which has been bipartisan policy in this nation for many decades? Is he advocating a system of apartheid? His small-minded comments have helped to inflame this conflict.

**Mr Brad Hazzard:** Point of order: I do not think it behoves the Minister, who told someone to get his black arse—

**Mr SPEAKER:** What is your point of order?

**Mr Brad Hazzard:** It does not behove the Minister to attack the Leader of the Opposition. He should be brought back to the bill. He of all people should not criticise on those sorts of issues. He should keep his mouth shut.

**Mr SPEAKER:** Order! The honourable member for Wakehurst will resume his seat. I remind the Minister that an attack on a member must be by way of substantive motion.

**Mr FRANK SARTOR:** The firebug seeks to take responsibility as the fireman. Whether the Leader of the Opposition likes it or not, we are a multicultural society. It started with those bipartisan waves of immigration after the Second World War. I have felt the sting of racial vilification, as did my family, in the 1950s and 1960s. People who vilify others are cowards. However, anyone who responds to vilification with violence is equally a coward.

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

**Mr FRANK SARTOR:** The response of police and the justice system should not and will not be coloured by such prejudice as shown by the Leader of the Opposition. Every effort will be made, no matter how long it takes, to eliminate this thuggery. As this bill shows, we are not mucking around. The community expects nothing less. [*Time expired.*]

**Mr ANDREW STONER** (Oxley—Leader of The Nationals) [11.28 a.m.]: It is a sad indictment of the Labor Government that after nearly 11 years of inaction, despite ongoing warning signs about ethnic gang crime, we have a last-minute knee-jerk reaction that has necessitated the emergency recall of Parliament to give police the powers they should have had all along. Presiding over this debacle is Mirrors Iemma, whose electorate of Lakemba has long been the breeding ground of ethnic gang crime problems. As the local member, he has been totally ineffective in dealing with the festering sore of these criminal gangs. Perhaps this is due to the use by the Labor Party of these gangs in branch stacking in the late 1990s. As Premier, he has continued with a softly-softly directive to police, which we have seen time and again at Redfern, Macquarie Fields and now Cronulla. Tim Priest put his finger on the heart of the problem on the ABC on Tuesday afternoon when he talked about this Government's obsession with spin in policing. It is all about getting the cameras down there. All the statistics are about perceptions of crime.

Those opposite are more interested in tomorrow's headlines than they are in dealing with genuine social issues in our community. Hence the softly-softly approach continues. Sadly, the police are in the firing line. Time and again we have seen them on the front line, attacked by hooligans, thugs and crime gangs. On behalf of The Nationals I thank the police for doing their duty night after night on the front line. The legislation has been introduced only because the Labor Government was dragged kicking and screaming to the barrier by the Opposition and the community. The Opposition called for extra police, and finally we have them. We asked for Parliament to be recalled, and that is why we are here today. We called for emergency legislation to give police the power to deal with riots. It is clear that the only leadership on this and other important issues in the State has come from the Coalition. The sad fact is that the ugly scenes we witnessed last weekend at Cronulla are the result of Labor's refusal to deal with an obvious problem.

At least three years ago I visited Cronulla beach with the honourable member for Cronulla. We spoke to Mr Geoff Williams, a professional lifeguard, who informed us of people from the western suburbs and the south-west of Sydney repeatedly coming to the beach and harassing young females on the beach. He told us that when lifeguards and volunteer lifesavers attempted to intervene knives were pulled out and shown to the lifesavers. By sticking its head in the sand the Government has allowed this longstanding problem to reach boiling point, which it did recently. The sad consequence of the problem is its impact on the many good Australians of Middle Eastern background, one of whom is the honourable member for Lismore. I acknowledge the presence in the gallery of Philip Rizk, President of the Australian Lebanese Association of New South Wales, and other leaders of the Lebanese community.

Last night I caught a cab from the airport driven by a dinky-di Aussie, a good bloke of obvious Middle Eastern background. On the way into the city we talked about sport because that is what he was interested in. He was a great bloke. He said to me, "Gee, things have gotten tough around here for me now because of the way I look." That terribly sad indictment is due entirely to the inaction of the Government and the way it has ignored warnings from people like Tim Priest and others. Twice I have introduced a private member's bill in this place seeking to amend legislation dealing with repeat young offenders. Twice the Labor Party has voted against the amendments, which would have enabled police to deal with the problem early. The juvenile justice system

enables young people who get off on the wrong foot and go down the wrong track to reoffend. It is like they are caught in a revolving door. Repeat young offenders become hardened adult offenders, yet the Government continues to stick its head in the sand.

The Government voted against my last private member's bill because it claimed that the passage of the bill would result in increased representation of Aboriginal youth before the courts. That is a disgrace! At no stage during the debate did I or any other member of the Coalition mention Aboriginal people, but the Government said it would be discriminatory, stuck its head in the sand and refused to admit that crime was a problem. The honourable member for Epping made the point that crime in our communities, particularly crime involving young people and gangs, is a problem. We have seen riots in west Dubbo and Armidale, and we have seen the repeated commission of hard-core crimes in Kempsey, Taree, Moree, Wilcannia and Bourke.

**Mr Andrew Constance:** And Moruya.

**Mr ANDREW STONER:** And Moruya, as the honourable member for Bega reminds me. This is a problem facing the whole State. Six weeks ago I wrote to the Premier seeking the establishment of a juvenile crime task force in Kempsey, amendments to the Children (Protection and Parental Responsibility) Act and the Young Offenders Act, and a review of judicial decisions on young offenders. But I have had no response whatsoever. Mirrors Iemma, the honourable member for Lakemba, responded to the problems in Kempsey in the same way as he responded to problems in his electorate. The result is that people in the community are fed up with the lack of action, the lack of police powers and the inability of courts to deal with the problem because of Labor Government policy.

People are doing stupid and ugly things out of frustration, perhaps fuelled by alcohol and perhaps encouraged by text messages and the like. But the finger of blame must be pointed firmly at the Government. The bill deals with the symptoms, not the problem. Until we re-empower parents, teachers and police, and instil in young people a respect for authority and for their elders, these problems will continue. I recall the days of the country cop: he was about six foot two inches tall, weighed 18 stone and knew everything that was going on in his town. He gave young blokes who got out of line a kick up the backside, which they deserved. When they got home they got a flogging from their parents because the country cop had been in touch with the families. Those days are gone, and now there is no respect whatsoever for authority in our society.

The bill, which is full of holes, as the honourable member for Epping pointed out, has been rushed into the House. The Coalition supports its emergency introduction and we do not oppose it. The measures in it are not draconian in any way. If anything, they are not tough enough. The legislation clarifies the ability of police to say "No" to outrageous behaviour. I note that during the events in Cronulla pubs and liquor outlets in Cronulla co-operated totally with police. It would be wrong to make those businesses the scapegoats for Labor's failed law and order policies. The Leader of the Opposition has pointed out that the confiscation of cars for seven days is not a punishment but an inconvenience. At the expiration of the seven days the cars will be returned. The Police budget is not sufficient for them to warehouse cars, and they are concerned about their liability if the condition of cars deteriorates during containment. I notice that the legislation increases the maximum penalty for the offence of riot to 15 years and for affray to 10 years. Maximums are maximums, but all too often the courts impose nothing like the maximum sentence. The Coalition does not oppose the bill. [*Time expired.*]

**Mr MICHAEL DALEY** (Maroubra) [11.38 a.m.]: On behalf of the people of Maroubra I welcome these measures, because on Sunday night last I witnessed scenes in Maroubra that I thought I would never see in my lifetime. Maroubra Road, a major boulevard, became a trail of destruction as a cavalcade of thugs and hooligans armed with bricks, sticks, iron bars and machetes attacked people and property. This was not an attack on a rival gang or on some group of perceived provocateurs, but on ordinary families settling down to an otherwise peaceful Sunday night—families who neither asked for nor deserved the criminal treatment that was meted out to them. Having moved through the suburb these thugs then moved down to Maroubra Beach, hoping for a confrontation with some of the young locals.

That confrontation did not occur, and it did not occur for two principal reasons. First, the locals showed restraint. Second, the police were there in numbers, doing their job, calming the situation and protecting the residents. On behalf of the people of Maroubra, I thank the police of the Eastern Beaches Local Area Command, particularly the commander, Phil Rogerson, who has done, and continues to do, a titan job in our area. Unlike some of the commentators on the other side of the House, I was at the beach on Sunday night. I took the opportunity, at that time and over the past few days, to talk to senior police on duty. On each occasion they told me that they had, and continue to have, sufficient resources in Maroubra to deal with the troubles that are occurring there.

I compare those comments to the hysterical whingeing of the Leader of the Opposition, who, only today in this place, praised the police for doing an inspirational job, but who recently had no praise for them. He openly insulted the men and women of NSW Police in this State. What has he had to say of the value of their contributions at this time? He says that we should bring in police from Queensland and Victoria, as though New South Wales police officers are incapable of making a difference. What a disgraceful comment! What an insult to the police! I can tell the Leader of the Opposition that that comment has not gone unnoticed in the ranks of NSW Police.

On Sunday night and during the past few days, sensible heads have prevailed in Maroubra, and so they should. There is no place for revenge in our society. There is no place for the concept of an eye for an eye. Once groups in society cross a cultural divide and go down the path of revenge, there is no turning back. It will change the face of our society forever. It will change the face of Australia. Since Sunday night, the wider community has rightly been calling for calm and has been calling on young men from all groups in Sydney to repudiate racism and violence. I am pleased to say that the young men of Maroubra have done just that. I also have to say that some of those people around Maroubra Beach are not angels—they are not shrinking violets—and I am not going to pretend that they are. But on this occasion they have done the right thing: they have under-reacted. They have had discussions with several religious and community leaders. On each occasion they have said and done the right thing.

The young men of Maroubra have repudiated the violent and racist acts at Cronulla last Sunday. They have rejected what has occurred in the past few days. Most important, they have shown that the beaches are there for everyone—regardless of race, colour or creed—to enjoy. Keysar Trad met with some of those young men and made the statement that the surfers of Maroubra are "one of the most multicultural groups of surfers in Australia". That sort of comment should not go unnoticed. It is a shame that the Leader of the Opposition dismissed the efforts of some of those young blokes as "bizarre." They have been talking sense: they have been saying that they do not want Maroubra Beach or its locals drawn into this violence. That should be welcomed, but welcoming such behaviour would involve making a positive comment. Sadly, that seems to be beyond the capability of the whingeing whippet from Vacluse.

I welcome the powers inherent in the bill. They are unfortunate, but necessary. I welcome also the approach of the Government in making these measures only a part of the Government's and the community's response to the unrest. Unfortunately, there is a small element within a minority in this society that is racist. We need a comprehensive response to that problem from both sides of the equation. Part of the response should examine the role of the media. Society has every right to expect thoughtful and intelligent journalism. In the past few weeks we have not had that; rather, we have had incitement. That should be universally condemned. I commend this bill to the House. [*Time expired.*]

**Mr MALCOLM KERR** (Cronulla) [11.43 a.m.]: May I say, in response to the honourable member for Maroubra, that I was at Cronulla last Sunday and I was aware that I was not in the midst of a visitation by angels. The honourable member for Maroubra criticised the Leader of the Opposition for suggesting that NSW Police be supplemented with interstate police, but that is precisely what the Government canvassed during the past few days. I defy the Government to rule that out as possible action. During my speech I will deal with police strengths, law reform, the economic damage that has been done and cultural issues. In 1995 Cronulla had a police station and a considerable number of officers were stationed there. Cronulla police station no longer has a dock; it no longer has the facilities to charge people.

In 1995 Cronulla was a fully functional police patrol in its own right with a chief inspector, two senior sergeants, nine sergeants and 41 constables. It had a mobile response team, beat police, its own charging facilities, cells and a full-time strength of 53 officers. In 2001 a rally was addressed by Geoff Schuberg, who I know enjoys the confidence of the Government, as does Tim Priest, as a former adviser to the former Minister for Police, Michael Costa. A newspaper article stated:

Geoff Schuberg, a former NSW police assistant commissioner who served locally from 1965 to 1972 and again from 1981 to 1983, told a public meeting ... [that] the 1997 merger of Cronulla and Miranda police stations into one local area command was not working.

"We must not be deceived by the present government and police hierarchy that closing down police stations will put more police on the street ... That is a lie. Police in this area are barely coping. Delays of up to two hours and more are commonplace."

He stated that three years ago, and I received advice from a constituent who said that three years ago he was told that there would be people on quad bikes and mounted police at Greenhills, but none of that has been seen. The Minister for Transport is gesturing to me. He may think that the career of the Minister for Police is being wound

up, and he would be right because people have grown tired of what has not been happening. The legislation is before the House because there has been a breakdown in law and order. Nobody should be proud of the powers in the bill that this House proposes to pass today. The Government got rid of the Summary Offences Act. It used to be the case that a person who urinated in the street would be fined for offensive behaviour. If a person swore at people, the charge would be unseemly language. Instead of an objective test, a subjective test is being applied as a result of the Government's law reforms.

**Mr SPEAKER:** Order! Honourable members will come to order.

**Mr MALCOLM KERR:** The people want an objective test and a revival of the provisions of the Summary Offences Act. Not one word has been said by the Government concerning what it intends to do about the economic damage suffered by businesses in Cronulla. Not one word has been said by the Minister the Police acknowledging the support and co-operation of Northies and other liquor outlets in Cronulla. Let us hear about the economic reforms that will take place. There are also cultural aspects of recent events. The shire has been referred to as racist, but it is not a racist community. For 55 years shire residents have welcomed people from all parts of the world who are prepared to obey the rule of law. The shire has a diverse and cosmopolitan community and was the location of a migrant hostel. As I have said, we welcome people from all parts of the world, but all of that has been damaged because the Government cannot maintain law and order in the shire. I pay a tribute to people such as Jason Stevens, Daniel Macpherson and the members of churches in Cronulla who are reaching out. Even the Prime Minister has been called racist, but he has said:

Put simply, most Australians want a nation where, irrespective of our background and always accepting the right of people to retain affection for their own culture and to honour it as well as their own religion and to honour that, we should encourage to the maximum extent possible everybody to become part of the integrated Australian community.

If that makes the Prime Minister racist, then a lot of us are racist because we share that opinion. The Premier talks about maximum sentences for people who are brought before the courts— [*Time expired.*]

**Mr BARRY COLLIER** (Miranda) [11.48 a.m.]: Australia is a big country. There is room for everyone, whatever their creed or colour, their race, their religion, their culture or their gender. There is room for everyone who wants to live in Australia in peace and harmony. There is no room for racism, violence, hatred or revenge. There is always room, however, for respect, for reason and for responsibility. But these were abandoned by the mob at Cronulla last Sunday. They were abandoned by those who sought to exact revenge and wreaked terror in Maroubra and in the shire on Sunday and Monday nights. Those who wrapped themselves in an Australian flag and bashed innocent people, who spat and swore and kicked at police and passers-by do not represent me. They do not represent the vast majority of Australians, and they do not represent the vast majority of shire residents where I reside and of which my electorate is part.

They are the hate-filled uglies who bring shame and discredit to every decent, law-abiding Australian. They bring discredit to our values and our way of life. There is simply no excuse—and there can never be any excuse—for what happened last Sunday in the shire. Do not blame it on the grog. Do not blame it on our young people. Do not excuse it by saying we are defending our way of life. And above all, do not repeat it. Those who sought to exact revenge in Maroubra and in the shire did their cause no good—by seeking an eye for an eye, by seeking retribution by attacking innocent men and women, and by damaging their property and wrecking their businesses. This must stop, and it must stop now. We must stop it all now, before it is too late. We must stop it before someone is killed. Australia is a peace-loving nation. Many times we have fought wars for other people, on their soil. We do not want urban war; we do not want urban terror to reign; we do not want urban terror to gain a foothold on our own soil, in our own nation, in our own city and our suburbs. But that is what we have. We have a climate of fear; we have a state of siege.

My office at Miranda has been inundated with calls from people in Cronulla and residents of the shire, constituents of my electorate from all cultural backgrounds, including Middle Eastern, Anglo, Celtic, European, Arabic, African, and others, call them what you will. All have their own stories. They are scared to leave their homes, frightened to go to the shops, and worried about their kids, their businesses, their jobs, and their future. These are good, decent, hardworking men and women who, like me, are sickened to the stomach by what has happened. These are people who, unlike the bigots, the racists and the criminals, say, regardless of their background, "We are, first and foremost, Australians. Call us Australians. That's what we are. We want to live in this country in peace and harmony."

In my electorate there are older Australians who fled war-torn Europe and came to Australia. They have told me that they are fearful of a return to the times of racism and the violence they saw in Nazi Germany. We must stop this. We must learn from the lessons of history. We must stop this now; we must stop it once and

for all. That said, however, we must ensure this never happens again—anywhere. How do we begin? We begin, I believe, by re-establishing the rule of law. I condemn all those involved in the violence of Sunday and Monday. These people, whatever their background, must be brought to justice. The law is there for all. If punishment is to be exacted, it must be meted out through the courts, not via an angry mob or at the end of a baseball bat. Our laws must be respected and obeyed by all; the rule of law must prevail. I condemn those who incite and promote violence, hatred and racism—whatever their culture, whatever their creed, and whatever their religion.

There were many at Cronulla on Sunday who did not come from the shire; of course, there were many who did. Many came there on the pretext of supporting the Australian way of life. In reality, they came to incite riot, racism and violence. These people must be brought to justice, as must those who incite racism and violence through text messages. Our children are receiving such text messages at school; our local businesses are receiving messages on the Internet. These messages are merely sowing the seeds of fear and hate. We must pass these messages to the police, as I have done. I take this opportunity to commend Police Superintendent Robert Redfern and the men and women of the Miranda Local Area Command for their hard work on the weekend and their continuing commitment to the people of the shire.

We have a shire under siege. Where do we go from here? First, today we are bringing in tough, new laws to give police flexibility and the powers they need to lock down a suburb and to control the availability of grog if that is a problem. We must have community leaders speaking out against this racism and violence. Many people have phoned my office to ask, "What can we do? How can we stand up and say this is not on? We are not going to cop it any more." We need to reinforce the values our children are taught in school. We need to look to the parents and say, "What are you doing about this?" It must be a community effort. This is just the start; it must go beyond today. We must stop this, and we must stop it now, and never, never let it happen again.

**Mr SPEAKER:** I acknowledge the presence in the public gallery of Dr Jamal Rifi, Mr Philip Rizk and Ms Randa Kattan, Australian Lebanese community leaders.

**Mr MORRIS IEMMA** (Lakemba—Premier, Treasurer, and Minister for Citizenship) [11.54 a.m.], in reply: I wish to respond to the contribution of the Leader of the Opposition. Today we heard about why his party will not have a bar of him any more. What we heard today simply confirms the 26 per cent swing against the Coalition in Pittwater. Yesterday the Leader of the Opposition gave us a commitment that the bill would receive bipartisan support. But did he mention the bill in his speech?

**Mr Ian Armstrong:** Point of order: The standing orders are quite specific as to what this debate is about. It would be irresponsible of the House if this debate turned into a political brawl. If this important issue were used by the Premier as a political—

**Mr SPEAKER:** Order! I respect the honourable member for Lachlan's knowledge of the standing orders. However, the Leader of the Opposition made many comments and remarks in his contribution, and the Premier in his reply is entitled to respond to them. The Premier's reply is in order.

**Mr MORRIS IEMMA:** Talk about respect and responsibility, and support for the police! How can the Coalition have respect for the police when every single time the police deal with a situation, they are criticised by the Leader of the Opposition? The armchair critic from Vacluse, at every turn, takes an opportunity to undermine the police. He could not resist doing so when police took action four weeks ago. What has been his approach since these incidents arose? He is always attacking the police. How is it possible for people to respect the police on the street when the Leader of the Opposition has a long history of always attacking them?

**Mr SPEAKER:** Order! The honourable member for Coffs Harbour will come to order.

**Mr MORRIS IEMMA:** The Leader of the Opposition spoke about respect for police. He should show some respect for police, and just once back them. Just once he should show some support for the police. Just once he should throw some political weight behind what he says, by backing the police.

**Mr Peter Debnam:** Point of order: I find the Premier's lies to this House offensive. I, and every Coalition member, have always supported front-line police. What we disagree with is media-driven policing from the Labor Government for the last 10 years. The commissioner, understandably, is implementing Government policy.

**Mr SPEAKER:** Order! The Leader of the Opposition will resume his seat. He has already contributed to the debate. The Premier may continue his reply.

**Mr MORRIS IEMMA:** Four weeks ago the Leader of the Opposition was getting stuck into the police, and last night he was doing the same thing. Front-line police are making front-line decisions, and the Leader of the Opposition gets stuck into them. No wonder they are so offended. These powers are just the beginning. The powers do two things. First, they equip police with extra powers to crack down on the sort of criminality that has occurred in the last few weeks. They also send a clear message that we are backing the police and placing our trust in them to do their job, and providing them with the certainty they require—not sniping at them, as the Leader of the Opposition does from the comfort of his armchair in Vaucluse. The Leader of the Opposition masquerades support for the police. Not once has he backed Ken Moroney. His leadership, his tactics—

**Mr Ian Armstrong:** Point of order: I think we have heard enough of this uncontrolled tirade. This is a serious matter, and it deserves the respect that the Premier gave it when he introduced the bill.

**Mr SPEAKER:** Order! The honourable member for Lachlan will resume his seat. The honourable member for Lachlan cannot take a point of order simply because he does not like what the Premier is saying.

**Mr MORRIS IEMMA:** At least the honourable member for Epping in his contribution—which was mature and intelligent—bothered to read the bill. We cannot help the fact that the Leader of the Opposition cannot be bothered reading the bill. We cannot help the fact that he could not be bothered reading a bill that gives police more powers to deal with these situations. We cannot help him, and his colleagues cannot help him. He is not listening to his colleagues, and they are not listening to him. We cannot help him, his colleagues cannot help him—no-one can. [*Time expired.*]

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

### ASSENT TO BILLS

Assent to the following bills reported:

Criminal Procedure Amendment (Sexual Offence Case Management) Bill  
Crimes and Courts Legislation Amendment Bill  
Industrial Relations Amendment Bill  
James Hardie Former Subsidiaries (Winding up and Administration) Bill  
James Hardie (Civil Liability) Bill  
James Hardie (Civil Penalty Compensation Release) Bill  
Commission for Children and Young People Amendment Bill  
Mental Health (Criminal Procedure) Amendment Bill  
Parliamentary Superannuation Legislation Amendment Bill  
State Revenue Legislation Further Amendment Bill  
Police Amendment (Death and Disability) Bill  
Workers Compensation Legislation Amendment (Miscellaneous Provisions) Bill  
Terrorism (Police Powers) Amendment (Preventative Detention) Bill  
Building Professionals Bill  
Mine Safety (Cost Recovery) Bill  
Residential Parks Amendment (Statutory Review) Bill  
Water Management Amendment Bill

### INDEPENDENT COMMISSION AGAINST CORRUPTION

#### Report

**Mr Speaker** announced the receipt, pursuant to section 78 of the Independent Commission Against Corruption Act 1988, of the report entitled "Report on Investigation into the Safety Certification and the Operations of the WorkCover NSW Licensing Unit", dated December 2005.

**Ordered to be printed.**

**NSW OMBUDSMAN****Reports**

**Mr Speaker** announced the receipt, pursuant to section 43 of the Community Services (Complaints, Reviews and Monitoring) Act 1993, of the report entitled "Report of Reviewable Deaths in 2004", dated December 2005.

**Mr Speaker** announced the receipt, pursuant to section 23 (1) of the Law Enforcement (Controlled Operations) Act 1997, of the special report to Parliament entitled "Law Enforcement (Controlled Operations) Act Annual Report 2004-2005", dated November 2005.

**Ordered to be printed.**

**POLICE INTEGRITY COMMISSION****Report**

**Mr Speaker** announced the receipt, pursuant to section 103 of the Police Integrity Commission Act 1996, of the report entitled "Report to Parliament—Operation Cobalt", dated December 2005.

**Ordered to be printed.**

**AUDIT OFFICE****Reports**

**The Clerk** announced the receipt, pursuant to section 63C of the Public Finance and Audit Act 1983, of the following performance audit reports of the Auditor-General dated December 2005:

Liverpool to Parramatta Bus Transitway  
Relocating Agencies to Regional Areas

**COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION****Report**

**The Clerk** announced the receipt, pursuant to section 68A of the Independent Commission Against Corruption Act 1988, of the report No. 5/53, entitled "Examination of 2003-2004 Annual Report of the Independent Commission Against Corruption", dated December 2005, incorporating edited transcripts of evidence.

**Ordered to be printed.**

**SPECIAL ADJOURNMENT****Motion by Mr Carl Scully agreed to:**

That the House at its rising this day do adjourn until Tuesday 28 February 2006 at 2.15 p.m.

*[Mr Speaker left the chair at 12.04 p.m. The House resumed at 3.24 p.m.]*

**LAW ENFORCEMENT LEGISLATION AMENDMENT (PUBLIC SAFETY) BILL**

**Bill returned from the Legislative Council with an amendment.**

**In Committee**

**Consideration of the Legislative Council's amendment.**

*Schedule of the amendment referred to in message of 15 December 2005*

Page 10, Schedule 1 [1] (proposed section 87M). Insert after line 11:

- (2) The Local Court may, on the application of a police officer, authorise the continued detention of a vehicle, mobile phone or other communication device under subsection (1) (a) for an additional period not exceeding 14 days if satisfied that its continued detention will assist in preventing or controlling a public disorder. More than one extension of the detention may be authorised under this subsection, so long as each extension does not exceed 14 days.

**Legislative Council's amendment agreed to on motion by Mr Carl Scully.**

**Resolution reported from Committee and report adopted.**

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

**The House adjourned at 3.26 p.m. until Tuesday 28 February 2006 at 2.15 p.m.**

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